

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 266

SPONSOR: Senator Dyer

SUBJECT: Solid Waste Collection

DATE: January 3, 2002

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bowman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
2.	<u>McAuliffe</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides that a plan for incorporation of a new municipality must honor existing solid waste contracts in the affected geographic area subject to incorporation, and states that the plan may provide that existing contracts for solid waste collection services be honored for a specified period of time.

The bill also exempts solid-waste or recovered-materials collection vehicles from a prohibition against leaving the engine running when the vehicle is unattended.

This bill amends sections 165.061 and 316.1975, of the Florida Statutes.

II. Present Situation:

Chapter 2000-304, Laws of Florida, amended s. 165.061(2), F.S., regarding the incorporation of a new municipality through the merger of existing municipalities and associated unincorporated areas to provide in paragraph (d) that:

In accordance with s. 10, Art. I of the State Constitution, the plan for merger or incorporation must honor existing solid waste contracts in the affected geographic area subject to merger or incorporation; however, the plan for merger or incorporation may provide that existing contracts for solid waste collection services shall be honored only for 5 years, or the remainder of the contract term, whichever is shorter, and may require that a copy of the pertinent portion of the contract or other written evidence of the duration of the contract, excluding any automatic renewals or so-called "evergreen" provisions, be provided to the municipality within a reasonable time following a written request to do so.

Given the placement of this language as an amendment to s. 165.061(2), F.S., regarding merger, it is unclear whether the requirements of paragraph (d) apply to municipalities created through incorporation as set forth in s. 165.061(1), F.S., the incorporation of a new municipality, in addition to through the merger of existing municipalities.

Section 316.1975, F.S., creates a traffic offense of leaving a running motor vehicle unattended. In order to leave a motor vehicle unattended, the engine must be stopped, the ignition locked and the key removed. Subsection (2) of s. 316.1975, F.S., exempts certain emergency vehicles and delivery trucks. A violation of this section is a noncriminal traffic infraction punishable as a nonmoving traffic violation. The civil penalty established for nonmoving traffic violations is \$30 pursuant to s. 318.18(2), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 165.061, F.S., is amended to provide that a plan for incorporation of a municipality must honor existing solid waste contracts in the area subject to incorporation. However, the plan may provide that the existing contracts will be honored for only 5 years or the remainder of the contract whichever is less. The length of the remaining contract will be determined excluding any “evergreen” provisions or any automatic renewals. The plan may require that a copy of the pertinent portion of an existing solid waste contract or other written evidence of the contract duration be provided to the municipality within a reasonable time following a request for the documents.

Section 2 amends s. 316.1975(2), F.S., to exclude solid-waste or recovered-materials collection vehicles, while they are collecting solid waste and recovered materials, from the prohibition against leaving motor vehicles unattended.

Section 3 provides an effective date of July 1, 2002.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill protects private waste franchise holders by requiring that, in the event of incorporation of a new municipality, the incorporation plan must recognize existing franchise agreements for a period of 5 years or the remainder of the term of the franchise, whichever is less.

C. Government Sector Impact:

Local governments would lose civil penalties resulting from the enforcement of the traffic infraction of leaving a motor vehicle unattended to the extent that the law is enforced against solid waste and recovered material vehicle, but the amount of this lost revenue would be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.