

CHAPTER 2021-125

Committee Substitute for Committee Substitute for Senate Bill No. 694

An act relating to waste management; amending s. 403.7033, F.S.; requiring the Department of Environmental Protection to review and update its report on retail bags and submit the updated report to the Legislature by a specified date; amending s. 403.70605, F.S.; requiring a local government to pay a specified amount of compensation to a displaced private waste company at the end of a specified notice period; removing a provision authorizing a local government to pay a specified amount of compensation to a private waste company as an alternative to delaying displacement for a specified period; providing applicability; amending s. 403.703, F.S.; defining the term “storm-generated yard trash”; reenacting and amending s. 403.7071, F.S.; providing that private solid waste or debris management service providers are not required to collect storm-generated yard trash unless required to do so by contract or franchise agreement with a local government; providing an effective date.

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

Section 1. Section 403.7033, Florida Statutes, is amended to read:

403.7033 Departmental analysis of particular recyclable materials.— The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida’s ecology and economy. As such, the Department of Environmental Protection shall review and update its 2010 report on retail bags analyzing ~~undertake an analysis of~~ the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The updated report ~~must analysis shall~~ include input from state and local government agencies, stakeholders, private businesses, and citizens, and ~~must shall~~ evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit the updated a report with conclusions and recommendations to the Legislature no later than December 31, 2021 ~~February 1, 2010~~. Until such time that the Legislature adopts the recommendations of the department, ~~a~~ no local government, local governmental agency, or state ~~governmental~~ government agency may not enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.

Section 2. Paragraph (c) of subsection (3) of section 403.70605, Florida Statutes, is amended to read:

403.70605 Solid waste collection services in competition with private companies.—

(3) DISPLACEMENT OF PRIVATE WASTE COMPANIES.—

(c) Following the final public hearing held under paragraph (b), but not later than 1 year after the hearing, the local government may proceed to take those measures necessary to provide the service. ~~The~~ A local government shall provide 3 years’ notice to ~~the~~ a private company before it engages in the actual provision of the service that displaces the company. ~~At the end of the 3-year notice period~~ As an alternative to delaying displacement 3 years, the a local government shall ~~may~~ pay ~~the~~ a displaced company an amount equal to the company’s preceding ~~18~~ 15 months’ gross receipts for the displaced service in the displacement area. The 3-year notice period shall lapse as to any private company being displaced when the company ceases to provide service within the displacement area. ~~Nothing in~~ This paragraph does not prohibit ~~prohibits~~ the local government and the company from voluntarily negotiating a different notice period or amount of compensation.

Section 3. This act does not apply to any displacement as defined in s. 403.70605(3)(a), Florida Statutes, if the local government provided 3 years’ notice to the displaced private company or companies on or before December 31, 2020.

Section 4. Present subsections (42) through (47) of section 403.703, Florida Statutes, are redesignated as subsections (43) through (48), respectively, and a new subsection (42) is added to that section, to read:

403.703 Definitions.—As used in this part, the term:

(42)(a) “Storm-generated yard trash” means vegetative matter that:

1. Results from a tropical storm, a hurricane, a tornado, or any other significant weather event and is located or placed within a federally designated disaster area on public property or a public right-of-way;

2. Is eligible for federal reimbursement under 42 U.S.C. s. 5121 et seq.; and

3. Is placed curbside or on public property or a public right-of-way within the 15-day period after the tropical storm, hurricane, tornado, or other significant weather event that is the subject of the federally declared disaster.

(b) The term includes storm-generated debris under s. 403.7071.

Section 5. Subsection (7) is added to section 403.7071, Florida Statutes, and subsection (6) of that section is reenacted, to read:

403.7071 Management of storm-generated debris.—Solid waste generated as a result of a storm event that is the subject of an emergency order issued by the department may be managed as follows:

(6) Local governments or their agents may conduct the burning of storm-generated yard trash, other storm-generated vegetative debris, or untreated wood from construction and demolition debris in air-curtain incinerators without prior notice to the department. Within 10 days after commencing such burning, the local government shall notify the department in writing describing the general nature of the materials burned; the location and method of burning; and the name, address, and telephone number of the representative of the local government to contact concerning the work. The operator of the air-curtain incinerator is subject to any requirement of the Florida Forest Service or of any other agency concerning authorization to conduct open burning. Any person conducting open burning of vegetative debris is also subject to such requirements.

(7) Unless otherwise specified in a contract or franchise agreement between a local government and a private solid waste or debris management service provider, a private solid waste or debris management service provider is not required to collect storm-generated yard trash.

Section 6. This act shall take effect July 1, 2021.

Approved by the Governor June 21, 2021.

Filed in Office Secretary of State June 21, 2021.