



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/10/2020	.	
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The Committee on Environment and Natural Resources (Albritton) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 17 - 21

and insert:

Section 1. Subsections (23) and (24) are added to section 403.706, Florida Statutes, to read:

403.706 Local government solid waste responsibilities.—

(23) A fiscally constrained county, as defined in s. 218.67(1), is exempt from the goals and requirements of this section. This subsection expires July 1, 2035.



11       (24) (a) The Legislature finds that local governments,  
12 regional solid waste management authorities, and government-  
13 owned and privately owned waste management entities face  
14 significant challenges in meeting this state's waste recycling  
15 goals, as provided in subsection (2), due to a variety of  
16 factors, including the diversity and magnitude of the waste  
17 stream and the ever-changing global demand and market conditions  
18 for recyclable materials. These factors make it necessary to  
19 investigate other options for the management of recyclable  
20 material resources to ensure the protection of the environment,  
21 as well as limit the cost to the residents of this state for  
22 solid waste collection and disposal.

23       (b) A recycled materials management pilot project is  
24 created for Polk County, in coordination with the University of  
25 Florida, to identify sustainable, environmentally responsible,  
26 and cost-effective collection, storage, and retention methods  
27 for recyclable materials which have limited economic or  
28 industrial utility, but retain their potential to be  
29 reintroduced into the market through an economically viable  
30 recycling process.

31       (c) Polk County may join with one or more counties,  
32 municipalities, special districts, publicly owned or privately  
33 owned waste utilities, multijurisdictional water management  
34 entities, or other entities in carrying out the pilot program  
35 and may contract with other entities to finance or otherwise  
36 implement the operation and maintenance of the pilot program.  
37 The contracts may provide for contributions to be made by each  
38 party to the contract for the division and apportionment of  
39 resulting costs, including operations and maintenance, benefits,



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40 services, and products. The contracts may contain other  
41 covenants and agreements necessary and appropriate to accomplish  
42 their purposes. The Legislature will not provide any funding  
43 assistance for the pilot program. However, this section may not  
44 be construed so as to limit or prevent the University of Florida  
45 or any other state entity wishing to participate in the pilot  
46 program from providing in-kind services in furtherance of the  
47 goals of the pilot program.

48 (d) During the term of the pilot program, Polk County is  
49 exempt from meeting the goals and requirements set forth in this  
50 section.

51 (e) Polk County shall periodically communicate and  
52 collaborate with the department regarding specific objectives of  
53 the pilot program, progress made in achieving such objectives,  
54 and any conclusions that may be drawn from the program.

55 (f) Polk County shall submit a report to the Governor, the  
56 President of the Senate, and the Speaker of the House of  
57 Representatives by July 1, 2025, regarding the conclusions of  
58 the pilot program. The report must include all of the following  
59 information:

60 1. A description of the pilot program, including a summary  
61 of its goals and an overview of the methodology used to identify  
62 the specific recyclable materials that were determined to  
63 provide the greatest environmental benefit and opportunity for  
64 retention and later reintroduction to the recyclable materials  
65 market.

66 2. An overview of the methodology implemented to segregate  
67 the recyclable materials of greatest environmental benefit while  
68 minimizing the handling and processing of recyclable materials



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69 of low environmental benefit.

70 3. Any progress made in developing and implementing the  
71 pilot program in comparison to the development and  
72 implementation of other processes currently being used for the  
73 collection, disposal, or reuse of the same recyclable materials.

74 4. The capital and operating costs Polk County estimates it  
75 would expend to fully implement any economically feasible  
76 recycling and solid waste management practices revealed by the  
77 pilot program in comparison to the same estimated costs it would  
78 expend to fully implement other alternative recycling and solid  
79 waste management practices that counties, municipalities, or  
80 special districts have implemented in this state.

81 5. The source of funds used in developing and implementing  
82 the pilot program.

83 6. The benefits to Polk County and this state from  
84 implementation of any economically viable recycling and solid  
85 waste management practices revealed by the pilot program.

86 7. A recommendation as to whether any economically viable  
87 recycling and solid waste management practices revealed by the  
88 pilot program should be available as an acceptable alternative  
89 to the traditional processes that counties, municipalities, or  
90 special districts have used to manage recyclable materials and,  
91 if so, identification of the statutory changes necessary to do  
92 so.

93 (g) The pilot program and this subsection shall expire July  
94 1, 2025.

95 Section 2. Paragraphs (a) and (c) of subsection (3) of  
96 section 403.70605, Florida Statutes, are amended to read:

97 403.70605 Solid waste collection services in competition



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98 with private companies.—

99 (3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

100 (a) As used in this subsection, the term “displacement”  
101 means a local government’s provision of a collection service  
102 which prohibits a private company from continuing to provide the  
103 same service that it was providing when the decision to displace  
104 was made. The term does not include:

105 1. Competition between the public sector and private  
106 companies for individual contracts;

107 2. Actions by which a local government, at the end of a  
108 contract with a private company or at the end of any franchise a  
109 local government has granted to a private company, refuses to  
110 renew the contract or franchise and either awards the contract  
111 or grants a franchise to another private company or companies or  
112 decides for any reason to provide the collection service itself;

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

116 4. Actions taken against a private company because the  
117 company has materially breached its contract with the local  
118 government;

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

122 6. Entering into a contract with a private company to  
123 provide garbage, trash, or refuse collection which contract is  
124 not entered into under an ordinance that displaces or authorizes  
125 the displacement of another private company providing garbage,  
126 trash, or refuse collection;



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127           7. Situations in which a majority of the property owners in  
128 the displacement area petition the governing body to take over  
129 the collection service;

130           8. Situations in which the private companies are  
131 franchised, licensed, or permitted to do business within the  
132 local government for a limited time and such franchise, license,  
133 or permit expires and is not renewed by the local government.  
134 This subparagraph does not apply to licensing or permitting  
135 processes enacted after May 1, 1999, or to occupational  
136 licenses; or

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

139  
140 ===== T I T L E   A M E N D M E N T =====

141 And the title is amended as follows:

142           Delete lines 2 - 3

143 and insert:

144           An act relating to local government waste programs;  
145           amending s. 403.706, F.S.; exempting fiscally  
146           constrained counties from certain local government  
147           recycling goals and requirements; providing an  
148           expiration date for the exemption; providing  
149           legislative findings; creating a recycled materials  
150           management pilot program for Polk County, in  
151           coordination with the University of Florida, for a  
152           specified purpose; authorizing the county to  
153           collaborate with other local governmental and private  
154           entities to carry out and finance the pilot program;  
155           exempting Polk County from specified recycling



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156 provisions while participating in the pilot program;  
157 requiring Polk County to communicate and collaborate  
158 with the Department of Environmental Protection for  
159 certain purposes; requiring Polk County to submit a  
160 report containing specified information to the  
161 Governor and the Legislature by a specified date;  
162 providing for expiration of the pilot program;  
163 amending s. 403.70605, F.S.; revising the definition  
164 of the term "displacement"; requiring a