

By Senator Sharief

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

14 Section 1. Present subsections (2) through (23) of section
15 403.706, Florida Statutes, are redesignated as subsections (3)
16 through (24), respectively, a new subsection (2) is added to
17 that section, and present subsections (4), (6), (7), and (20)
18 are amended, to read:

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

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30 federally listed threatened and endangered species; flood
31 mitigation; or groundwater recharge.

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

33 1. Any canal.

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

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

53 (b) A county may receive credit for one-half of the
54 recycling goal set forth in subsection (3) (2) from the use of
55 yard trash, or other clean wood waste or paper waste, in
56 innovative programs including, but not limited to, programs that
57 produce alternative clean-burning fuels such as ethanol or that
58 provide for the conversion of yard trash or other clean wood

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59 waste or paper waste to clean-burning fuel for the production of
60 energy for use at facilities other than a waste-to-energy
61 facility as defined in s. 403.7061. The provisions of this
62 paragraph apply only if a county can demonstrate that:

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

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

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

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

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

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88 department that:

89 (a) The achievement of the goal set forth in subsection (3)
90 ~~(2)~~ would have an adverse effect on the financial obligations of
91 a county that are directly related to a waste-to-energy facility
92 owned or operated by or on behalf of the county; and93 (b) The county cannot remove normally combustible materials
94 from solid waste that is to be processed at a waste-to-energy
95 facility because of the need to maintain a sufficient amount of
96 solid waste to ensure the financial viability of the facility.97
98 The goal shall not be waived entirely and may only be reduced or
99 modified to the extent necessary to alleviate the adverse
100 effects of achieving the goal on the financial viability of a
101 county's waste-to-energy facility. Nothing in this subsection
102 shall exempt a county from developing and implementing a
103 recycling program pursuant to this act.104 (8)~~(7)~~ In order to assess the progress in meeting the goal
105 set forth in subsection (3) ~~(2)~~, each county shall, by April 1
106 each year, provide information to the department regarding its
107 annual solid waste management program and recycling activities.108 (a) The information submitted to the department by the
109 county must, at a minimum, include:110 1. The amount of municipal solid waste disposed of at solid
111 waste disposal facilities, by type of waste such as yard trash,
112 white goods, clean debris, tires, and unseparated solid waste;113 2. The amount and type of materials from the municipal
114 solid waste stream that were recycled; and115 3. The percentage of the population participating in
116 various types of recycling activities instituted.

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

120 (21) ~~(20)~~ In addition to any other penalties provided by
121 law, a local government that does not comply with the
122 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ shall not be
123 eligible for grants from the Solid Waste Management Trust Fund,
124 and the department may notify the Chief Financial Officer to
125 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. Present subsections (6) through (14) of section
135 403.707, Florida Statutes, are redesignated 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 a 2-mile radius, as measured from the stack, of any
144 impoundment area authorized by Congress with an effective
145 interior storage of at least 100 acres for purposes of

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146 capturing, storing, and distributing surface water; improving
147 hydroperiods and hydropatterns in any water conservation area;
148 increasing the spatial extent of wetlands; benefiting any
149 federally listed threatened and endangered species; flood
150 mitigation; or groundwater 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:

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

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

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

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

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

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

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

403.705 State solid waste management program.—

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204 (2) The state solid waste management program shall include,
205 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.