

By Senator Dyer

14-156-02

1                                   A bill to be entitled  
2           An act relating to solid waste collection;  
3           amending s. 165.061, F.S.; clarifying  
4           provisions related to the treatment of existing  
5           solid waste contracts in areas affected by the  
6           merger or incorporation of municipalities;  
7           amending s. 316.1975, F.S.; exempting  
8           solid-waste or recovered-materials collection  
9           vehicles from a prohibition against leaving the  
10          engine running when the vehicle is unattended;  
11          providing an effective date.

12

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

14

15           Section 1. Subsection (1) and paragraph (d) of  
16          subsection (2) of section 165.061, Florida Statutes, are  
17          amended to read:

18           165.061 Standards for incorporation, merger, and  
19          dissolution.--

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

23           (a) It must be compact and contiguous and amenable to  
24          separate municipal government.

25           (b) It must have a total population, as determined in  
26          the latest official state census, special census, or estimate  
27          of population, in the area proposed to be incorporated of at  
28          least 1,500 persons in counties with a population of 75,000 or  
29          less, and of at least 5,000 population in counties with a  
30          population of more than 75,000.

31

1 (c) It must have an average population density of at  
2 least 1.5 persons per acre or have extraordinary conditions  
3 requiring the establishment of a municipal corporation with  
4 less existing density.

5 (d) It must have a minimum distance of any part of the  
6 area proposed for incorporation from the boundaries of an  
7 existing municipality within the county of at least 2 miles or  
8 have an extraordinary natural boundary which requires separate  
9 municipal government.

10 (e) It must have a proposed municipal charter which:

11 1. Prescribes the form of government and clearly  
12 defines the responsibility for legislative and executive  
13 functions.

14 2. Does not prohibit the legislative body of the  
15 municipality from exercising its powers to levy any tax  
16 authorized by the Constitution or general law.

17 (f) In accordance with s. 10, Art. I of the State  
18 Constitution, the plan for incorporation must honor existing  
19 solid-waste contracts in the affected geographic area subject  
20 to incorporation. However, the plan for incorporation may  
21 provide for existing contracts for solid-waste-collection  
22 services to be honored only for 5 years or the remainder of  
23 the contract term, whichever is less, and may require that a  
24 copy of the pertinent portion of the contract or other written  
25 evidence of the duration of the contract, excluding any  
26 automatic renewals or evergreen provisions, be provided to the  
27 municipality within a reasonable time after a written request  
28 to do so.

29 (2) The incorporation of a new municipality through  
30 merger of existing municipalities and associated  
31 unincorporated areas must meet the following conditions:

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

14           Section 2. Subsection (2) of section 316.1975, Florida  
15 Statutes, is amended to read:

16           316.1975 Unattended motor vehicle.--

17           (2) This section does not apply to the operator of:

18           (a) An authorized emergency vehicle while in the  
19 performance of official duties and the vehicle is equipped  
20 with an activated antitheft device that prohibits the vehicle  
21 from being driven; ~~or~~

22           (b) A licensed delivery truck or other delivery  
23 vehicle while making deliveries; ~~or~~

24           (c) A solid-waste or recovered-materials collection  
25 vehicle while collecting such items.

26           Section 3. This act shall take effect July 1, 2002.  
27  
28  
29  
30  
31

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

\*\*\*\*\*

SENATE SUMMARY

Clarifies certain provisions related to the treatment of existing solid waste contracts in areas affected by the merger or incorporation of municipalities. Exempts solid-waste and recovered-materials collection vehicles from a prohibition against leaving the engine running while the vehicle is unattended. (See bill for details.)