

By the Committee on Community Affairs; and Senators Rodrigues and Perry

578-03606-21

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1 A bill to be entitled
2 An act relating to waste management; amending s.
3 403.7033, F.S.; requiring the Department of
4 Environmental Protection to review and update its
5 report on retail bags and submit the updated report to
6 the Legislature by a specified date; amending s.
7 403.70605, F.S.; requiring a local government to pay a
8 specified amount of compensation to a displaced
9 private waste company at the end of a specified notice
10 period; removing a provision authorizing a local
11 government to pay a specified amount of compensation
12 to a private waste company as an alternative to
13 delaying displacement for a specified period; removing
14 a provision authorizing a local government and private
15 waste company to negotiate such compensation and
16 notice; providing an effective date.
17

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

20 Section 1. Section 403.7033, Florida Statutes, is amended
21 to read:

22 403.7033 Departmental analysis of particular recyclable
23 materials.—The Legislature finds that prudent regulation of
24 recyclable materials is crucial to the ongoing welfare of
25 Florida's ecology and economy. As such, the Department of
26 Environmental Protection shall review and update its 2010 report
27 on retail bags analyzing ~~undertake an analysis of~~ the need for
28 new or different regulation of auxiliary containers, wrappings,
29 or disposable plastic bags used by consumers to carry products

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30 from retail establishments. The updated report must ~~analysis~~
31 ~~shall~~ include input from state and local government agencies,
32 stakeholders, private businesses, and citizens, and must ~~shall~~
33 evaluate the efficacy and necessity of both statewide and local
34 regulation of these materials. To ensure consistent and
35 effective implementation, the department shall submit the
36 updated ~~a~~ report with conclusions and recommendations to the
37 Legislature no later than December 31, 2021 ~~February 1, 2010~~.
38 Until such time that the Legislature adopts the recommendations
39 of the department, a ~~no~~ local government, local governmental
40 agency, or state governmental ~~government~~ agency may not enact
41 any rule, regulation, or ordinance regarding use, disposition,
42 sale, prohibition, restriction, or tax of such auxiliary
43 containers, wrappings, or disposable plastic bags.

44 Section 2. Paragraph (c) of subsection (3) of section
45 403.70605, Florida Statutes, is amended to read:

46 403.70605 Solid waste collection services in competition
47 with private companies.—

48 (3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

49 (c) Following the final public hearing held under paragraph
50 (b), but not later than 1 year after the hearing, the local
51 government may proceed to take those measures necessary to
52 provide the service. The ~~A~~ local government shall provide 3
53 years' notice to the ~~a~~ private company before it engages in the
54 actual provision of the service that displaces the company. At
55 the end of the 3-year notice period ~~As an alternative to~~
56 ~~delaying displacement 3 years,~~ the ~~a~~ local government shall ~~may~~
57 pay the ~~a~~ displaced company an amount equal to the company's
58 preceding 18 ~~15~~ months' gross receipts for the displaced service

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59 in the displacement area. The 3-year notice period shall lapse
60 as to any private company being displaced when the company
61 ceases to provide service within the displacement area. ~~Nothing~~
62 ~~in this paragraph prohibits the local government and the company~~
63 ~~from voluntarily negotiating a different notice period or amount~~
64 ~~of compensation.~~

65 Section 3. This act shall take effect July 1, 2021.