

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to solid waste management; amending s.
3 403.706, F.S.; prohibiting municipalities and counties
4 from prohibiting or unreasonably restraining private
5 entities from providing recycling or solid waste
6 management services to certain properties; authorizing
7 municipalities and counties to require such private
8 entities to obtain permits, licenses, or nonexclusive
9 franchise equivalents that meet certain requirements;
10 requiring municipalities and counties to apply certain
11 fees to all permit, license, and nonexclusive
12 franchise equivalent holders; providing requirements
13 for contracts or franchises in place as of a specified
14 date; providing an effective date.

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

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18 Section 1. Present subsection (23) of section 403.706,
19 Florida Statutes, is redesignated as subsection (24), and a new
20 subsection (23) is added to that section, to read:

21 403.706 Local government solid waste responsibilities.—

22 (23) A municipality or county may not prohibit or
23 unreasonably restrain a private entity from providing recycling
24 or solid waste management services to commercial, industrial, or
25 multifamily residential properties, including condominiums,
26 within the municipality or county.

27 (a) A municipality or county may require the private entity
28 to obtain a permit, license, or nonexclusive franchise
29 equivalent. The permit, license, or nonexclusive franchise

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30 equivalent may not cost more than the administrative cost to
31 issue the permit, license, or nonexclusive franchise equivalent.
32 Such costs must be commensurate with other industries, license
33 fees, insurance requirements, and qualifications for the
34 issuance of the permit, license, or nonexclusive franchise
35 equivalent.

36 (b) A municipality or county must:

37 1. Require any franchise fee in place to be paid by all
38 permit, license, or nonexclusive franchise equivalent holders.

39 2. Recognize and protect all contracts or franchises in
40 place as of January 1, 2023, until their current date of
41 expiration. A municipality or county may recognize a contract or
42 exclusive franchise in place as of January 1, 2023, which
43 contains a renewal option during the 2023 calendar year but may
44 not recognize an evergreen contract or an additional renewal or
45 extension of a contract.

46 Section 2. This act shall take effect July 1, 2023.