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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 amending s. 403.70605, F.S.; clarifying the
12 definition of the term "displacement";
13 providing an effective date.
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15 Be It Enacted by the Legislature of the State of Florida:
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17 Section 1. Subsection (1) and paragraph (d) of
18 subsection (2) of section 165.061, Florida Statutes, are
19 amended to read:

20 165.061 Standards for incorporation, merger, and
21 dissolution.--

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

25 (a) It must be compact and contiguous and amenable to
26 separate municipal government.

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

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

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

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

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

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

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

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

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

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

19 316.1975 Unattended motor vehicle.--

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

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

25 (b) A licensed delivery truck or other delivery
26 vehicle while making deliveries; ~~or~~

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

29 Section 3. Paragraph (a) of subsection (3) of section
30 403.70605, Florida Statutes, is amended to read:

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1 403.70605 Solid waste collection services in
2 competition with private companies.--

3 (3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.--

4 (a) As used in this subsection, the term
5 "displacement" means a local government's provision of a
6 collection service which prohibits a private company from
7 continuing to provide the same service that it was providing
8 when the decision to displace was made. The term does not
9 include:

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

12 2. Actions by which a local government, at the end of
13 a contract with a private company, refuses to renew the
14 contract and either awards the contract to another private
15 company or decides for any reason to provide the collection
16 service itself;

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

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

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

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

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

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

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

13 Section 4. This act shall take effect July 1, 2002.

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