

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;
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,

CS/HB 975

2023

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.