

**By** the Committees on Community Affairs; 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 recycling goals set forth in this  
41 section and any requirements relating thereto. This subsection  
42 expires July 1, 2035.

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

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

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59 for recyclable materials which have limited economic or  
60 industrial utility, but retain their potential to be  
61 reintroduced into the market through an economically viable  
62 recycling process.

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

80 (d) During the term of the pilot program, Polk County is  
81 exempt from the recycling goals set forth in this section and  
82 any requirements relating thereto.

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

87 (f) Polk County shall submit a report to the Governor, the

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

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

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

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

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

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

115 6. The benefits to Polk County and this state from  
116 implementation of any economically viable recycling and solid

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117 waste management practices revealed by the pilot program.

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

125 (g) The pilot program and this subsection shall expire July  
126 1, 2025.

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

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

131 (3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

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

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

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

145 3. Actions taken against a private company because the

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146 company has acted in a manner threatening to the public health  
147 or safety or resulting in a substantial public nuisance;

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

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

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

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

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

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

171 (c) Following the final public hearing held under paragraph  
172 (b), but not later than 1 year after the hearing, the local  
173 government may proceed to take those measures necessary to  
174 provide the service. The ~~A~~ local government shall provide 3

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

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