

By Senator Baxley

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1 A bill to be entitled
2 An act relating to local governmental actions against
3 public or private waste entities; amending s. 403.706,
4 F.S.; prohibiting counties and municipalities from
5 seeking liquidated damages, administrative fees, or
6 other similar charges against certain waste entities
7 during certain declared emergencies; providing for the
8 administration of such damages, fees, or other similar
9 charges against certain waste entities during other
10 times; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsection (14) of section 403.706, Florida
15 Statutes, is amended to read:

16 403.706 Local government solid waste responsibilities.—

17 (14) ~~Nothing in~~ This act may not shall be construed to
18 prevent the governing body of any county or municipality from
19 providing by ordinance or regulation for solid waste management
20 requirements that which are stricter or more extensive than
21 those imposed by the state solid waste management program and
22 rules, regulations, and orders issued thereunder. However, if
23 such requirements authorize the governing body of any county or
24 municipality to seek liquidated damages, administrative fees, or
25 other similar charges against a public or private solid waste
26 management service or recycling entity, the governing body of
27 the county or municipality:

28 (a) May not seek such damages, fees, or charges for action
29 or inaction during any time period in which a declared local,

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30 state, or federal emergency is in effect.

31 (b) Must calculate such damages, fees, or charges based on
32 the amount billed to a customer for the hauler collection
33 service billed that day at the daily rate. The calculated amount
34 may not exceed 50 percent of the billed amount for that specific
35 customer that day.

36 (c) Must apply such damages, fees, or charges to all
37 contracts executed or renewed on or after July 1, 2022.

38 Section 2. This act shall take effect July 1, 2022.