

By the Committees on Appropriations; and Community Affairs; and
Senators Rodrigues and Perry

576-04229-21

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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;
14 providing applicability; amending s. 403.703, F.S.;
15 defining the term "storm-generated yard trash";
16 reenacting and amending s. 403.7071, F.S.; providing
17 that private solid waste or debris management service
18 providers are not required to collect storm-generated
19 yard trash unless required to do so by contract or
20 franchise agreement with a local government; providing
21 an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 403.7033, Florida Statutes, is amended
26 to read:

27 403.7033 Departmental analysis of particular recyclable
28 materials.—The Legislature finds that prudent regulation of
29 recyclable materials is crucial to the ongoing welfare of

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30 Florida's ecology and economy. As such, the Department of
 31 Environmental Protection shall review and update its 2010 report
 32 on retail bags analyzing ~~undertake an analysis of~~ the need for
 33 new or different regulation of auxiliary containers, wrappings,
 34 or disposable plastic bags used by consumers to carry products
 35 from retail establishments. The updated report must ~~analysis~~
 36 ~~shall~~ include input from state and local government agencies,
 37 stakeholders, private businesses, and citizens, ~~and~~ must ~~shall~~
 38 evaluate the efficacy and necessity of both statewide and local
 39 regulation of these materials. To ensure consistent and
 40 effective implementation, the department shall submit the
 41 updated ~~a~~ report with conclusions and recommendations to the
 42 Legislature no later than December 31, 2021 ~~February 1, 2010~~.
 43 Until such time that the Legislature adopts the recommendations
 44 of the department, a ~~no~~ local government, local governmental
 45 agency, or state governmental ~~government~~ agency may not enact
 46 any rule, regulation, or ordinance regarding use, disposition,
 47 sale, prohibition, restriction, or tax of such auxiliary
 48 containers, wrappings, or disposable plastic bags.

49 Section 2. Paragraph (c) of subsection (3) of section
 50 403.70605, Florida Statutes, is amended to read:

51 403.70605 Solid waste collection services in competition
 52 with private companies.—

53 (3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

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

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59 actual provision of the service that displaces the company. At
60 the end of the 3-year notice period ~~As an alternative to~~
61 ~~delaying displacement 3 years,~~ the a local government shall ~~may~~
62 pay the a displaced company an amount equal to the company's
63 preceding 18 ~~15~~ months' gross receipts for the displaced service
64 in the displacement area. The 3-year notice period shall lapse
65 as to any private company being displaced when the company
66 ceases to provide service within the displacement area. ~~Nothing~~
67 ~~in~~ This paragraph does not prohibit ~~prohibits~~ the local
68 government and the company from voluntarily negotiating a
69 different notice period or amount of compensation.

70 Section 3. This act does not apply to any displacement as
71 defined in s. 403.70605(3)(a), Florida Statutes, if the local
72 government provided 3 years' notice to the displaced private
73 company or companies on or before December 31, 2020.

74 Section 4. Present subsections (42) through (47) of section
75 403.703, Florida Statutes, are redesignated as subsections (43)
76 through (48), respectively, and a new subsection (42) is added
77 to that section, to read:

78 403.703 Definitions.—As used in this part, the term:

79 (42) (a) "Storm-generated yard trash" means vegetative
80 matter that:

81 1. Results from a tropical storm, a hurricane, a tornado,
82 or any other significant weather event and is located or placed
83 within a federally designated disaster area on public property
84 or a public right-of-way;

85 2. Is eligible for federal reimbursement under 42 U.S.C. s.
86 5121 et seq.; and

87 3. Is placed curbside or on public property or a public

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88 right-of-way within the 15-day period after the tropical storm,
89 hurricane, tornado, or other significant weather event that is
90 the subject of the federally declared disaster.

91 (b) The term includes storm-generated debris under s.
92 403.7071.

93 Section 5. Subsection (7) is added to section 403.7071,
94 Florida Statutes, and subsection (6) of that section is
95 reenacted, to read:

96 403.7071 Management of storm-generated debris.—Solid waste
97 generated as a result of a storm event that is the subject of an
98 emergency order issued by the department may be managed as
99 follows:

100 (6) Local governments or their agents may conduct the
101 burning of storm-generated yard trash, other storm-generated
102 vegetative debris, or untreated wood from construction and
103 demolition debris in air-curtain incinerators without prior
104 notice to the department. Within 10 days after commencing such
105 burning, the local government shall notify the department in
106 writing describing the general nature of the materials burned;
107 the location and method of burning; and the name, address, and
108 telephone number of the representative of the local government
109 to contact concerning the work. The operator of the air-curtain
110 incinerator is subject to any requirement of the Florida Forest
111 Service or of any other agency concerning authorization to
112 conduct open burning. Any person conducting open burning of
113 vegetative debris is also subject to such requirements.

114 (7) Unless otherwise specified in a contract or franchise
115 agreement between a local government and a private solid waste
116 or debris management service provider, a private solid waste or

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117 debris management service provider is not required to collect
118 storm-generated yard trash.

119 Section 6. This act shall take effect July 1, 2021.