

CS/HB 1089

2026

A bill to be entitled  
An act relating to waste facilities; amending ss. 403.706 and 403.707, F.S.; prohibiting a local government and the Department of Environmental Protection from issuing a construction permit for certain solid waste disposal and waste-to-energy facilities under certain circumstances; amending ss. 403.703, 403.7049, and 403.705, F.S.; conforming cross-references; providing an effective date.

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

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

403.706 Local government solid waste responsibilities.—  
(2) (a) A local government may not issue a construction  
permit pursuant to s. 403.707 for a new solid waste disposal  
facility that uses an ash-producing incinerator or for a waste-  
to-energy facility if the proposed location of such facility is  
sited within 1 mile of any impoundment area authorized by  
Congress with an effective interior storage of at least 100  
acres for purposes of capturing, storing, and distributing

26 surface water, improving hydroperiods and hydropatterns in any  
27 water conservation area, increasing spatial extent of wetlands,  
28 benefiting any federally listed threatened and endangered  
29 species, flood mitigation, or 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 3. Any parcel located in a county with a population of  
36 less than 1.7 million according to the United States 2020  
37 decennial census.

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

51 is recycled shall count towards the county recycling goals in  
52 accordance with the methods and criteria developed pursuant to  
53 paragraph (3) (h) ~~(2)~~(h).

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

64 1. The county has implemented a yard trash mulching or  
65 composting program, and

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

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

76        1.a. Provides a system for separating and collecting  
77 recyclable materials prior to disposal that is located at a  
78 solid waste management facility or solid waste disposal area; or  
79        b. Provides a system of places within the county for  
80 collection of source-separated recyclable materials.

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

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

90        (a) The achievement of the goal set forth in subsection  
91 (3) ~~(2)~~ would have an adverse effect on the financial obligations  
92 of a county that are directly related to a waste-to-energy  
93 facility owned or operated by or on behalf of the county; and

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

99  
100 The goal shall not be waived entirely and may only be reduced or

CS/HB 1089

2026

101 modified to the extent necessary to alleviate the adverse  
102 effects of achieving the goal on the financial viability of a  
103 county's waste-to-energy facility. Nothing in this subsection  
104 shall exempt a county from developing and implementing a  
105 recycling program pursuant to this act.

106 (8)~~(7)~~ In order to assess the progress in meeting the goal  
107 set forth in subsection (3) ~~(2)~~, each county shall, by April 1  
108 each year, provide information to the department regarding its  
109 annual solid waste management program and recycling activities.

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

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

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

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

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

123 (21)~~(20)~~ In addition to any other penalties provided by  
124 law, a local government that does not comply with the  
125 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ shall not be

CS/HB 1089

2026

126 eligible for grants from the Solid Waste Management Trust Fund,  
127 and the department may notify the Chief Financial Officer to  
128 withhold payment of all or a portion of funds payable to the  
129 local government by the department from the General Revenue Fund  
130 or by the department from any other state fund, to the extent  
131 not pledged to retire bonded indebtedness, unless the local  
132 government demonstrates that good faith efforts to meet the  
133 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ have been made  
134 or that the funds are being or will be used to finance the  
135 correction of a pollution control problem that spans  
136 jurisdictional boundaries.

137 **Section 2. Subsections (6) through (14) of section  
138 403.707, Florida Statutes, are renumbered as subsections (7)  
139 through (15), respectively, and a new subsection (6) is added to  
140 that section to read:**

141 403.707 Permits.—

142 (6) (a) The department may not issue a construction permit  
143 pursuant to this section for a new solid waste disposal facility  
144 that uses an ash-producing incinerator or for a waste-to-energy  
145 facility if the proposed location of such facility is sited  
146 within 1 mile of any impoundment area authorized by Congress  
147 with an effective interior storage of at least 100 acres for  
148 purposes of capturing, storing, and distributing surface water,  
149 improving hydroperiods and hydropatterns in any water  
150 conservation area, increasing spatial extent of wetlands,

151 benefiting any federally listed threatened and endangered  
152 species, flood mitigation, or groundwater recharge.

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

154 1. Any canal.

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

158 3. Any parcel located in a county with a population of  
159 less than 1.7 million according to the United States 2020  
160 decennial census.

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

164 403.703 Definitions.—As used in this part, the term:

165 (6) "Construction and demolition debris" means discarded  
166 materials generally considered to be not water-soluble and  
167 nonhazardous in nature, including, but not limited to, steel,  
168 glass, brick, concrete, asphalt roofing material, pipe, gypsum  
169 wallboard, and lumber, from the construction or destruction of a  
170 structure as part of a construction or demolition project or  
171 from the renovation of a structure, and includes rocks, soils,  
172 tree remains, trees, and other vegetative matter that normally  
173 results from land clearing or land development operations for a  
174 construction project, including such debris from construction of  
175 structures at a site remote from the construction or demolition

176 project site. Mixing of construction and demolition debris with  
177 other types of solid waste will cause the resulting mixture to  
178 be classified as other than construction and demolition debris.  
179 The term also includes:

180 (b) Except as provided in s. 403.707(10) (j) s.  
181 ~~403.707(9)(j)~~, yard trash and unpainted, nontreated wood scraps  
182 and wood pallets from sources other than construction or  
183 demolition projects;

184 (7) "County," or any like term, means a political  
185 subdivision of the state established pursuant to s. 1, Art. VIII  
186 of the State Constitution and, when s. 403.706(20) s.  
187 ~~403.706(19)~~ applies, means a special district or other entity.

188 (21) "Municipality," or any like term, means a  
189 municipality created pursuant to general or special law  
190 authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of  
191 the State Constitution and, when s. 403.706(20) s. 403.706(19)  
192 applies, means a special district or other entity.

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

195 403.7049 Determination of full cost for solid waste  
196 management; local solid waste management fees.—

197 (5) In order to assist in achieving the municipal solid  
198 waste reduction goal and the recycling provisions of s.  
199 ~~403.706(3) s. 403.706(2)~~, a county or a municipality which owns  
200 or operates a solid waste management facility is hereby

CS/HB 1089

2026

201 authorized to charge solid waste disposal fees which may vary  
202 based on a number of factors, including, but not limited to, the  
203 amount, characteristics, and form of recyclable materials  
204 present in the solid waste that is brought to the county's or  
205 the municipality's facility for processing or disposal.

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

208 403.705 State solid waste management program.—

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

211 (c) Planning guidelines and technical assistance to  
212 counties and municipalities to aid in meeting the municipal  
213 solid waste recycling goals established in s. 403.706(3) ss.  
214 ~~403.706(2)~~.

215 (3) The department shall evaluate and report biennially to  
216 the President of the Senate and the Speaker of the House of  
217 Representatives on the state's success in meeting the solid  
218 waste recycling goal as described in s. 403.706(3) ss.  
219 ~~403.706(2)~~.

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