

By the Committee on Comprehensive Planning; and Senators Bennett and Dawson

316-2089-04

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A bill to be entitled
An act relating to local government solid waste fees; amending s. 403.706, F.S.; requiring counties and municipalities to waive such fees for certain nonprofit organizations; providing certain limitations and restrictions; providing an effective date.

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

Section 1. Subsections (10) and (17) of section 403.706, Florida Statutes, are amended to read:

403.706 Local government solid waste responsibilities.--

(10) In developing and implementing recycling programs, counties and municipalities shall give consideration to the collection, marketing, and disposition of recyclable materials by persons engaged in the business of recycling, whether or not the persons are operating for profit. Counties and municipalities are encouraged to use for-profit and nonprofit organizations in fulfilling their responsibilities under this act. A county or municipality shall grant a waiver of solid waste fees to any not-for-profit organization qualified under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, which collects donated goods for charitable purposes and has a recycling or reuse rate of 50 percent or greater. However, this waiver may not be granted for construction and demolition debris or manufacturing byproducts. Tipping fees or similar user fees may not be increased as a result of these waivers. This subsection does not apply to a county or municipality that has included a

1 covenant prohibiting free service in an ordinance or
2 resolution securing its outstanding solid waste revenue bonds
3 that are payable in whole or in part from solid waste fees.

4 (17) To effect the purposes of this part, counties and
5 municipalities are authorized, in addition to other powers
6 granted pursuant to this part:

7 (a) To contract with persons to provide resource
8 recovery services or operate resource recovery facilities on
9 behalf of the county or municipality.

10 (b) To indemnify persons providing resource recovery
11 services or operating resource recovery facilities for
12 liabilities or claims arising out of the provision or
13 operation of such services or facilities that are not the
14 result of the sole negligence of the persons providing such
15 services or operating such facilities.

16 (c) To waive sovereign immunity and immunity from suit
17 in federal court by vote of the governing body of the county
18 or municipality to the extent necessary to carry out the
19 authority granted in paragraphs (a) and (b), notwithstanding
20 the limitations prescribed in s. 768.28.

21 ~~(d) To grant a solid waste fee waiver to nonprofit~~
22 ~~organizations that are engaged in the collection of donated~~
23 ~~goods for charitable purposes and that have a recycling or~~
24 ~~reuse rate of 50 percent or better.~~

25 Section 2. This act shall take effect July 1, 2004.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1400

This CS differs from the bill as filed in that it requires the non-profit be qualified pursuant to 501(c)(3) of the Internal Revenue Code; excludes construction debris and manufacturing by-products from the waiver; stipulates that tipping fees or similar user fees may not be increased as a result of these waivers; and excludes counties whose bond covenants preclude free service.