

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Local Government & Veterans Affairs offered
12 the following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

18 Section 1. Paragraph (d) of subsection (2) of section
19 165.061, Florida Statutes, is amended, and paragraph (f) is
20 added to subsection (1) of said section, to read:

21 165.061 Standards for incorporation, merger, and
22 dissolution.--

23 (1) The incorporation of a new municipality, other
24 than through merger of existing municipalities, must meet the
25 following conditions in the area proposed for incorporation:

26 (f) In accordance with s. 10, Art. I of the State
27 Constitution, the plan for incorporation must honor existing
28 solid waste contracts in the affected geographic area subject
29 to incorporation; however, the plan for incorporation may
30 provide that existing contracts for solid waste collection
31 services shall be honored only for 5 years or the remainder of

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1 the contract term, whichever is shorter, excluding any
2 automatic renewals or so-called "evergreen" provisions, and
3 may require that a copy of the pertinent portion of the
4 contract or other written evidence of the duration of the
5 contract, be provided to the municipality within a reasonable
6 time following a written request to do so.

7 (2) The incorporation of a new municipality through
8 merger of existing municipalities and associated
9 unincorporated areas must meet the following conditions:

10 (d) In accordance with s. 10, Art. I of the State
11 Constitution, the plan for merger ~~or incorporation~~ must honor
12 existing solid waste contracts in the affected geographic area
13 subject to merger ~~or incorporation~~; however, the plan for
14 merger ~~or incorporation~~ may provide that existing contracts
15 for solid waste collection services shall be honored only for
16 5 years or the remainder of the contract term, whichever is
17 shorter, excluding any automatic renewals or so-called
18 "evergreen" provisions, and may require that a copy of the
19 pertinent portion of the contract or other written evidence of
20 the duration of the contract, be provided to the municipality
21 within a reasonable time following a written request to do so.

22 Section 2. A new subsection (31) of section 403.704,
23 Florida Statutes, is created to read:

24 403.704 Powers and duties of the Department.--

25 (31) Require a materials recovery facility and any
26 facility at which construction and demolition debris is
27 sorted, recovered, recycled, or processed for reuse or other
28 purposes to keep monthly records of the following information:
29 the total weight of materials received at the facility, the
30 total weight of materials recovered, recycled, or reused, the
31 total weight of materials not recovered, recycled, or reused.

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1 The department shall adopt by rule no later than February 1,
2 2002, the categories of materials for which records must be
3 kept. The rule shall include, at a minimum, those materials
4 set forth in s. 403.703(7) and (17), excluding rocks, soils,
5 tree remains, trees and other vegetative matter. The
6 facilities specified in paragraph (b) must also keep detailed
7 records, including the name and location of the solid waste
8 disposal facility at which material not recovered, recycled,
9 or reused is ultimately disposed. Materials not recovered,
10 recycled or reused that are contaminated by or commingled with
11 either Class I waste or Class III waste, either before or
12 after processing, shall be disposed of in either a Class I
13 landfill or a Class III landfill, respectively, or a
14 waste-to-energy facility. This subsection does not apply to a
15 recovered materials processing facility. This subsection shall
16 not alter or otherwise affect the list of recovered materials
17 as set forth in s. 403.703(7) or the regulation of recovered
18 materials as provided in s. 403.7046.

19 Section 3. Section 403.7063, Florida Statutes, is
20 amended to read:

21 403.7063 Use of private services in solid waste
22 management; enforcement.--

23 (1) In providing services or programs for solid waste
24 management, local governments and state agencies should use
25 the most cost-effective means for the provision of services
26 and are encouraged to contract with private persons for any or
27 all of such services or programs in order to assure that such
28 services are provided on the most cost-effective basis.
29 Notwithstanding any special or general law to the contrary, no
30 county or municipality shall adopt or enforce regulations that
31 discriminate against privately owned solid waste management

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1 facilities because they are privately owned. However, nothing
2 in this section shall interfere with the county's or
3 municipality's ability to control the flow of solid waste
4 within its boundaries pursuant to this chapter.

5 (2) A private company that is a party to a solid waste
6 collection franchise agreement with a local government shall
7 have the right to enforce that agreement or related ordinance
8 against any third party and to bring an action for injunctive
9 relief or damages against any third party whose actions
10 infringe upon the solid waste collection franchise agreement
11 or related ordinance.

12 (3) In any judgment entered pursuant to this section,
13 the court shall award to the prevailing party the costs of
14 litigation, reasonable attorney's fees, and expert witness
15 fees. A local government shall not receive or be liable for
16 the costs of litigation, reasonable attorney's fees, and
17 expert witness fees, under this paragraph.

18 (4) Prior to bringing an action pursuant to this
19 section, a private company shall give notice to the government
20 that granted the franchise 30 days prior to filing the action.

21 Section 4. This act shall take effect July 1, 2001.
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