

By Senator Albritton

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1                   A bill to be entitled  
2           An act relating to the displacement of private waste  
3           companies; amending s. 403.70605, F.S.; revising the  
4           process for a local government to displace a private  
5           waste collection company in a county or municipality;  
6           requiring a local government to announce its intent to  
7           adopt an ordinance or a resolution for organized  
8           collection service through a resolution of intent;  
9           specifying requirements for the resolution of intent;  
10          specifying requirements for a local government's plan  
11          for organized collection service; prohibiting a local  
12          government from commencing organized collection  
13          service for a specified time after adoption of a  
14          certain ordinance or resolution; requiring a local  
15          government to restart the notification and planning  
16          process under certain circumstances; defining the term  
17          "organized collection service"; providing an effective  
18          date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Subsection (3) of section 403.70605, Florida  
23           Statutes, is amended to read:

24           403.70605 Solid waste collection services in competition  
25           with private companies.—

26           (3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

27           (a) A local government may displace a private company that  
28           provides garbage, trash, or refuse collection service only by  
29           adopting an ordinance or a resolution. Before adopting the

26-01431-20

2020996\_\_

30 ordinance or resolution, the local government must do all of the  
31 following:

32 1. At least 180 days before adopting the ordinance or  
33 resolution under this subsection, announce its intent to  
34 consider the adoption of an organized collection service by a  
35 resolution of intent. The resolution of intent must:

36 a. Include specific goals to be achieved, a detailed  
37 justification for any franchise fees, and all other reasons the  
38 local government has for considering an organized collection  
39 service;

40 b. Be published once in a newspaper of general circulation  
41 in the county or municipality;

42 c. Give notice of a public hearing to be held at least 30  
43 days before consideration of the adoption of the resolution of  
44 intent; and

45 d. Invite interested persons to participate in the planning  
46 and establishing of the organized collection service, including  
47 all licensees and other persons operating solid waste or  
48 recyclables collection services in the county or municipality as  
49 of the date of announcement of its intent to establish an  
50 organized collection service in the county or municipality.

51 2. Within 90 days after adopting the resolution of intent  
52 required under subparagraph 1., develop a plan for organized  
53 collection service. The local government shall invite and employ  
54 the assistance of all licensees and other persons operating  
55 solid waste or recyclables collection services in the county or  
56 municipality. All licensees and other persons operating solid  
57 waste or recyclables collection in the county or municipality  
58 must be allowed to participate in the planning meetings.

26-01431-20

2020996\_\_

59       3. Provide at least 30 days' notice before a hearing on the  
60 proposed plan to all licensees or other persons operating solid  
61 waste or recyclables collection services in the county or  
62 municipality.

63       (b) A local government's plan for organized collection  
64 service must:

65       1. Describe in detail the procedures used for development  
66 of the plan;

67       2. Include evidence of compliance with all notice  
68 provisions required under paragraph (a);

69       3. Evaluate the proposed plan in regard to achieving the  
70 stated goals, to minimizing displacement and economic impact to  
71 current solid waste collectors, to ensuring participation of all  
72 interested parties in the decisionmaking process, and to  
73 maximizing efficiency in solid waste collection; and

74       4. Provide detailed justification for any proposed tax,  
75 franchise fee, or similar fee.

76       (c) A local government may not commence an organized  
77 collection service pursuant to this subsection for at least 5  
78 years after the adoption of an ordinance or resolution  
79 establishing the service. During this period, the local  
80 government may not displace any person licensed to operate solid  
81 waste collection services in the county or municipality.

82       (d) If for any reason a local government does not implement  
83 an organized collection service by adoption of an ordinance or  
84 resolution within 1 year after the passage of a resolution of  
85 intent, the process, as provided in this section, must be  
86 restarted.

87       (e) As used in this subsection, the term "organized

26-01431-20

2020996\_\_

88 collection service” means a system for collecting solid waste,  
89 recyclables, or both. The term includes a franchise, an  
90 organized collection, or a process in which a county or  
91 municipality goes from multiple haulers to one single contract  
92 under which a specified collector, or a member of a collectors’  
93 organization, is authorized to collect from a defined geographic  
94 service area some or all of the solid waste or recyclables from  
95 households or other generators.

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

101 ~~1. Competition between the public sector and private~~  
102 ~~companies for individual contracts;~~

103 ~~2. Actions by which a local government, at the end of a~~  
104 ~~contract with a private company, refuses to renew the contract~~  
105 ~~and either awards the contract to another private company or~~  
106 ~~decides for any reason to provide the collection service itself;~~

107 ~~3. Actions taken against a private company because the~~  
108 ~~company has acted in a manner threatening to the public health~~  
109 ~~or safety or resulting in a substantial public nuisance;~~

110 ~~4. Actions taken against a private company because the~~  
111 ~~company has materially breached its contract with the local~~  
112 ~~government;~~

113 ~~5. Refusal by a private company to continue operations~~  
114 ~~under the terms and conditions of its existing agreement during~~  
115 ~~the 3-year notice period;~~

116 ~~6. Entering into a contract with a private company to~~

26-01431-20

2020996\_\_

117 ~~provide garbage, trash, or refuse collection which contract is~~  
118 ~~not entered into under an ordinance that displaces or authorizes~~  
119 ~~the displacement of another private company providing garbage,~~  
120 ~~trash, or refuse collection;~~

121 ~~7. Situations in which a majority of the property owners in~~  
122 ~~the displacement area petition the governing body to take over~~  
123 ~~the collection service;~~

124 ~~8. Situations in which the private companies are licensed~~  
125 ~~or permitted to do business within the local government for a~~  
126 ~~limited time and such license or permit expires and is not~~  
127 ~~renewed by the local government. This subparagraph does not~~  
128 ~~apply to licensing or permitting processes enacted after May 1,~~  
129 ~~1999, or to occupational licenses; or~~

130 ~~9. Annexations, but only to the extent that the provisions~~  
131 ~~of s. 171.062(4) apply.~~

132 ~~(b) A local government or combination of local governments~~  
133 ~~may not displace a private company that provides garbage, trash,~~  
134 ~~or refuse collection service without first:~~

135 ~~1. Holding at least one public hearing seeking comment on~~  
136 ~~the advisability of the local government or combination of local~~  
137 ~~governments providing the service.~~

138 ~~2. Providing at least 45 days' written notice of the~~  
139 ~~hearing, delivered by first-class mail to all private companies~~  
140 ~~that provide the service within the jurisdiction.~~

141 ~~3. Providing public notice of the hearing.~~

142 ~~(c) Following the final public hearing held under paragraph~~  
143 ~~(b), but not later than 1 year after the hearing, the local~~  
144 ~~government may proceed to take those measures necessary to~~  
145 ~~provide the service. A local government shall provide 3 years'~~

26-01431-20

2020996\_\_

146 ~~notice to a private company before it engages in the actual~~  
147 ~~provision of the service that displaces the company. As an~~  
148 ~~alternative to delaying displacement 3 years, a local government~~  
149 ~~may pay a displaced company an amount equal to the company's~~  
150 ~~preceding 15 months' gross receipts for the displaced service in~~  
151 ~~the displacement area. The 3-year notice period shall lapse as~~  
152 ~~to any private company being displaced when the company ceases~~  
153 ~~to provide service within the displacement area. Nothing in this~~  
154 ~~paragraph prohibits the local government and the company from~~  
155 ~~voluntarily negotiating a different notice period or amount of~~  
156 ~~compensation.~~

157 Section 2. This act shall take effect July 1, 2020.