

**By** the Committees on Environment and Natural Resources; and  
Community Affairs; and Senator Albritton

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1                   A bill to be entitled  
2       An act relating to local government waste programs;  
3       amending s. 403.706, F.S.; exempting fiscally  
4       constrained counties from certain local government  
5       recycling goals and requirements; providing an  
6       expiration date for the exemption; providing  
7       legislative findings; creating a recycled materials  
8       management pilot program for Polk County, in  
9       coordination with the University of Florida, for a  
10      specified purpose; authorizing the county to  
11      collaborate with other local governmental and private  
12      entities to carry out and finance the pilot program;  
13      exempting Polk County from specified recycling  
14      provisions while participating in the pilot program;  
15      requiring Polk County to communicate and collaborate  
16      with the Department of Environmental Protection for  
17      certain purposes; requiring Polk County to submit a  
18      report containing specified information to the  
19      Governor and the Legislature by a specified date;  
20      providing for expiration of the pilot program;  
21      amending s. 403.70605, F.S.; revising the definition  
22      of the term "displacement"; requiring a local  
23      government to pay a specified amount of compensation  
24      to a displaced private waste company at the end of a  
25      specified notice period; removing a provision  
26      authorizing a local government to pay a specified  
27      amount of compensation to a private waste company as  
28      an alternative to delaying displacement for a  
29      specified period; removing a provision authorizing a

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30 local government and a private waste company to  
31 negotiate such compensation and notice period;  
32 providing an effective date.  
33

34 Be It Enacted by the Legislature of the State of Florida:  
35

36 Section 1. Subsections (23) and (24) are added to section  
37 403.706, Florida Statutes, to read:

38 403.706 Local government solid waste responsibilities.—

39 (23) A fiscally constrained county, as defined in s.  
40 218.67(1), is exempt from the goals and requirements of this  
41 section. This subsection expires July 1, 2035.

42 (24) (a) The Legislature finds that local governments,  
43 regional solid waste management authorities, and government-  
44 owned and privately owned waste management entities face  
45 significant challenges in meeting this state's waste recycling  
46 goals, as provided in subsection (2), due to a variety of  
47 factors, including the diversity and magnitude of the waste  
48 stream and the ever-changing global demand and market conditions  
49 for recyclable materials. These factors make it necessary to  
50 investigate other options for the management of recyclable  
51 material resources to ensure the protection of the environment,  
52 as well as limit the cost to the residents of this state for  
53 solid waste collection and disposal.

54 (b) A recycled materials management pilot project is  
55 created for Polk County, in coordination with the University of  
56 Florida, to identify sustainable, environmentally responsible,  
57 and cost-effective collection, storage, and retention methods  
58 for recyclable materials which have limited economic or

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59 industrial utility, but retain their potential to be  
60 reintroduced into the market through an economically viable  
61 recycling process.

62 (c) Polk County may join with one or more counties,  
63 municipalities, special districts, publicly owned or privately  
64 owned waste utilities, multijurisdictional water management  
65 entities, or other entities in carrying out the pilot program  
66 and may contract with other entities to finance or otherwise  
67 implement the operation and maintenance of the pilot program.  
68 The contracts may provide for contributions to be made by each  
69 party to the contract for the division and apportionment of  
70 resulting costs, including operations and maintenance, benefits,  
71 services, and products. The contracts may contain other  
72 covenants and agreements necessary and appropriate to accomplish  
73 their purposes. The Legislature will not provide any funding  
74 assistance for the pilot program. However, this section may not  
75 be construed so as to limit or prevent the University of Florida  
76 or any other state entity wishing to participate in the pilot  
77 program from providing in-kind services in furtherance of the  
78 goals of the pilot program.

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

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

86 (f) Polk County shall submit a report to the Governor, the  
87 President of the Senate, and the Speaker of the House of

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88 Representatives by July 1, 2025, regarding the conclusions of  
89 the pilot program. The report must include all of the following  
90 information:

91 1. A description of the pilot program, including a summary  
92 of its goals and an overview of the methodology used to identify  
93 the specific recyclable materials that were determined to  
94 provide the greatest environmental benefit and opportunity for  
95 retention and later reintroduction to the recyclable materials  
96 market.

97 2. An overview of the methodology implemented to segregate  
98 the recyclable materials of greatest environmental benefit while  
99 minimizing the handling and processing of recyclable materials  
100 of low environmental benefit.

101 3. Any progress made in developing and implementing the  
102 pilot program in comparison to the development and  
103 implementation of other processes currently being used for the  
104 collection, disposal, or reuse of the same recyclable materials.

105 4. The capital and operating costs Polk County estimates it  
106 would expend to fully implement any economically feasible  
107 recycling and solid waste management practices revealed by the  
108 pilot program in comparison to the same estimated costs it would  
109 expend to fully implement other alternative recycling and solid  
110 waste management practices that counties, municipalities, or  
111 special districts have implemented in this state.

112 5. The source of funds used in developing and implementing  
113 the pilot program.

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

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117       7. A recommendation as to whether any economically viable  
118 recycling and solid waste management practices revealed by the  
119 pilot program should be available as an acceptable alternative  
120 to the traditional processes that counties, municipalities, or  
121 special districts have used to manage recyclable materials and,  
122 if so, identification of the statutory changes necessary to do  
123 so.

124       (g) The pilot program and this subsection shall expire July  
125 1, 2025.

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

128       403.70605 Solid waste collection services in competition  
129 with private companies.—

130       (3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

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

136       1. Competition between the public sector and private  
137 companies for individual contracts;

138       2. Actions by which a local government, at the end of a  
139 contract with a private company or at the end of any franchise a  
140 local government has granted to a private company, refuses to  
141 renew the contract or franchise and either awards the contract  
142 or grants a franchise to another private company or companies or  
143 decides for any reason to provide the collection service itself;

144       3. Actions taken against a private company because the  
145 company has acted in a manner threatening to the public health

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146 or safety or resulting in a substantial public nuisance;

147 4. Actions taken against a private company because the  
148 company has materially breached its contract with the local  
149 government;

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

153 6. Entering into a contract with a private company to  
154 provide garbage, trash, or refuse collection which contract is  
155 not entered into under an ordinance that displaces or authorizes  
156 the displacement of another private company providing garbage,  
157 trash, or refuse collection;

158 7. Situations in which a majority of the property owners in  
159 the displacement area petition the governing body to take over  
160 the collection service;

161 8. Situations in which the private companies are  
162 franchised, licensed, or permitted to do business within the  
163 local government for a limited time and such franchise, license,  
164 or permit expires and is not renewed by the local government.  
165 This subparagraph does not apply to licensing or permitting  
166 processes enacted after May 1, 1999, or to occupational  
167 licenses; or

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

170 (c) Following the final public hearing held under paragraph  
171 (b), but not later than 1 year after the hearing, the local  
172 government may proceed to take those measures necessary to  
173 provide the service. The ~~A~~ local government shall provide 3  
174 years' notice to the ~~a~~ private company before it engages in the

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175 actual provision of the service that displaces the company. At  
176 the end of the 3-year notice period ~~As an alternative to~~  
177 ~~delaying displacement 3 years,~~ the a local government shall ~~may~~  
178 pay the a displaced company an amount equal to the company's  
179 preceding 18 ~~15~~ months' gross receipts for the displaced service  
180 in the displacement area. The 3-year notice period shall lapse  
181 as to any private company being displaced when the company  
182 ceases to provide service within the displacement area. ~~Nothing~~  
183 ~~in this paragraph prohibits the local government and the company~~  
184 ~~from voluntarily negotiating a different notice period or amount~~  
185 ~~of compensation.~~

186 Section 3. This act shall take effect July 1, 2020.