

# FLORIDA HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">HB 4039</a>	<b>COMPANION BILL:</b> None
<b>TITLE:</b> Solid Waste Disposal Facility in Broward County	<b>LINKED BILLS:</b> None
<b>SPONSOR(S):</b> Daley	<b>RELATED BILLS:</b> None
<b>FINAL HOUSE FLOOR ACTION:</b> 115 Y's      0 N's	<b>GOVERNOR'S ACTION:</b> Pending

## SUMMARY

### **Effect of the Bill:**

The bill requires Broward County to commission a feasibility study and conduct a public hearing before issuing or approving any application, zoning change, permit, or development order that would allow for the physical expansion of the Monarch Hill Landfill.

### **Fiscal or Economic Impact:**

The Economic Impact Statement for the bill estimates Broward County would face a one-time cost of \$700,000 to conduct the feasibility study required by the bill.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill requires Broward County to commission a feasibility study before issuing or approving any application, zoning change, permit, or development order that would allow for the physical expansion of the [Monarch Hill Landfill](#) (Landfill), a [solid waste disposal facility](#) operated under permits issued by the Department of Environmental Protection. The feasibility study must be conducted by an independent third-party entity with expertise in environmental engineering, solid waste management, and public health impacts. (Section [1](#))

The feasibility study must include the following:

- An assessment of the environmental and public health impacts of the proposed expansion.
- An analysis of alternative waste management solutions, including waste-to-energy technologies.
- An evaluation of potential impacts to surrounding communities, including odor, traffic, noise, and groundwater contamination.
- Consideration of the cumulative impact of existing operations and the proposed expansion. (Section [1](#))

The bill requires the county to conduct a [public hearing](#) within a five-mile radius of the Landfill before the final approval of any proposed expansion. The hearing must:

- Be publicly noticed at least 30 days in advance through local media, the county's website, and direct notice to property owners within a two-mile radius of the Landfill.
- Allow for meaningful public input, including written and oral testimony.
- Include a presentation of the findings of the feasibility study. (Section [1](#))

The bill requires the feasibility study and public hearing to have been completed and publicly disclosed before proceeding with the approval of an application, zoning change, permit, or development order that would allow for the physical expansion of the Landfill. (Section [1](#))

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2026. (Section [2](#))

**STORAGE NAME:** h4039z.IAS

**DATE:** 3/20/2026

**FISCAL OR ECONOMIC IMPACT:****LOCAL GOVERNMENT:**

The Economic Impact Statement for the bill estimates Broward County would face a one-time cost of \$700,000 to conduct the feasibility study required by the bill.

**RELEVANT INFORMATION****SUBJECT OVERVIEW:****Solid Waste Disposal**

Solid waste<sup>1</sup> disposal methods may include recycling, composting, incineration, landfill disposal, or other specialized treatments.<sup>2</sup> The Department of Environmental Protection (DEP) is responsible for implementing and enforcing Florida's solid waste management program, which provides guidelines for the storage, separation, processing, recovery, recycling, and disposal of solid waste throughout the state.<sup>3</sup> The program includes procedures and requirements to ensure cooperative efforts in solid waste management by counties, municipalities, and groups of counties and municipalities.<sup>4</sup> A solid waste management facility may not be operated, maintained, constructed, expanded, modified, or closed without receiving a permit from DEP.<sup>5</sup>

Counties are responsible for operating solid waste disposal facilities, which are also permitted through DEP, in order to meet the needs of the incorporated and unincorporated areas of the county. Counties may contract with other persons to fulfill some or all of its solid waste responsibilities.<sup>6</sup> DEP may adopt rules to establish performance standards for construction and closure of solid waste management facilities.<sup>7</sup> Current law provides that when DEP receives an application for construction of a new Class I solid waste disposal facility, it must transmit a copy of the permit application to the water management district with jurisdiction over the proposed facility location within seven days of the application being filed.<sup>8</sup> The water management district may then provide an advisory report, within 30 days, on the potential impact of the facility to water resources.<sup>9</sup> The issuance of a construction permit for a new solid waste disposal facility within 3,000 feet of certain surface waters is prohibited.<sup>10</sup> DEP rules also prohibit locating a solid waste disposal unit in the 100-year floodplain if it will restrict the flow of water, reduce the water storage capacity of the floodplain without compensating storage, or result in a washout of solid waste.<sup>11</sup>

<sup>1</sup> Section [403.703\(35\), F.S.](#), defines solid waste to mean sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

<sup>2</sup> See, e.g., U.S. Environmental Protection Agency, [Sustainable Materials Management: Non-Hazardous Materials and Waste Management Hierarchy](#) (last visited Feb. 10, 2026). See also, IDR Environmental Services, [What is Solid Waste?](#) (last visited Feb. 10, 2026).

<sup>3</sup> [Ss. 403.704 and 403.705, F.S.](#)

<sup>4</sup> [S. 403.705\(2\)\(a\), F.S.](#)

<sup>5</sup> See [s. 403.707\(1\), F.S.](#)

<sup>6</sup> [S. 403.706\(1\) and \(8\), F.S.](#) Section [403.703\(36\), F.S.](#), defines solid waste disposal facilities as any solid waste management facility that is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste.

<sup>7</sup> [S. 403.707\(1\), F.S.](#)

<sup>8</sup> [S. 403.707\(4\), F.S.](#) A Class I landfill is a landfill that accepts Class I waste. See Rule 62-701.340(2)(a), F.A.C. Class I waste means solid waste that is not hazardous waste, and that is not prohibited from disposal in a lined landfill. See r. 62-701.200(13), F.A.C.

<sup>9</sup> *Id.*

<sup>10</sup> [S. 403.707\(5\), F.S.](#)

<sup>11</sup> R. 62-701.340(3)(b), F.A.C.

As of January 5, 2026, there were 313 permitted solid waste facilities in Florida.<sup>12</sup>

### **Monarch Hill Landfill**

Monarch Hill Renewable Energy Park is a 500-acre site in unincorporated Broward County.<sup>13</sup> The complex, which includes Monarch Hill Landfill (Landfill) and its landfill-gas-to-energy plant, opened in 1965 and is owned by Waste Management Disposal Services of Florida. The landfill has a double composite liner system to ensure that waste and wastewater (leachate) are contained and isolated from soil and groundwater.<sup>14</sup> The collection and treatment system pumps leachate for discharge to the local publicly owned treatment works. The groundwater monitoring network is sampled and analyzed semi-annually in accordance with the procedures of the facility's groundwater sampling and analysis plan.

Monarch Hill Landfill takes in approximately 5,000 tons per day of waste.<sup>15</sup> Post-recycled construction and demolition debris and bulk waste comprise about 90 percent of inbound material, with household garbage and municipal solid waste comprising the remaining 10 percent. The site has also been a resource following hurricane events. In 2005, the landfill took in approximately one million tons of hurricane debris following Hurricane Wilma. In 2017, the landfill received 12,000 tons per day of storm debris after Hurricane Irma. However, Monarch Hill is currently no longer able to accept hurricane and storm debris.<sup>16</sup> As of November 2024, Monarch Hill Landfill has an estimated six years of capacity remaining at current inbound volumes.

### **Comprehensive Planning**

The Community Planning Act (Act)<sup>17</sup> promotes the establishment and implementation of comprehensive planning programs to guide and manage a local government's development.<sup>18</sup> Through the comprehensive planning process, the Legislature intended that local governments:

- Preserve, promote, protect, and improve public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare;
- Facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and
- Conserve, develop, utilize, and protect natural resources within their jurisdictions.<sup>19</sup>

To that end, the Act requires each local government to adopt and maintain a comprehensive plan that must provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area.<sup>20</sup> Specifically, the comprehensive plan must:

- Identify programs and activities for ensuring the comprehensive plan's implementation;
- Establish meaningful and predictable standards for land use and development and meaningful guidelines for the adoption of detailed land development regulations;<sup>21</sup> and
- Consist of elements set out in statute that must be based upon relevant and appropriate data and an analysis by the local government that may involve surveys, studies, community goals and vision, and other data available at the plan's adoption or amendment.<sup>22</sup>

<sup>12</sup> Department of Environmental Protection, [Solid Waste Facility List](#) (last visited Feb. 10, 2026).

<sup>13</sup> Waste Management, [Monarch Hill Renewable Energy Park](#) (last visited Feb. 10, 2026).

<sup>14</sup> Waste Management, [Monarch Hill Landfill](#) (last visited Feb. 10, 2026).

<sup>15</sup> Waste Management, [Monarch Hill Renewable Energy Park](#) (last visited Feb. 10, 2026).

<sup>16</sup> Waste Management, [Monarch Hill Land Use Plan Amendment](#) (last visited Feb. 10, 2026).

<sup>17</sup> Codified in Part II of Ch. 163, F.S.

<sup>18</sup> [S. 163.3161\(2\), F.S.](#)

<sup>19</sup> [S. 163.3161\(4\), F.S.](#)

<sup>20</sup> [S. 163.3177\(1\) and \(2\), F.S.](#)

<sup>21</sup> "Land development regulations" are ordinances enacted to regulate any land development aspect, including zoning, rezoning, subdivision, building construction, and sign regulation. Within one year after submitting a new or revised comprehensive plan, a local government must adopt or amend and enforce land development regulations that are consistent with the plan. [S. 163.3164\(26\), F.S.](#)

<sup>22</sup> A comprehensive plan may also consist of optional elements. [S. 163.3177\(1\), F.S.](#)

## Land Development Regulations

Comprehensive plans are implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning, that are consistent with and implement their adopted comprehensive plan.<sup>23</sup> Local governments are encouraged to use innovative land development regulations such as the transfer of development rights, incentive and inclusionary zoning, planned unit development, impact fees, and performance zoning.<sup>24</sup> All land development regulations adopted by a local government are compiled into a single land development code for the jurisdiction.<sup>25</sup>

All local government land development regulations must be consistent with the local comprehensive plan.<sup>26</sup> Additionally, all public and private development must be consistent with the local comprehensive plan.<sup>27</sup>

## Land Use for Landfills in Broward County

In 2020, Waste Management sought a land use plan amendment to change the land use designation of the site of a former waste-to-energy facility operated by the company from “Electrical Generating Facility” to “Industrial” on the Broward Municipal Services District Future Land Use Map.<sup>28</sup> The facility is bounded on three sides by the Monarch Hill Landfill and would represent an increase of 5.6 percent in the Landfill footprint.<sup>29</sup> The current permitted footprint for disposal at Monarch Hill Landfill is 382 acres. Waste Management reported that the amendment is the first step to secure ongoing capacity at the Monarch Hill Landfill. Concurrently, Waste Management has been working with Broward County on a proposed code amendment that would allow the landfill to go from 225 feet to 325 feet to maximize the vertical height and airspace of the landfill. Broward County Commissioners approved required changes to the county’s future land use map February 25, 2025, but as of Jan. 30, 2026 the parcel has not been rezoned.<sup>30</sup>

On August 21, 2025, the Board of County Commissioners approved the Monarch Hill Litigation Settlement Agreement that addresses issues such as future vertical or horizontal expansion limits, odor control, litter control, and limits on the acceptance of household and commercial solid waste.<sup>31</sup> The agreement settles litigation in two court cases with the City of Coconut Creek.

## Public Meetings

The Florida Constitution requires all meetings of any collegial public body of the executive branch of state government or any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, be open and noticed to the public.<sup>32</sup> The Legislature, however, may provide by general law an exemption<sup>33</sup> from public meeting requirements provided that the exemption passes by a two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.<sup>34</sup>

Current law also addresses public policy regarding access to government meetings by further requiring all meetings of any board or commission of any state agency or authority, or of any agency or authority of any county,

<sup>23</sup> [S. 163.3202, F.S.](#)

<sup>24</sup> [S. 163.3202\(3\), F.S.](#)

<sup>25</sup> *Id.*

<sup>26</sup> [S. 163.3194\(1\)\(b\), F.S.](#)

<sup>27</sup> See ss. [163.3161\(6\)](#) and [163.3194\(1\)\(a\), F.S.](#)

<sup>28</sup> Broward County, [Legislative File #25-146 \(Feb. 25, 2025\)](#) (last visited Feb. 10, 2026).

<sup>29</sup> Waste Management, [Monarch Hill Land Use Plan Amendment](#) (last visited Feb. 10, 2026).

<sup>30</sup> See Broward County, [Action Agenda \(Feb. 25, 2025\)](#), p. 15-16 (last visited Feb. 10, 2026), Broward County Resilient Environment Department, [Rezoning 25-Z3: Waste Management](#) (last visited Feb. 10, 2026), and Broward County, [BMSD Zoning](#) (last visited Feb. 10, 2026) (using the “Find Zoning” function).

<sup>31</sup> Broward County Local Planning Agency, [Agenda Package \(Oct. 8, 2025\)](#) (last visited Feb. 10, 2026).

<sup>32</sup> [Art. I, s. 24\(b\), Fla. Const.](#)

<sup>33</sup> A public meeting exemption means a provision of general law which provides that a specified meeting, or portion thereof, is not subject to the access requirements of [s. 286.011, F.S.](#), or [s. 24, Art. I](#) of the Florida Constitution. See [s. 119.011\(8\), F.S.](#)

<sup>34</sup> [Art. I, s. 24\(c\), Fla. Const.](#)

municipality, or political subdivision, at which official acts are to be taken, to be open to the public at all times, unless the meeting is exempt.<sup>35</sup> The board or commission must provide reasonable notice of all public meetings.<sup>36</sup> Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status or that operates in a manner that unreasonably restricts the public's access to the facility.<sup>37</sup> Minutes of a public meeting must be promptly recorded and open to public inspection.<sup>38</sup> Failure to abide by public meeting requirements will invalidate any resolution, rule, or formal action adopted at a meeting.<sup>39</sup> A public officer or member of a governmental entity who violates public meeting requirements is subject to civil and criminal penalties.<sup>40</sup>

### Local Bill Forms

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.<sup>41</sup> A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website<sup>42</sup> at least 30 days prior to the introduction of the local bill in the House or Senate.<sup>43</sup> The bill was noticed in the [Sun Sentinel on November 16, 2025](#).

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement Form be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.<sup>44</sup> Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- [Local Bill Certification Form](#)
- [Economic Impact Statement Form](#)

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<sup>35</sup> [S. 286.011\(1\), F.S.](#)

<sup>36</sup> *Id.*

<sup>37</sup> [S. 286.011\(6\), F.S.](#)

<sup>38</sup> [S. 286.011\(2\), F.S.](#)

<sup>39</sup> [S. 286.011\(1\), F.S.](#)

<sup>40</sup> [S. 286.011\(3\), F.S.](#)

<sup>41</sup> [Art. III, s. 10, Fla. Const.](#)

<sup>42</sup> [S. 50.0311\(2\), F.S.](#)

<sup>43</sup> [S. 11.02, F.S.](#) If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

<sup>44</sup> Intergovernmental Affairs Subcommittee, [Local Bill Policies and Procedures Manual](#), p. 11 (last visited Feb. 10, 2026).