

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Weinberger offered the following:

Amendment to Amendment (413632) (with title amendment)

Remove lines 5-363 of the amendment and insert:

Section 1. Present subsections (2) through (23) of section 403.706, Florida Statutes, are redesignated as subsections (4) through (25), respectively, and present subsections (4), (6), (7), and (20) are amended, and new subsections (2) and (3) are added to that section, to read:

403.706 Local government solid waste responsibilities.—

(2) A local government may not issue a construction permit pursuant to this section for a new solid waste disposal facility that uses an ash-producing incinerator or for a waste-to-energy

117705

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Amendment No.

14 facility, if the proposed location of such facility is sited
15 within a 1-mile radius of any school or any property zoned for
16 residential use within that same county which has a density of
17 one or more dwelling units per acre. The 1-mile radius must be
18 measured from the stack of the facility. This subsection does
19 not apply to any existing construction, current operation, or
20 modification to such structure or operation in existence as of
21 July 1, 2025.

22 (3) A county with a population of 1.7 million or greater,
23 or a municipality located in such county, may not issue a
24 construction permit pursuant to this section for the expansion
25 of any existing landfill that is located within a 1-mile radius
26 of any property zoned residential unless the following
27 requirements are met:

28 (a) A feasibility study is conducted before the permit is
29 issued that:

30 1. Identifies potential alternatives to expanding the
31 landfill, such as waste-to-energy technologies and processes
32 that reduce landfill dependence and greenhouse gas emissions
33 including, but not limited to, anaerobic digestion, plasma arc
34 technology, and mixed waste processing.

35 2. Evaluates the financial costs of using such
36 technologies and processes and the benefits of local siting and
37 government ownership.

117705

Approved For Filing: 5/1/2025 4:21:40 PM

Amendment No.

38 3. Evaluates the technical feasibility of expansion,
39 considering engineering requirements, infrastructure needs,
40 technological advancements, and regulatory compliance.

41 4. Evaluates relevant and appropriate data and analyses,
42 such as surveys, studies, community goals and vision, and data
43 used in preparation of the comprehensive plan, from
44 professionally accepted sources.

45 5. Identifies and evaluates potential risks and challenges
46 associated with the project.

47 (b) The county or municipality holds a public meeting to
48 review and discuss the results of the feasibility study and
49 provides a rationale for expanding the landfill.

50 (6) (a) - (4) - (a) In order to promote the production of
51 renewable energy from solid waste, each megawatt-hour produced
52 by a renewable energy facility using solid waste as a fuel shall
53 count as 1 ton of recycled material and shall be applied toward
54 meeting the recycling goals set forth in this section. If a
55 county creating renewable energy from solid waste implements and
56 maintains a program to recycle at least 50 percent of municipal
57 solid waste by a means other than creating renewable energy,
58 that county shall count 1.25 tons of recycled material for each
59 megawatt-hour produced. If waste originates from a county other
60 than the county in which the renewable energy facility resides,
61 the originating county shall receive such recycling credit. Any
62 byproduct resulting from the creation of renewable energy that

117705

Approved For Filing: 5/1/2025 4:21:40 PM

Amendment No.

63 is recycled shall count towards the county recycling goals in
64 accordance with the methods and criteria developed pursuant to
65 paragraph (4) (h) ~~(2) (h)~~.

66 (b) A county may receive credit for one-half of the
67 recycling goal set forth in subsection (4) ~~(2)~~ from the use of
68 yard trash, or other clean wood waste or paper waste, in
69 innovative programs including, but not limited to, programs that
70 produce alternative clean-burning fuels such as ethanol or that
71 provide for the conversion of yard trash or other clean wood
72 waste or paper waste to clean-burning fuel for the production of
73 energy for use at facilities other than a waste-to-energy
74 facility as defined in s. 403.7061. The provisions of this
75 paragraph apply only if a county can demonstrate that:

76 1. The county has implemented a yard trash mulching or
77 composting program, and

78 2. As part of the program, compost and mulch made from
79 yard trash is available to the general public and in use at
80 county-owned or maintained and municipally owned or maintained
81 facilities in the county and state agencies operating in the
82 county as required by this section.

83 (c) A county with a population of 100,000 or less may
84 provide its residents with the opportunity to recycle in lieu of
85 achieving the goal set forth in this section. For the purposes
86 of this section, the "opportunity to recycle" means that the
87 county:

117705

Approved For Filing: 5/1/2025 4:21:40 PM

Amendment No.

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

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

93 2. Provides a public education and promotion program that
94 is conducted to inform its residents of the opportunity to
95 recycle, encourages source separation of recyclable materials,
96 and promotes the benefits of reducing, reusing, recycling, and
97 composting materials.

98 ~~(8)(6)~~ The department may reduce or modify the municipal
99 solid waste recycling goal that a county is required to achieve
100 pursuant to subsection (4) ~~(2)~~ if the county demonstrates to the
101 department that:

102 (a) The achievement of the goal set forth in subsection
103 (4) ~~(2)~~ would have an adverse effect on the financial
104 obligations of a county that are directly related to a waste-to-
105 energy facility owned or operated by or on behalf of the county;
106 and

107 (b) The county cannot remove normally combustible
108 materials from solid waste that is to be processed at a waste-
109 to-energy facility because of the need to maintain a sufficient
110 amount of solid waste to ensure the financial viability of the
111 facility.
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117705

Approved For Filing: 5/1/2025 4:21:40 PM

Amendment No.

113 The goal shall not be waived entirely and may only be reduced or
114 modified to the extent necessary to alleviate the adverse
115 effects of achieving the goal on the financial viability of a
116 county's waste-to-energy facility. Nothing in this subsection
117 shall exempt a county from developing and implementing a
118 recycling program pursuant to this act.

119 ~~(9)-(7)~~ In order to assess the progress in meeting the goal
120 set forth in subsection ~~(4) -(2)~~, each county shall, by April 1
121 each year, provide information to the department regarding its
122 annual solid waste management program and recycling activities.

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

125 1. The amount of municipal solid waste disposed of at
126 solid waste disposal facilities, by type of waste such as yard
127 trash, white goods, clean debris, tires, and unseparated solid
128 waste;

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

131 3. The percentage of the population participating in
132 various types of recycling activities instituted.

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

136 ~~(22)-(20)~~ In addition to any other penalties provided by
137 law, a local government that does not comply with the

117705

Approved For Filing: 5/1/2025 4:21:40 PM

Amendment No.

138 requirements of subsections (4) and (6) ~~is (2) and (4)~~ shall not
139 be eligible for grants from the Solid Waste Management Trust
140 Fund, and the department may notify the Chief Financial Officer
141 to withhold payment of all or a portion of funds payable to the
142 local government by the department from the General Revenue Fund
143 or by the department from any other state fund, to the extent
144 not pledged to retire bonded indebtedness, unless the local
145 government demonstrates that good faith efforts to meet the
146 requirements of subsections (4) and (6) ~~(2) and (4)~~ have been
147 made or that the funds are being or will be used to finance the
148 correction of a pollution control problem that spans
149 jurisdictional boundaries.

150 **Section 2. Present subsections (6) through (14) of section**
151 **403.707, Florida Statutes, are redesignated as subsections (7)**
152 **through (15), respectively, and new subsection (6) is added to**
153 **that section, to read:**

154 403.707 Permits.—

155 (6) The department may not issue a construction permit
156 pursuant to this section for a new solid waste disposal facility
157 that uses an ash-producing incinerator or for a waste-to-energy
158 facility, if the proposed location of such facility is sited
159 within a 1-mile radius of any school or any property zoned for
160 residential use within that same county which has a density of
161 one or more dwelling units per acre. The 1-mile radius must be
162 measured from the stack of the facility. This subsection does

117705

Approved For Filing: 5/1/2025 4:21:40 PM

Amendment No.

163 not apply to any existing construction, current operation, or
164 modification to such structure or operation in existence as of
165 July 1, 2025.

166 **Section 3. Subsections (6), (7), and (21) of section**
167 **403.703, Florida Statutes, are amended to read:**

168 403.703 Definitions.—As used in this part, the term:

169 (6) "Construction and demolition debris" means discarded
170 materials generally considered to be not water-soluble and
171 nonhazardous in nature, including, but not limited to, steel,
172 glass, brick, concrete, asphalt roofing material, pipe, gypsum
173 wallboard, and lumber, from the construction or destruction of a
174 structure as part of a construction or demolition project or
175 from the renovation of a structure, and includes rocks, soils,
176 tree remains, trees, and other vegetative matter that normally
177 results from land clearing or land development operations for a
178 construction project, including such debris from construction of
179 structures at a site remote from the construction or demolition
180 project site. Mixing of construction and demolition debris with
181 other types of solid waste will cause the resulting mixture to
182 be classified as other than construction and demolition debris.
183 The term also includes:

184 (a) Clean cardboard, paper, plastic, wood, and metal
185 scraps from a construction project;

186 (b) Except as provided in s. 403.707(10)(j) ~~s.~~
187 ~~403.707(9)(j)~~, yard trash and unpainted, nontreated wood scraps

117705

Approved For Filing: 5/1/2025 4:21:40 PM

Amendment No.

188 and wood pallets from sources other than construction or
189 demolition projects;

190 (c) Scrap from manufacturing facilities which is the type
191 of material generally used in construction projects and which
192 would meet the definition of construction and demolition debris
193 if it were generated as part of a construction or demolition
194 project. This includes debris from the construction of
195 manufactured homes and scrap shingles, wallboard, siding
196 concrete, and similar materials from industrial or commercial
197 facilities; and

198 (d) De minimis amounts of other nonhazardous wastes that
199 are generated at construction or destruction projects, provided
200 such amounts are consistent with best management practices of
201 the industry.

202 (7) "County," or any like term, means a political
203 subdivision of the state established pursuant to s. 1, Art. VIII
204 of the State Constitution and, when s. 403.706(21) ~~s.~~
205 ~~403.706(19)~~ applies, means a special district or other entity.

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

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

117705

Approved For Filing: 5/1/2025 4:21:40 PM

Amendment No.

213 403.7049 Determination of full cost for solid waste
214 management; local solid waste management fees.—

215 (5) In order to assist in achieving the municipal solid
216 waste reduction goal and the recycling provisions of s.
217 403.706(4) ~~s. 403.706(2)~~, a county or a municipality which owns
218 or operates a solid waste management facility is hereby
219 authorized to charge solid waste disposal fees which may vary
220 based on a number of factors, including, but not limited to, the
221 amount, characteristics, and form of recyclable materials
222 present in the solid waste that is brought to the county's or
223 the municipality's facility for processing or disposal.

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

226 403.705 State solid waste management program.—

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

229 (c) Planning guidelines and technical assistance to
230 counties and municipalities to aid in meeting the municipal
231 solid waste recycling goals established in s. 403.706(4) ~~s.~~
232 ~~403.706(2)~~.

233 (3) The department shall evaluate and report biennially to
234 the President of the Senate and the Speaker of the House of
235 Representatives on the state's success in meeting the solid
236 waste recycling goal as described in s. 403.706(4) ~~s.~~
237 ~~403.706(2)~~.

117705

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Amendment No.

Section 6. This act shall take effect July 1, 2025.

T I T L E A M E N D M E N T

Remove lines 370-406 of the amendment and insert:
 An act relating to waste management; amending s.
 403.706, F.S.; prohibiting a local government from
 issuing a construction permit for a certain new solid
 waste disposal facility or a waste-to-energy facility
 in specified areas; providing applicability;
 prohibiting a local government from issuing a permit
 for the expansion of certain existing landfills unless
 a feasibility study is conducted; specifying
 requirements for the feasibility study; requiring the
 local government to review and discuss at a certain
 meeting the results of the feasibility study and
 provide a rationale for expanding the landfill;
 conforming cross-references; amending s. 403.707,
 F.S.; prohibiting the Department of Environmental
 Protection from issuing a construction permit for a
 certain new solid waste disposal facility or a waste-
 to-energy facility in specified areas; providing
 applicability; amending ss. 403.703, 403.7049, and
 403.705, F.S.; conforming cross-references; providing
 an effective date.

117705

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