

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

(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 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

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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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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 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

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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) ~~is~~ ~~(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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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:

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 than 1.7 million according to the most recent decennial census.

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

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

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

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

(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

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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.—

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

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

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

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