

Bill No. CS for SB 2142

Amendment No.      Barcode 481716

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
.  
.  
.  
.  
.

---

Senator Dyer moved the following amendment:

**Senate Amendment (with title amendment)**

On page 4, between lines 11 and 12,

insert:

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

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

(1) In providing services or programs for solid waste management, local governments and state agencies should use the most cost-effective means for the provision of services and are encouraged to contract with private persons for any or all of such services or programs in order to assure that such services are provided on the most cost-effective basis. Notwithstanding any special or general law to the contrary, no county or municipality shall adopt or enforce regulations that discriminate against privately owned solid waste management facilities because they are privately owned. However, nothing in this section shall interfere with the county's or

Bill No. CS for SB 2142

Amendment No. \_\_\_\_ Barcode 481716

1 municipality's ability to control the flow of solid waste  
2 within its boundaries pursuant to this chapter.

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

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

16 (4) A private company that intends to bring an action  
17 under this section must give notice, 30 days before filing the  
18 action, to the government that granted the franchise.

19  
20 (Redesignate subsequent sections.)

21  
22  
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, line 13, after the first semicolon

26  
27 insert:

28 amending s. 403.7063, F.S.; providing for the  
29 enforcement of provisions relating to the use  
30 of private services in solid waste management;

31