

1 A bill to be entitled
2 An act relating to waste facilities; amending ss.
3 403.706 and 403.707, F.S.; prohibiting a local
4 government from issuing a construction permit for
5 certain solid waste disposal and waste-to-energy
6 facilities under certain circumstances; amending ss.
7 403.703, 403.7049, and 403.705, F.S.; conforming
8 cross-references; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 **Section 1. Subsections (2) through (23) of section**
13 **403.706, Florida Statutes, are renumbered as subsections (3)**
14 **through (24), respectively, present subsections (4), (6), (7),**
15 **and (20) are amended, and a new subsection (2) is added to that**
16 **section, to read:**

17 403.706 Local government solid waste responsibilities.—
18 (2)(a) A local government may not issue a construction
19 permit pursuant to s. 403.707 for a new solid waste disposal
20 facility that uses an ash-producing incinerator or for a waste-
21 to-energy facility if the proposed location of such facility is
22 sited within 2 miles, as measured from the stack, of any
23 impoundment area authorized by Congress with an effective
24 interior storage of at least 100 acres for purposes of
25 capturing, storing, and distributing surface water, improving

26 hydroperiods and hydropatterns in any water conservation area,
27 increasing spatial extent of wetlands, benefiting any federally
28 listed threatened and endangered species, flood mitigation, or
29 groundwater recharge.

30 (b) Paragraph (a) does not apply to:

31 1. Any canal.

32 2. Any existing construction, current operation, or
33 modification to such structure or operation in existence as of
34 July 1, 2026.

35 (5) (4) (a) In order to promote the production of renewable
36 energy from solid waste, each megawatt-hour produced by a
37 renewable energy facility using solid waste as a fuel shall
38 count as 1 ton of recycled material and shall be applied toward
39 meeting the recycling goals set forth in this section. If a
40 county creating renewable energy from solid waste implements and
41 maintains a program to recycle at least 50 percent of municipal
42 solid waste by a means other than creating renewable energy,
43 that county shall count 1.25 tons of recycled material for each
44 megawatt-hour produced. If waste originates from a county other
45 than the county in which the renewable energy facility resides,
46 the originating county shall receive such recycling credit. Any
47 byproduct resulting from the creation of renewable energy that
48 is recycled shall count towards the county recycling goals in
49 accordance with the methods and criteria developed pursuant to
50 paragraph (3) (h) ~~+(2) (h)~~.

51 (b) A county may receive credit for one-half of the
52 recycling goal set forth in subsection (3) ~~(2)~~ from the use of
53 yard trash, or other clean wood waste or paper waste, in
54 innovative programs including, but not limited to, programs that
55 produce alternative clean-burning fuels such as ethanol or that
56 provide for the conversion of yard trash or other clean wood
57 waste or paper waste to clean-burning fuel for the production of
58 energy for use at facilities other than a waste-to-energy
59 facility as defined in s. 403.7061. The provisions of this
60 paragraph apply only if a county can demonstrate that:

61 1. The county has implemented a yard trash mulching or
62 composting program, and

63 2. As part of the program, compost and mulch made from
64 yard trash is available to the general public and in use at
65 county-owned or maintained and municipally owned or maintained
66 facilities in the county and state agencies operating in the
67 county as required by this section.

68 (c) A county with a population of 100,000 or less may
69 provide its residents with the opportunity to recycle in lieu of
70 achieving the goal set forth in this section. For the purposes
71 of this section, the "opportunity to recycle" means that the
72 county:

73 1.a. Provides a system for separating and collecting
74 recyclable materials prior to disposal that is located at a
75 solid waste management facility or solid waste disposal area; or

76 b. Provides a system of places within the county for
77 collection of source-separated recyclable materials.

78 2. Provides a public education and promotion program that
79 is conducted to inform its residents of the opportunity to
80 recycle, encourages source separation of recyclable materials,
81 and promotes the benefits of reducing, reusing, recycling, and
82 composting materials.

83 ~~(7)~~(6) The department may reduce or modify the municipal
84 solid waste recycling goal that a county is required to achieve
85 pursuant to subsection (3) ~~(2)~~ if the county demonstrates to the
86 department that:

87 (a) The achievement of the goal set forth in subsection
88 (3)~~(2)~~ would have an adverse effect on the financial obligations
89 of a county that are directly related to a waste-to-energy
90 facility owned or operated by or on behalf of the county; and

91 (b) The county cannot remove normally combustible
92 materials from solid waste that is to be processed at a waste-
93 to-energy facility because of the need to maintain a sufficient
94 amount of solid waste to ensure the financial viability of the
95 facility.

96
97 The goal shall not be waived entirely and may only be reduced or
98 modified to the extent necessary to alleviate the adverse
99 effects of achieving the goal on the financial viability of a
100 county's waste-to-energy facility. Nothing in this subsection

shall exempt a county from developing and implementing a recycling program pursuant to this act.

(8)~~(7)~~ In order to assess the progress in meeting the goal set forth in subsection (3) ~~(2)~~, each county shall, by April 1 each year, provide information to the department regarding its annual solid waste management program and recycling activities.

(a) The information submitted to the department by the county must, at a minimum, include:

1. The amount of municipal solid waste disposed of at solid waste disposal facilities, by type of waste such as yard trash, white goods, clean debris, tires, and unseparated solid waste;

2. The amount and type of materials from the municipal solid waste stream that were recycled; and

3. The percentage of the population participating in various types of recycling activities instituted.

(b) Beginning with the data for the 2012 calendar year, the department shall by July 1 each year post on its website the recycling rates of each county for the prior calendar year.

(21)~~(20)~~ In addition to any other penalties provided by law, a local government that does not comply with the requirements of subsections (3) ~~(2)~~ and (5) ~~is (4)~~ shall not be eligible for grants from the Solid Waste Management Trust Fund, and the department may notify the Chief Financial Officer to withhold payment of all or a portion of funds payable to the

126 local government by the department from the General Revenue Fund
127 or by the department from any other state fund, to the extent
128 not pledged to retire bonded indebtedness, unless the local
129 government demonstrates that good faith efforts to meet the
130 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ have been made
131 or that the funds are being or will be used to finance the
132 correction of a pollution control problem that spans
133 jurisdictional boundaries.

134 **Section 2. Subsections (6) through (14) of section**
135 **403.707, Florida Statutes, are renumbered as subsections (7)**
136 **through (15), respectively, and a new subsection (6) is added to**
137 **that section to read:**

138 403.707 Permits.—

139 (6) (a) The department may not issue a construction permit
140 pursuant to this section for a new solid waste disposal facility
141 that uses an ash-producing incinerator or for a waste-to-energy
142 facility if the proposed location of such facility is sited
143 within 2 miles, as measured from the stack, of any impoundment
144 area authorized by Congress with an effective interior storage
145 of at least 100 acres for purposes of capturing, storing, and
146 distributing surface water, improving hydroperiods and
147 hydropatterns in any water conservation area, increasing spatial
148 extent of wetlands, benefiting any federally listed threatened
149 and endangered species, flood mitigation, or groundwater
150 recharge.

151 (b) Paragraph (a) does not apply to:

152 1. Any canal.

153 2. Any existing construction, current operation, or
154 modification to such structure or operation in existence as of
155 July 1, 2026.

156 **Section 3. Paragraph (b) of subsection (6) and subsections**
157 **(7) and (21) of section 403.703, Florida Statutes, are amended**
158 **to read:**

159 403.703 Definitions.—As used in this part, the term:

160 (6) "Construction and demolition debris" means discarded
161 materials generally considered to be not water-soluble and
162 nonhazardous in nature, including, but not limited to, steel,
163 glass, brick, concrete, asphalt roofing material, pipe, gypsum
164 wallboard, and lumber, from the construction or destruction of a
165 structure as part of a construction or demolition project or
166 from the renovation of a structure, and includes rocks, soils,
167 tree remains, trees, and other vegetative matter that normally
168 results from land clearing or land development operations for a
169 construction project, including such debris from construction of
170 structures at a site remote from the construction or demolition
171 project site. Mixing of construction and demolition debris with
172 other types of solid waste will cause the resulting mixture to
173 be classified as other than construction and demolition debris.
174 The term also includes:

175 (b) Except as provided in s. 403.707(10)(j) ~~§~~.

176 ~~403.707(9)(j)~~, yard trash and unpainted, nontreated wood scraps
177 and wood pallets from sources other than construction or
178 demolition projects;

179 (7) "County," or any like term, means a political
180 subdivision of the state established pursuant to s. 1, Art. VIII
181 of the State Constitution and, when s. 403.706(20) ~~s.~~
182 ~~403.706(19)~~ applies, means a special district or other entity.

183 (21) "Municipality," or any like term, means a
184 municipality created pursuant to general or special law
185 authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of
186 the State Constitution and, when s. 403.706(20) ~~s. 403.706(19)~~
187 applies, means a special district or other entity.

188 **Section 4. Subsection (5) of section 403.7049, Florida**
189 **Statutes, is amended to read:**

190 403.7049 Determination of full cost for solid waste
191 management; local solid waste management fees.—

192 (5) In order to assist in achieving the municipal solid
193 waste reduction goal and the recycling provisions of s.
194 403.706(3) ~~s. 403.706(2)~~, a county or a municipality which owns
195 or operates a solid waste management facility is hereby
196 authorized to charge solid waste disposal fees which may vary
197 based on a number of factors, including, but not limited to, the
198 amount, characteristics, and form of recyclable materials
199 present in the solid waste that is brought to the county's or
200 the municipality's facility for processing or disposal.

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201 **Section 5. Paragraph (c) of subsection (2) and subsection**
202 **(3) of section 403.705, Florida Statutes, are amended to read:**

203 403.705 State solid waste management program.—

204 (2) The state solid waste management program shall
205 include, at a minimum:

206 (c) Planning guidelines and technical assistance to
207 counties and municipalities to aid in meeting the municipal
208 solid waste recycling goals established in s. 403.706(3) ~~s.~~
209 ~~403.706(2)~~.

210 (3) The department shall evaluate and report biennially to
211 the President of the Senate and the Speaker of the House of
212 Representatives on the state's success in meeting the solid
213 waste recycling goal as described in s. 403.706(3) ~~s.~~
214 ~~403.706(2)~~.

215 **Section 6.** This act shall take effect July 1, 2026.