

By Senator Avila

39-00331B-25

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1 A bill to be entitled  
2 An act relating to waste incineration; amending ss.  
3 403.706 and 403.707, F.S.; prohibiting a local  
4 government or the Department of Environmental  
5 Protection, respectively, from issuing a construction  
6 permit for a certain new solid waste disposal facility  
7 or a waste-to-energy facility in specified areas;  
8 amending ss. 403.703, 403.7049, and 403.705, F.S.;  
9 conforming cross-references; providing an effective  
10 date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Present subsections (2) through (23) of section  
15 403.706, Florida Statutes, are redesignated as subsections (3)  
16 through (24), respectively, and a new subsection (2) is added to  
17 that section, to read:

18 403.706 Local government solid waste responsibilities.—

19 (2) A local government may not issue a construction permit  
20 pursuant to this section for a new solid waste disposal facility  
21 that uses an ash-producing incinerator or for a waste-to-energy  
22 facility, if the proposed location of such facility is sited  
23 within a one-half mile radius of any residential property,  
24 commercial property, or school.

25 Section 2. Present subsections (6) through (14) of section  
26 403.707, Florida Statutes, are redesignated as subsections (7)  
27 through (15), respectively, and a new subsection (6) is added to  
28 that section, to read:

29 403.707 Permits.—

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(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 one-half mile radius of any residential property, commercial property, or school.

Section 3. Subsections (6), (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 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:

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

(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

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demolition projects;

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

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

(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

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88 or operates a solid waste management facility is hereby  
89 authorized to charge solid waste disposal fees which may vary  
90 based on a number of factors, including, but not limited to, the  
91 amount, characteristics, and form of recyclable materials  
92 present in the solid waste that is brought to the county's or  
93 the municipality's facility for processing or disposal.

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

96 403.705 State solid waste management program.—

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

99 (c) Planning guidelines and technical assistance to  
100 counties and municipalities to aid in meeting the municipal  
101 solid waste recycling goals established in s. 403.706(3) ~~s.~~  
102 ~~403.706(2)~~.

103 (3) The department shall evaluate and report biennially to  
104 the President of the Senate and the Speaker of the House of  
105 Representatives on the state's success in meeting the solid  
106 waste recycling goal as described in s. 403.706(3) ~~s.~~  
107 ~~403.706(2)~~.

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