



LEGISLATIVE ACTION

Senate

House

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

1                   **Senate Amendment**

2                   Delete lines 32 - 155

3                   and insert:

4                   5. Paragraph (a) does not apply to the following:

5                   6. 1. Any canal.

6                   7. Any existing construction, current operation, or  
7                   8. modification to such structure or operation in existence as of  
9                   9. July 1, 2026.

10                   10. 3. Any parcel located in a county with a population of less



11 than 1.7 million according to the most recent decennial census.

12 (5) ~~(4)~~ (a) In order to promote the production of renewable  
13 energy from solid waste, each megawatt-hour produced by a  
14 renewable energy facility using solid waste as a fuel shall  
15 count as 1 ton of recycled material and shall be applied toward  
16 meeting the recycling goals set forth in this section. If a  
17 county creating renewable energy from solid waste implements and  
18 maintains a program to recycle at least 50 percent of municipal  
19 solid waste by a means other than creating renewable energy,  
20 that county shall count 1.25 tons of recycled material for each  
21 megawatt-hour produced. If waste originates from a county other  
22 than the county in which the renewable energy facility resides,  
23 the originating county shall receive such recycling credit. Any  
24 byproduct resulting from the creation of renewable energy that  
25 is recycled shall count towards the county recycling goals in  
accordance with the methods and criteria developed pursuant to  
27 paragraph (3) (h) ~~(2)~~ (h).

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

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



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

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

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

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

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

60        (7)-(6) The department may reduce or modify the municipal  
61 solid waste recycling goal that a county is required to achieve  
62 pursuant to subsection (3) -(2) if the county demonstrates to the  
63 department that:

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

68        (b) The county cannot remove normally combustible materials



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

72  
73 The goal shall not be waived entirely and may only be reduced or  
74 modified to the extent necessary to alleviate the adverse  
75 effects of achieving the goal on the financial viability of a  
76 county's waste-to-energy facility. Nothing in this subsection  
77 shall exempt a county from developing and implementing a  
78 recycling program pursuant to this act.

79       (8)-(7) In order to assess the progress in meeting the goal  
80 set forth in subsection (3) -(2), each county shall, by April 1  
81 each year, provide information to the department regarding its  
82 annual solid waste management program and recycling activities.

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

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

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

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

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

95       (21)-(20) In addition to any other penalties provided by  
96 law, a local government that does not comply with the  
97 requirements of subsections (3) -(2) and (5) is -(4) shall not be



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98 eligible for grants from the Solid Waste Management Trust Fund,  
99 and the department may notify the Chief Financial Officer to  
100 withhold payment of all or a portion of funds payable to the  
101 local government by the department from the General Revenue Fund  
102 or by the department from any other state fund, to the extent  
103 not pledged to retire bonded indebtedness, unless the local  
104 government demonstrates that good faith efforts to meet the  
105 requirements of subsections (3) (2) and (5) (4) have been made  
106 or that the funds are being or will be used to finance the  
107 correction of a pollution control problem that spans  
108 jurisdictional boundaries.

109 Section 2. Present subsections (6) through (14) of section  
110 403.707, Florida Statutes, are redesignated as subsections (7)  
111 through (15), respectively, and a new subsection (6) is added to  
112 that section to read:

113 403.707 Permits.—

114 (6) (a) The department may not issue a construction permit  
115 pursuant to this section for a new solid waste disposal facility  
116 that uses an ash-producing incinerator or for a waste-to-energy  
117 facility if the proposed location of such facility is sited  
118 within a 2-mile radius, as measured from the stack, of any  
119 impoundment area authorized by Congress with an effective  
120 interior storage of at least 100 acres for purposes of  
121 capturing, storing, and distributing surface water; improving  
122 hydroperiods and hydropatterns in any water conservation area;  
123 increasing the spatial extent of wetlands; benefiting any  
124 federally listed threatened and endangered species; flood  
125 mitigation; or groundwater recharge.

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



127        1. Any canal.  
128        2. Any existing construction, current operation, or  
129 modification to such structure or operation in existence as of  
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.