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LEGISLATIVE ACTION

Senate

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House

The Committee on Environment and Natural Resources (Sharief)
recommended the following:

Senate Amendment

Delete lines 32 - 155

and insert:

(b) Paragraph (a) does not apply to the following:

1. Any canal.

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

3. Any parcel located in a county with a population of less



370166

than 1.7 million according to the most recent decennial census.

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

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

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



370166

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

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

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

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

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

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

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

(b) The county cannot remove normally combustible materials



370166

from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.

The goal shall not be waived entirely and may only be reduced or modified to the extent necessary to alleviate the adverse effects of achieving the goal on the financial viability of a 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



370166

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

Section 2. Present subsections (6) through (14) of section 403.707, Florida Statutes, are redesignated as subsections (7) through (15), respectively, and a new subsection (6) is added to that section to read:

403.707 Permits.—

(6) (a) The department may not issue a construction permit pursuant to this section 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 a 2-mile radius, as measured from the stack, of any impoundment area authorized by Congress with an effective interior storage of at least 100 acres for purposes of capturing, storing, and distributing surface water; improving hydroperiods and hydropatterns in any water conservation area; increasing the spatial extent of wetlands; benefiting any federally listed threatened and endangered species; flood mitigation; or groundwater recharge.

(b) Paragraph (a) does not apply to the following:



370166

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130 July 1, 2026.

131 3. Any parcel located in a county with a population of less
132 than 1.7 million according to the most recent decennial census.