

1 A bill to be entitled
 2 An act relating to displacement of private waste
 3 companies; amending s. 403.70605, F.S.; requiring
 4 local governments intending to establish solid waste
 5 collection services that displace private companies to
 6 provide specified notice, prepare a specified plan,
 7 and include certain private companies in development
 8 of the plan; extending the period local governments
 9 are required to provide notice to displaced private
 10 companies before engaging in the provision of
 11 collection service; providing requirements for public
 12 notice and hearings and implementation of the plan;
 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. Paragraphs (b) and (c) of subsection (3) of
 18 section 403.70605, Florida Statutes, are amended and paragraphs
 19 (d) and (e) are added to that subsection to read:

20 403.70605 Solid waste collection services in competition
 21 with private companies.—

22 (3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

23 (b) A local government or combination of local governments
 24 may not displace a private company that provides garbage, trash,
 25 or refuse collection service without first:

26 | 1. Providing at least 180 days' written notice to all
 27 | private companies that provide the service within the
 28 | jurisdiction of its intent to provide collection service before
 29 | adopting such an ordinance or resolution.

30 | 2. During a 90-day period after providing notice, the
 31 | local government shall develop a plan for providing collection
 32 | service. During this period, the local government must invite
 33 | and employ the assistance of all private companies that provide
 34 | the service within the jurisdiction. The companies must be
 35 | allowed to participate in all planning meetings.

36 | ~~3.1.~~ Holding at least one public hearing seeking comment
 37 | on the advisability of the local government or combination of
 38 | local governments providing the service.

39 | ~~4.2.~~ Providing at least 45 days' written notice of the
 40 | hearing, delivered by first-class mail to all private companies
 41 | that provide the service within the jurisdiction.

42 | ~~5.3.~~ Providing public notice of the hearing.

43 | (c) Following the final public hearing held under
 44 | paragraph (b), but not later than 1 year after the hearing, the
 45 | local government may proceed to take those measures necessary to
 46 | provide the service. A local government shall provide 5 ~~3~~ years'
 47 | notice to a private company before it engages in the actual
 48 | provision of the service that displaces the company. As an
 49 | alternative to delaying displacement 5 ~~3~~ years, a local
 50 | government may pay a displaced company an amount equal to the

51 company's preceding 15 months' gross receipts for the displaced
52 service in the displacement area. The 5-year ~~3-year~~ notice
53 period shall lapse as to any private company being displaced
54 when the company ceases to provide service within the
55 displacement area. ~~Nothing in~~ This paragraph does not prohibit
56 ~~prohibits~~ the local government and the company from voluntarily
57 negotiating a different notice period or amount of compensation.

58 (d) The plan under subparagraph (b)2. must:

59 1. Describe in detail the procedures used for development
60 of the plan to provide collection service and compliance with
61 all required notice provisions.

62 2. Evaluate the proposed collection service plan in regard
63 to the following:

64 a. Achieving the stated goals;

65 b. Minimizing displacement and economic impact to private
66 companies currently providing the service within the
67 jurisdiction; and

68 c. Ensuring participation in the decisionmaking process of
69 all interested parties, including all private companies
70 providing the service within the jurisdiction as of the date of
71 the notice of the local government's intent to provide
72 collection service.

73 (e) If a local government does not implement collection
74 service by passage of an ordinance or a resolution within 12
75 months after providing notice, the local government must start

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76 | the process over as provided in this subsection.

77 | Section 2. This act shall take effect July 1, 2019.