

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

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

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

24           403.706 Local government solid waste responsibilities.—

25           (23) A municipality or county may not prohibit or

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

30 (a) A municipality or county may require the private  
31 entity to obtain a permit, license, or nonexclusive franchise  
32 equivalent. The permit, license, or nonexclusive franchise  
33 equivalent may not cost more than the administrative cost to  
34 issue the permit, license, or nonexclusive franchise equivalent.  
35 Such costs must be commensurate with other industries, license  
36 fees, insurance requirements, and qualifications for the  
37 issuance of the permit, license, or nonexclusive franchise  
38 equivalent.

39 (b) A municipality or county must:

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

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

49 (c) Notwithstanding paragraph (a), a municipality or  
50 county that had a franchise fee in place as of January 1, 2023,

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51 that contains a surcharge may continue to impose such fee for  
52 the duration of a contract recognized pursuant to subparagraph  
53 (b)2. if the franchise fee otherwise complies with this  
54 subsection.

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

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