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LEGISLATIVE ACTION

Senate

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House

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The Committee on Environment and Natural Resources (Albritton)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 17 - 21

and insert:

Section 1. Subsections (23) and (24) are added to section  
403.706, Florida Statutes, to read:

403.706 Local government solid waste responsibilities.—

(23) A fiscally constrained county, as defined in s.  
218.67(1), is exempt from the goals and requirements of this  
section. This subsection expires July 1, 2035.



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11       (24) (a) The Legislature finds that local governments,  
12 regional solid waste management authorities, and government-  
13 owned and privately owned waste management entities face  
14 significant challenges in meeting this state's waste recycling  
15 goals, as provided in subsection (2), due to a variety of  
16 factors, including the diversity and magnitude of the waste  
17 stream and the ever-changing global demand and market conditions  
18 for recyclable materials. These factors make it necessary to  
19 investigate other options for the management of recyclable  
20 material resources to ensure the protection of the environment,  
21 as well as limit the cost to the residents of this state for  
22 solid waste collection and disposal.

23       (b) A recycled materials management pilot project is  
24 created for Polk County, in coordination with the University of  
25 Florida, to identify sustainable, environmentally responsible,  
26 and cost-effective collection, storage, and retention methods  
27 for recyclable materials which have limited economic or  
28 industrial utility, but retain their potential to be  
29 reintroduced into the market through an economically viable  
30 recycling process.

31       (c) Polk County may join with one or more counties,  
32 municipalities, special districts, publicly owned or privately  
33 owned waste utilities, multijurisdictional water management  
34 entities, or other entities in carrying out the pilot program  
35 and may contract with other entities to finance or otherwise  
36 implement the operation and maintenance of the pilot program.  
37 The contracts may provide for contributions to be made by each  
38 party to the contract for the division and apportionment of  
39 resulting costs, including operations and maintenance, benefits,



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services, and products. The contracts may contain other covenants and agreements necessary and appropriate to accomplish their purposes. The Legislature will not provide any funding assistance for the pilot program. However, this section may not be construed so as to limit or prevent the University of Florida or any other state entity wishing to participate in the pilot program from providing in-kind services in furtherance of the goals of the pilot program.

(d) During the term of the pilot program, Polk County is exempt from meeting the goals and requirements set forth in this section.

(e) Polk County shall periodically communicate and collaborate with the department regarding specific objectives of the pilot program, progress made in achieving such objectives, and any conclusions that may be drawn from the program.

(f) Polk County shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2025, regarding the conclusions of the pilot program. The report must include all of the following information:

1. A description of the pilot program, including a summary of its goals and an overview of the methodology used to identify the specific recyclable materials that were determined to provide the greatest environmental benefit and opportunity for retention and later reintroduction to the recyclable materials market.

2. An overview of the methodology implemented to segregate the recyclable materials of greatest environmental benefit while minimizing the handling and processing of recyclable materials



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of low environmental benefit.

3. Any progress made in developing and implementing the pilot program in comparison to the development and implementation of other processes currently being used for the collection, disposal, or reuse of the same recyclable materials.

4. The capital and operating costs Polk County estimates it would expend to fully implement any economically feasible recycling and solid waste management practices revealed by the pilot program in comparison to the same estimated costs it would expend to fully implement other alternative recycling and solid waste management practices that counties, municipalities, or special districts have implemented in this state.

5. The source of funds used in developing and implementing the pilot program.

6. The benefits to Polk County and this state from implementation of any economically viable recycling and solid waste management practices revealed by the pilot program.

7. A recommendation as to whether any economically viable recycling and solid waste management practices revealed by the pilot program should be available as an acceptable alternative to the traditional processes that counties, municipalities, or special districts have used to manage recyclable materials and, if so, identification of the statutory changes necessary to do so.

(g) The pilot program and this subsection shall expire July 1, 2025.

Section 2. Paragraphs (a) and (c) of subsection (3) of section 403.70605, Florida Statutes, are amended to read:

403.70605 Solid waste collection services in competition



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with private companies.—

(3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

(a) As used in this subsection, the term “displacement” means a local government’s provision of a collection service which prohibits a private company from continuing to provide the same service that it was providing when the decision to displace was made. The term does not include:

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

2. Actions by which a local government, at the end of a contract with a private company or at the end of any franchise a local government has granted to a private company, refuses to renew the contract or franchise and either awards the contract or grants a franchise to another private company or companies or decides for any reason to provide the collection service itself;

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

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

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

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



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

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

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

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

And the title is amended as follows:

Delete lines 2 - 3  
and insert:

An act relating to local government waste programs; amending s. 403.706, F.S.; exempting fiscally constrained counties from certain local government recycling goals and requirements; providing an expiration date for the exemption; providing legislative findings; creating a recycled materials management pilot program for Polk County, in coordination with the University of Florida, for a specified purpose; authorizing the county to collaborate with other local governmental and private entities to carry out and finance the pilot program; exempting Polk County from specified recycling



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156 provisions while participating in the pilot program;  
157 requiring Polk County to communicate and collaborate  
158 with the Department of Environmental Protection for  
159 certain purposes; requiring Polk County to submit a  
160 report containing specified information to the  
161 Governor and the Legislature by a specified date;  
162 providing for expiration of the pilot program;  
163 amending s. 403.70605, F.S.; revising the definition  
164 of the term "displacement"; requiring a