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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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04/25/2025 02:36 PM

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Senator Martin moved the following:

Senate Amendment (with title amendment)

Delete lines 81 - 322

and insert:

of the State Constitution and, when s. 403.706(21) ~~s.~~
~~403.706(19)~~ applies, means a special district or other entity.

(22) ~~(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(21) ~~s. 403.706(19)~~
applies, means a special district or other entity.



763802

(36)~~(35)~~ "Solid waste" means 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. Recovered materials as defined in subsection (29) ~~(28)~~ and post-use polymers as defined in subsection (25) ~~(24)~~ are not solid waste.

Section 2. Section 403.7033, Florida Statutes, is amended to read:

403.7033 Preemption of regulation for auxiliary containers
~~Departmental analysis of particular recyclable materials. The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy. As such, the Department of Environmental Protection shall review and update its 2010 report on retail bags analyzing the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The updated report must include input from state and local government agencies, stakeholders, private businesses, and citizens and must evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit the updated report with conclusions and recommendations to the Legislature no later than December 31, 2021. Until such time that the Legislature adopts the recommendations of the~~



763802

~~department,~~

(1) The regulation of auxiliary containers is expressly preempted to the state. A local government, local governmental agency, or state governmental agency may not enact or enforce any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers unless explicitly permitted by law.

(2) Rules, regulations, or ordinances restricting the use of glass auxiliary containers within the boundaries of any public beach are explicitly permitted.

(3) The Division of Recreation and Parks of the Department of Environmental Protection may regulate auxiliary containers within state parks consistent with its grant of authority in s. 258.004, wrappings, or disposable plastic bags.

Section 3. Present subsections (2) through (23) of section 403.706, Florida Statutes, are redesignated as subsections (4) through (25), respectively, new subsections (2) and (3) are added to that section, and present subsections (4), (6), (7), and (20) of that section are amended, 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 facility, if the proposed location of such facility is sited within a 1-mile radius of any school or any property zoned for residential use which has a density of one or more dwelling units per acre. The 1-mile radius must be measured from the stack of the facility. This subsection applies only to a county as defined in s. 125.011(1).



763802

(3) A local government may not issue a construction permit pursuant to this section for the expansion of any existing landfill that was permitted on or before the date on which the United States Environmental Protection Agency was established, and that is located within a 1-mile radius of any property zoned residential unless the entirety of the site is compliant with the department's environmental standards.

(a) A feasibility study must be conducted before the issuance of a permit to expand the existing landfill. The feasibility study must do all of the following:

1. Identify potential waste-to-energy technologies and processes that reduce landfill dependence and greenhouse gas emissions, including, but not limited to, anaerobic digestion, plasma arc technology, and mixed waste processing; and

2. Evaluate the financial costs of such technologies and processes and the benefits of local siting and government ownership.

3. Evaluate the technical feasibility of expansion, considering engineering requirements, infrastructure needs, technological advancements, and regulatory compliance.

4. Evaluate relevant and appropriate data and analysis, such as surveys, studies, community goals and vision, and data used in preparing the comprehensive plan, from professionally accepted sources.

5. Identify and evaluate potential risks and challenges associated with the project.

(b) A permit to expand an existing landfill may not be issued without a feasibility study conducted pursuant to paragraph (a).



763802

99 (c) The local government shall review and discuss in a
100 public meeting the results of the feasibility study and provide
101 a rationale for expanding the landfill.

102 (6) (a) ~~(4) (a)~~ In order to promote the production of
103 renewable energy from solid waste, each megawatt-hour produced
104 by a renewable energy facility using solid waste as a fuel shall
105 count as 1 ton of recycled material and shall be applied toward
106 meeting the recycling goals set forth in this section. If a
107 county creating renewable energy from solid waste implements and
108 maintains a program to recycle at least 50 percent of municipal
109 solid waste by a means other than creating renewable energy,
110 that county shall count 1.25 tons of recycled material for each
111 megawatt-hour produced. If waste originates from a county other
112 than the county in which the renewable energy facility resides,
113 the originating county shall receive such recycling credit. Any
114 byproduct resulting from the creation of renewable energy that
115 is recycled shall count towards the county recycling goals in
116 accordance with the methods and criteria developed pursuant to
117 paragraph (4) (h) ~~(2) (h)~~.

118 (b) A county may receive credit for one-half of the
119 recycling goal set forth in subsection (4) ~~(2)~~ from the use of
120 yard trash, or other clean wood waste or paper waste, in
121 innovative programs including, but not limited to, programs that
122 produce alternative clean-burning fuels such as ethanol or that
123 provide for the conversion of yard trash or other clean wood
124 waste or paper waste to clean-burning fuel for the production of
125 energy for use at facilities other than a waste-to-energy
126 facility as defined in s. 403.7061. The provisions of this
127 paragraph apply only if a county can demonstrate that:



763802

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

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

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

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

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

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

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

(a) The achievement of the goal set forth in subsection (4) ~~(2)~~ would have an adverse effect on the financial obligations of a county that are directly related to a waste-to-energy facility



763802

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.

(9)~~(7)~~ In order to assess the progress in meeting the goal set forth in subsection (4) ~~(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

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

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

(22)~~(20)~~ In addition to any other penalties provided by



763802

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

Section 4. Present subsections (6) through (14) of section 403.707, Florida Statutes, are redesignated as subsections (8) through (16), respectively, new subsections (6) and (7) are added to that section, and paragraph (j) of present subsection (9) of that section is amended, to read:

403.707 Permits.—

(6) The department 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 facility, if the proposed location of such facility is sited within a 1-mile radius of any school or any property zoned for residential use which has a density of one or more dwelling units per acre. The 1-mile radius must be measured from the stack of the facility. This subsection applies only to a county as defined in s. 125.011(1).

(7) The department may not issue a construction permit



763802

pursuant to this section for the expansion of any existing landfill that was permitted on or before the date on which the United States Environmental Protection Agency was established, and that is located within a 1-mile radius of any property zoned residential unless the entirety of the site is compliant with the department's environmental standards.

(a) A feasibility study must be conducted before the issuance of a permit to expand the existing landfill. The feasibility study must do all of the following:

1. Identify potential waste-to-energy technologies and processes that reduce landfill dependence and greenhouse gas emissions, including, but not limited to, anaerobic digestion, plasma arc technology, and mixed waste processing; and

2. Evaluate the financial costs of such technologies and processes and the benefits of local siting and government ownership.

3. Evaluate the technical feasibility of expansion, considering engineering requirements, infrastructure needs, technological advancements, and regulatory compliance.

4. Evaluate relevant and appropriate data and analysis, such as surveys, studies, community goals and vision, and data used in preparing the comprehensive plan, from professionally accepted sources.

5. Identify and evaluate potential risks and challenges associated with the project.

(b) A permit to expand an existing landfill may not be issued without a feasibility study conducted pursuant to paragraph (a).

(c) The department shall review and discuss in a public



763802

meeting the results of the feasibility study and provide a
rationale for expanding the landfill.

~~(11)(9)~~ The department shall establish a separate category
for solid waste management facilities that accept only
construction and demolition debris for disposal or recycling.
The department shall establish a reasonable schedule for
existing facilities to comply with this section to avoid undue
hardship to such facilities. However, a permitted solid waste
disposal unit that receives a significant amount of waste prior
to the compliance deadline established in this schedule shall
not be required to be retrofitted with liners or leachate
control systems.

(j) The Legislature recognizes that recycling, waste
reduction, and resource recovery are important aspects of an
integrated solid waste management program and as such are
necessary to protect the public health and the environment. If
necessary to promote such an integrated program, the county may
determine, after providing notice and an opportunity for a
hearing prior to April 30, 2008, that some or all of the
material described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~ shall be
excluded from the definition of "construction and demolition
debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction
of such county. The county may make such a determination only if
it finds that, prior to June 1, 2007, the county has established
an adequate method for the use or recycling of such wood
material at an existing or proposed solid waste management
facility that is permitted or authorized by the department on
June 1, 2007. The county is not required to hold a hearing if
the county represents that it previously has held a hearing for



763802

such purpose, or if the county represents that it previously has held a public meeting or hearing that authorized such method for the use or recycling of trash or other nonputrescible waste materials and that such materials include those materials described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~. The county shall provide written notice of its determination to the department by no later than April 30, 2008; thereafter, the materials described in s. 403.703(7) ~~s. 403.703(6)~~ shall be excluded from the definition of "construction and demolition debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction of such county. The county may withdraw or revoke its determination at any time by providing written notice to the department.

Section 5. 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(4) ~~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 6. 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,



763802

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(4) ~~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(4) ~~s.~~

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

And the title is amended as follows:

Delete line 19

and insert:

applicability; prohibiting a local government and the department, respectively, from issuing a construction permit for the expansion of certain existing landfills; providing an exception; requiring that a feasibility study be conducted before the issuance of such permit; providing requirements for such study; prohibiting the issuance of a permit for the expansion of an existing landfill if such a study is not conducted; requiring the local government and the department, respectively, to review and discuss at a certain meeting the results of the feasibility study and provide a rationale for expanding the landfill; conforming a provision to changes made