

By the Committee on Environment and Natural Resources; and Senator Sharief

592-02471-26

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A bill to be entitled

An act relating to waste facilities; amending ss. 403.706 and 403.707, F.S.; prohibiting a local government or the Department of Environmental Protection, respectively, from issuing a construction permit for certain solid waste disposal and waste-to-energy facilities under certain circumstances; providing applicability; 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. Present subsections (2) through (23) of section 403.706, Florida Statutes, are redesignated as subsections (3) through (24), respectively, a new subsection (2) is added to that section, and present subsections (4), (6), (7), and (20) are amended, 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 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

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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 the following:

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

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

55 (b) A county may receive credit for one-half of the
56 recycling goal set forth in subsection (3) ~~(2)~~ from the use of
57 yard trash, or other clean wood waste or paper waste, in
58 innovative programs including, but not limited to, programs that

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59 produce alternative clean-burning fuels such as ethanol or that
60 provide for the conversion of yard trash or other clean wood
61 waste or paper waste to clean-burning fuel for the production of
62 energy for use at facilities other than a waste-to-energy
63 facility as defined in s. 403.7061. The provisions of this
64 paragraph apply only if a county can demonstrate that:

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

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

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

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

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

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

87 (7)-(6) The department may reduce or modify the municipal

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88 solid waste recycling goal that a county is required to achieve
89 pursuant to subsection (3) ~~(2)~~ if the county demonstrates to the
90 department that:

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

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

99
100 The goal shall not be waived entirely and may only be reduced or
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 solid
113 waste disposal facilities, by type of waste such as yard trash,
114 white goods, clean debris, tires, and unseparated solid waste;

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

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

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

122 (21)~~(20)~~ In addition to any other penalties provided by
123 law, a local government that does not comply with the
124 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ shall not be
125 eligible for grants from the Solid Waste Management Trust Fund,
126 and the department may notify the Chief Financial Officer to
127 withhold payment of all or a portion of funds payable to the
128 local government by the department from the General Revenue Fund
129 or by the department from any other state fund, to the extent
130 not pledged to retire bonded indebtedness, unless the local
131 government demonstrates that good faith efforts to meet the
132 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ have been made
133 or that the funds are being or will be used to finance the
134 correction of a pollution control problem that spans
135 jurisdictional boundaries.

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

140 403.707 Permits.—

141 (6) (a) The department may not issue a construction permit
142 pursuant to this section for a new solid waste disposal facility
143 that uses an ash-producing incinerator or for a waste-to-energy
144 facility if the proposed location of such facility is sited
145 within a 2-mile radius, as measured from the stack, of any

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146 impoundment area authorized by Congress with an effective
147 interior storage of at least 100 acres for purposes of
148 capturing, storing, and distributing surface water; improving
149 hydroperiods and hydropatterns in any water conservation area;
150 increasing the spatial extent of wetlands; benefiting any
151 federally listed threatened and endangered species; flood
152 mitigation; or groundwater recharge.

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

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 less
159 than 1.7 million according to the most recent decennial census.

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

163 403.703 Definitions.—As used in this part, the term:

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

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

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

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

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

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

194 403.7049 Determination of full cost for solid waste
195 management; local solid waste management fees.—

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

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204 the municipality's facility for processing or disposal.

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

207 403.705 State solid waste management program.—

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

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

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

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