CS/HB 975 2023

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; requiring municipalities and counties to apply certain 10 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; authorizing municipalities and counties to 15 impose certain franchise fees under a specified 16 condition; providing applicability; providing an effective date. 17

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

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

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403.706 Local government solid waste responsibilities.-

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(23) A municipality or county may not prohibit or

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CODING: Words stricken are deletions; words underlined are additions.

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unreasonably restrain a private entity from providing recycling or solid waste management services to commercial, industrial, or multifamily residential properties, including condominiums, within the municipality or county.

- (a) A municipality or county may require the private entity to obtain a permit, license, or nonexclusive franchise equivalent. The permit, license, or nonexclusive franchise equivalent may not cost more than the administrative cost to issue the permit, license, or nonexclusive franchise equivalent. Such costs must be commensurate with other industries, license fees, insurance requirements, and qualifications for the issuance of the permit, license, or nonexclusive franchise equivalent.
 - (b) A municipality or county must:

- 1. Require any franchise fee in place to be paid by all permit, license, or nonexclusive franchise equivalent holders.
- 2. Recognize and protect all contracts or franchises in place as of January 1, 2023, until their current date of expiration. A municipality or county may recognize a contract or exclusive franchise in place as of January 1, 2023, which contains a renewal option during the 2023 calendar year but may not recognize an evergreen contract or an additional renewal or extension of a contract.
- (c) Notwithstanding paragraph (a), a municipality or county that had a franchise fee in place as of January 1, 2023,

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(d) This subsection does not apply to a municipality or county that is an exclusive provider of solid waste collection services in its jurisdiction performed by employees of the municipality or county using equipment owned by the municipality or county.

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