

By Senator Albritton

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1 A bill to be entitled
2 An act relating to the displacement of private waste
3 companies; amending s. 403.70605, F.S.; revising the
4 process for a local government to displace a private
5 waste company in a county or municipality; requiring a
6 local government to announce its intent to adopt an
7 ordinance or a resolution for organized collection
8 service through a resolution of intent; providing
9 requirements for the resolution of intent; providing
10 requirements for a local government's plan for
11 organized collection service; prohibiting a local
12 government from commencing organized collection
13 service within a specified timeframe; requiring a
14 local government to restart the process under certain
15 circumstances; defining the term "organized collection
16 service"; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsection (3) of section 403.70605, Florida
21 Statutes, is amended to read:

22 403.70605 Solid waste collection services in competition
23 with private companies.—

24 (3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

25 (a) A local government may displace a private company that
26 provides garbage, trash, or refuse collection service only by
27 adopting an ordinance or a resolution. Before adopting such an
28 ordinance or a resolution, the local government shall do all of
29 the following:

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30 1. At least 180 days before adopting an ordinance or a
31 resolution under this subsection, announce its intent to
32 consider the adoption of an organized collection service by a
33 resolution of intent. The resolution of intent must:

34 a. Include specific goals to be achieved, a detailed
35 justification for any franchise fees, and all other reasons the
36 local government has for considering such a service;

37 b. Be published once in the official newspaper of the
38 county or municipality;

39 c. Give notice of a public hearing to be held at least 30
40 days before consideration of the adoption of the resolution of
41 intent; and

42 d. Invite interested persons to participate in the planning
43 and establishing of the organized collection service, including
44 all licensees and other persons operating solid waste or
45 recyclables collection services in the county or municipality as
46 of the date of announcement of its intent to organize collection
47 in the county or municipality.

48 2. Within 90 days after adopting the resolution of intent
49 required under subparagraph 1., develop a plan for organized
50 collection service. The local government shall invite and employ
51 the assistance of all licensees and other persons operating
52 solid waste or recyclables collection services in the county or
53 municipality. All licensees and other persons operating solid
54 waste or recyclables collection in the county or municipality
55 must be allowed to participate in the planning meetings.

56 3. Provide 30 days' notice before a hearing on the proposed
57 plan to all licensees or other persons operating solid waste or
58 recyclables collection services in the county or municipality.

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59 (b) A local government's plan for organized collection
60 service must:

61 1. Describe in detail the procedures used for development
62 of the plan;

63 2. Include evidence of compliance with all notice
64 provisions required under paragraph (a);

65 3. Evaluate the proposed plan in regard to achieving the
66 stated goals, to minimizing displacement and economic impact to
67 current solid waste collectors, to ensuring participation in the
68 decision-making process of all interested parties, and to
69 maximizing efficiency in solid waste collection; and

70 4. Provide detailed justification for any proposed tax,
71 franchise fee, or similar fee.

72 (c) A local government may not commence organized
73 collection service pursuant to this subsection for at least 5
74 years after the adoption of an ordinance or resolution
75 establishing such service. During this period, the local
76 government may not displace any person licensed to operate solid
77 waste collection services in the county or municipality.

78 (d) If for any reason a local government does not implement
79 an organized collection service by adoption of an ordinance or
80 resolution within 1 year after the passage of a resolution of
81 intent, the process must be started over as provided in this
82 section.

83 (e) As used in this subsection, the term "organized
84 collection service" means a system for collecting solid waste,
85 recyclables, or both. The term includes franchise, organized
86 collection, or a process in which a municipality goes from
87 multiple haulers to one single contracted hauler whereby a

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88 specified collector, or a member of a collectors' organization,
89 is authorized to collect from a defined geographic service area
90 some or all of the solid waste or recyclables that are released
91 by generators

92 ~~(a) As used in this subsection, the term "displacement"~~
93 ~~means a local government's provision of a collection service~~
94 ~~which prohibits a private company from continuing to provide the~~
95 ~~same service that it was providing when the decision to displace~~
96 ~~was made. The term does not include:~~

97 ~~1. Competition between the public sector and private~~
98 ~~companies for individual contracts;~~

99 ~~2. Actions by which a local government, at the end of a~~
100 ~~contract with a private company, refuses to renew the contract~~
101 ~~and either awards the contract to another private company or~~
102 ~~decides for any reason to provide the collection service itself;~~

103 ~~3. Actions taken against a private company because the~~
104 ~~company has acted in a manner threatening to the public health~~
105 ~~or safety or resulting in a substantial public nuisance;~~

106 ~~4. Actions taken against a private company because the~~
107 ~~company has materially breached its contract with the local~~
108 ~~government;~~

109 ~~5. Refusal by a private company to continue operations~~
110 ~~under the terms and conditions of its existing agreement during~~
111 ~~the 3-year notice period;~~

112 ~~6. Entering into a contract with a private company to~~
113 ~~provide garbage, trash, or refuse collection which contract is~~
114 ~~not entered into under an ordinance that displaces or authorizes~~
115 ~~the displacement of another private company providing garbage,~~
116 ~~trash, or refuse collection;~~

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117 ~~7. Situations in which a majority of the property owners in~~
118 ~~the displacement area petition the governing body to take over~~
119 ~~the collection service;~~

120 ~~8. Situations in which the private companies are licensed~~
121 ~~or permitted to do business within the local government for a~~
122 ~~limited time and such license or permit expires and is not~~
123 ~~renewed by the local government. This subparagraph does not~~
124 ~~apply to licensing or permitting processes enacted after May 1,~~
125 ~~1999, or to occupational licenses; or~~

126 ~~9. Annexations, but only to the extent that the provisions~~
127 ~~of s. 171.062(4) apply.~~

128 ~~(b) A local government or combination of local governments~~
129 ~~may not displace a private company that provides garbage, trash,~~
130 ~~or refuse collection service without first:~~

131 ~~1. Holding at least one public hearing seeking comment on~~
132 ~~the advisability of the local government or combination of local~~
133 ~~governments providing the service.~~

134 ~~2. Providing at least 45 days' written notice of the~~
135 ~~hearing, delivered by first-class mail to all private companies~~
136 ~~that provide the service within the jurisdiction.~~

137 ~~3. Providing public notice of the hearing.~~

138 ~~(c) Following the final public hearing held under paragraph~~
139 ~~(b), but not later than 1 year after the hearing, the local~~
140 ~~government may proceed to take those measures necessary to~~
141 ~~provide the service. A local government shall provide 3 years'~~
142 ~~notice to a private company before it engages in the actual~~
143 ~~provision of the service that displaces the company. As an~~
144 ~~alternative to delaying displacement 3 years, a local government~~
145 ~~may pay a displaced company an amount equal to the company's~~

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146 ~~preceding 15 months' gross receipts for the displaced service in~~
147 ~~the displacement area. The 3-year notice period shall lapse as~~
148 ~~to any private company being displaced when the company ceases~~
149 ~~to provide service within the displacement area. Nothing in this~~
150 ~~paragraph prohibits the local government and the company from~~
151 ~~voluntarily negotiating a different notice period or amount of~~
152 ~~compensation.~~

153 Section 2. This act shall take effect July 1, 2019.