

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, PERTAINING TO SOLID WASTE; PROVIDING CERTAIN FINDINGS; AMENDING SECTION 82-38 OF THE CITRUS COUNTY CODE OF ORDINANCES ENTITLED POWERS OF COUNTY; AMENDING SECTION 82-76 OF THE CITRUS COUNTY CODE OF ORDINANCES ENTITLED DEFINITIONS; AMENDING SECTION 82-77 OF THE CITRUS COUNTY CODE OF ORDINANCES ENTITLED PENALTIES FOR VIOLATION OF ARTICLE; AMENDING SECTION 19-63 OF THE CITRUS COUNTY CODE OF ORDINANCES ENTITLED APPLICABLE CODES AND ORDINANCES; AMENDING SECTION 82-101 OF THE CITRUS COUNTY CODE OF ORDINANCES ENTITLED CERTIFICATION OF COLLECTORS; AMENDING SECTION 82-103 OF THE CITRUS COUNTY CODE OF ORDINANCES ENTITLED PROMULGATION OF SOLID WASTE COLLECTION ROUTES AND SCHEDULES; AMENDING SECTION 82-106 OF THE CITRUS COUNTY CODE OF ORDINANCES ENTITLED COLLECTION OF SPECIAL, HAZARDOUS, BIOLOGICAL WASTE AND SLUDGE; ADOPTING A NEW SECTION 82-111 OF THE CITRUS COUNTY CODE OF ORDINANCES PERTAINING TO COLLECTOR CERTIFICATION SUSPENSION OR REVOCATION; ADOPTING A NEW SECTION 82-125 OF THE CITRUS COUNTY CODE PERTAINING TO SEPARATION OF LOADS; REPEALING CHAPTER 90, ARTICLE XVIII OF THE CITRUS COUNTY CODE OF ORDINANCES ENTITLED COUNTY SOLID WASTE MUNICIPAL SERVICE BENEFIT UNIT IN ITS ENTIRETY;

PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND INCLUSION INTO THE CODE; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Citrus County Board of County Commissioners (“Board”) is the legislative and governing body of Citrus County, Florida a political subdivision of the State of Florida, authorized to exercise governmental powers pursuant to Article VIII of the Constitution of the State of Florida and Section 125.01, Florida Statutes; and

WHEREAS, the Board is charged with the responsibility of protecting the public by adopting and enforcing provisions related to protecting our natural resources, including resource recovery and solid waste management within Citrus County; and

WHEREAS, pursuant to Section 403.706, Florida Statutes, the responsibility and power to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the County has been legislatively granted to the County; and

WHEREAS, pursuant to state regulations, the County is obligated to provide for closure, long term care, monitoring and associated services, facilities, and programs for the County landfill in accordance with all associated permits; and

WHEREAS, pursuant to Sections 403.706, Florida Statutes, the County is empowered to adopt ordinances governing the disposal of solid waste generated outside the county and to adopt reasonable fees for the handling and disposal of solid waste; and

WHEREAS, pursuant to Section 403.713, Florida Statutes, the County, which undertakes resource recovery from solid waste within the County, is empowered to control the collection and disposal of solid waste generated within the County; and

WHEREAS, in furtherance of these requirements and objectives, Citrus County adopted Chapter 82 of the Citrus County Code, to provide for and regulate the financing of solid waste facilities, the collection and disposal of solid waste, and collectors and collection services within the County; and

WHEREAS, the Board now desires to make certain revisions to Chapter 82 of the Citrus County Code; and

WHEREAS, the Board has provided the required public notice, scheduled and held the necessary hearings, and considered public comment in order to adopt this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY:

Section 1. Amendment of Section 82-38 of the Citrus County Code. Section 82-38 of the Citrus County Code of Ordinances, entitled Powers of County, is hereby amended as follows:

Sec. 82-38. Powers of county.

The county shall have the power to, and all powers necessary and incidental to, accomplish the purpose of this article including, without limitation, the power to:

* * *

(2) Fix and collect rates for the use of the services and facilities furnished by any project and determine the selling prices for, charge such prices for and selling the projects and any valuable byproducts produced by any project. All Rates shall be established by resolution of the Board adopted at a public hearing called for that purpose. Notice of the public hearing shall be given in a newspaper of general circulation in the County once each week for two weeks prior to the hearing.

* * *

(8) Levy and collect assessments in accordance with Chapter 86 of the Citrus County Code of Ordinances or such other County ordinance enacted by the Board ~~in the manner provided in F.S. §§ 197.3632 and 197.3635, as amended, or in such other manner as may be authorized by county ordinance or be permitted by general or special law,~~ for any one or more of the following purposes: to pay the cost of any project; to pay the operating expenses for any project; and to pay the principal of; premium, if any; and interest on any bonds.

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[underline indicates additions; ~~striketrough~~ indicates deletions]

Section 2. Amendment of Section 82-76 of the Citrus County Code. Section 82-76 of the Citrus County Code of Ordinances, entitled Definitions, is hereby amended as follows:

Sec. 82-76. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular numbers and words in the singular number include the plural. The word "shall" is always mandatory and not merely discretionary or directory.

Biological waste means solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biomedical waste, diseased or dead animals, which died from disease and other wastes capable of transmitting pathogens to humans or animals. The term does not include human remains that are disposed of by persons licensed under Chapter 497, or its statutory successor in function F.S. Ch. 470.

* * *

City Solid Waste means Solid Waste generated by properties lying within the incorporated areas of the City of Inverness or the City of Crystal River.

* * *

Commercial collection service means service to all nonresidential, commercial, ~~and industrial establishments, and other properties receiving Commercial Container service, except that including mobile home parks and campgrounds that include recreational vehicle spaces shall be considered commercial.~~

* * *

Commercial Solid Waste means Solid Waste generated by all nonresidential, commercial, and industrial establishments, and other properties receiving Commercial Collection Service.

* * *

Construction and demolition debris means discarded materials generally considered to be not water-soluble and nonhazardous in nature including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard and lumber, from the construction or destruction of a structure and includes including such debris from construction of structures at a site remote from the construction or demolition project site.

The term also includes rocks, soil, tree remains, trees and other vegetative matter which normally results from land clearing or land development operations for a construction project; clean cardboard, paper, plastic, wood and metal scraps, from a construction project; except as provided in F.S. § 403.707(129)(j) or its statutory successor in function, yard trash and unpainted, untreated wood scraps and wood pallets from sources other than construction or demolition projects; from facilities manufacturing materials used for construction of structures or their components and unpainted, untreated wood pallets, provided the wood scraps and pallets are separated from other solid waste where generated, and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; scrap from manufacturing facilities which is the type of material generally used in construction projects and which would meet the definition of construction and demolition debris if it were generated as part of a

construction or demolition project. This includes debris from the construction of manufactured homes and scrap shingles, wallboard, siding concrete, and similar materials from industrial or commercial facilities; and de minimus amounts of other nonhazardous solid waste that is generated at construction or ~~demolition~~ destruction projects, provided such amounts are consistent with best management practices of the construction and demolition industries. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

County Solid Waste means Solid Waste generated by properties lying within the unincorporated areas of Citrus County.

* * *

Coordinator means the Director of the Citrus County Public Works department or such person's designee.

* * *

Disaster means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by the Board, the Governor of the State of Florida, or the President of the United States.

* * *

Hazardous waste means ~~a solid waste regulated by the department as a hazardous waste pursuant to 62-730 F.A.C.~~ solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. The term does not include human remains that are disposed of by persons licensed under chapter 497 or its statutory successor in function.

* * *

Residential Solid Waste means all Solid Waste that is not Commercial Solid Waste and generated by residential properties within the County.

* * *

Solid waste management facility means any solid waste disposal area, volume reduction plants, transfer station, materials recovery facility or other

facility, ~~for~~ the purpose of which is resource recovery, or the disposal, recycling, processing, or storage of solid waste. The term does not include recovered materials processing facilities or pyrolysis facilities that ~~which~~ meet the requirements of s. 403.7046 or its statutory successor in function ~~paragraph 62-701.220(2) © F.A.C.~~, except the portions of such facilities, if any, that is used for the management of solid waste.

* * *

White goods includes ~~mean inoperative and~~ discarded air conditioners, heaters, refrigerators, ranges, washers, water heaters, freezers, and other similar domestic and commercial large appliances.

Yard trash means vegetative matter resulting from landscaping maintenance ~~or~~ and land clearing operations and includes associated rocks and soils ~~materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.~~

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[underline indicates additions; ~~striketrough~~ indicates deletions]

Section 3. Amendment of Section 82-77 of the Citrus County Code. Section 82-77 of the Citrus County Code of Ordinances, entitled Penalties for Violation of Article, is hereby amended as follows:

Sec. 82-77. Penalties for violation of article. In addition to all other means of enforcement provided for in Florida law and the Citrus County Code of Ordinances, violations of this article may be enforced as follows:

(a) The coordinator may, upon probably ~~cause~~ to believe that a collector has violated the terms of this article, schedule a hearing before the county administrator on the question of whether a collector may be subject to fines, payment of lost revenue and/or whether the certification shall be suspended or revoked. Prior to a hearing, at least ten days' notice shall be given by registered or certified mail, to the certification holder at his last known address. After a hearing, the county administrator may levy fines up to \$500.00 per violation, require payment of revenue lost to the county due to such acts of the collector, suspend or revoke any such certification for committing acts in violation of this article, gross incompetency or negligence in conducting work in the trade, misrepresentation of any sort, financial irresponsibility, conviction of a felony, or for permitting a certification to be used by any other person for the purpose of conducting business pursuant to this article. The severity of such suspension or revocation shall bear a reasonable relation to the severity of the offense. Upon petition of the aggrieved certification holder, the board of county commissioners shall review any order that may have been given by the county administrator

levying fines, requiring payment of lost revenue, suspending or revoking any certification and the evidence submitted in support thereof, provided that notice of petition shall have been given by the person who has been subject to penalties, to the county administrator and the board of county commissioners within 30 days after the entry by the county administrator of the order of penalties. In lieu of a hearing before the board of county commissioners, the board may appoint a hearing officer to hear the appeal and provide a recommended order to the Board for its final action. The hearing officer shall be a member of the Florida Bar for at least five years. In no case should the hearing before the board of county commissioners or a hearing officer be held no later than 45 days from the filing of the notice of appeal. If the penalties should be affirmed by the board of county commissioners, the aggrieved certification holder may appeal from any such order of affirmance to the county circuit court within 30 days after entry of such order of affirmance. The appeal shall be certiorari and be governed by the rules of appellate procedure. Failure to petition for review within the 30-day limits imposed by this section shall forever bar the review action. The above appeal process shall apply to the denial of a certification by the coordinator.

- (b) Violations of this article may be enforced by the county and the sheriff's office as provided in section 1-9 of the Citrus County Code and Section 125.69, Florida Statutes. Such enforcement includes prosecution in the same manner as misdemeanors and imposition of fines not to exceed \$500.00 or imprisonment in county jail not to exceed 60 days or by both a fine and imprisonment.

- (be) ~~In addition, violations of this article are punishable as provided in section 1-9~~Violations of this article may be enforced by the county and the sheriff's office through issuance of a civil citation to any person pursuant to Chapter 19, Article III, Division II of the Citrus County Code of Ordinances. In such circumstances, the violation shall be deemed a civil infraction. Any person to whom a civil infraction is issued shall pay the fine by the designated date or appear in county court at the date, time, and location designated in the citation. Any person requesting a hearing in county court waives the right to pay the minimum civil penalties. Penalties shall be in addition to court costs established by statute. Minimum civil penalties for a violation are provided in Section 19-63 of the Citrus County Code of Ordinances. Each day a violation of this article continues unabated shall be deemed a separate violation of same for penalty purposes.

- (d) In addition to the penalties as provided herein, the County shall have recourse to such remedies as provided in law and equity to ensure compliance with the provisions of this article, to include temporary and permanent injunctive relief and recovery of damages.

- (e) Collectors may also be subject to suspension or revocation of their Certification in accordance with Sec. 82-111 of the Citrus County Code of Ordinances.

[underline indicates additions; ~~striketrough~~ indicates deletions]

Section 4. Amendment of Section 19-63 of the Citrus County Code. Section 19-63 of the Citrus County Code of Ordinances, entitled Applicable Codes and Ordinances, is hereby amended to add the following to Exhibit A, the schedule of county codes and ordinances which may be enforced pursuant to Chapter 19, Article III, Division II of the Citrus County Code of Ordinances:

Code or Ordinance	Section	Description	Class	Penalty
Ch. 82	Art. III	Collection and/or Disposal Violations	IV	\$300.00

Section 5. Amendment of Section 82-101 of the Citrus County Code. Section 82-101 of the Citrus County Code of Ordinances, entitled Certification of Collectors, is hereby amended as follows:

Sec. 82-101. Certification of collectors.

(a) It shall be unlawful for any person to provide residential or commercial solid waste ~~and or~~ recycling collection services in the unincorporated areas of the county without obtaining a certification as provided hereon. Each collector shall be required to obtain a certification and each person providing collection services, including principals, officers, employees, agents or other representatives, shall have a copy of such certificate/letter in vehicles at all times when providing collection services. In no event shall a collector be permitted to commence operations prior to receiving a certification.

(b) The term of the certification shall be ~~from the current date~~ for a period of three ~~calendar~~ years from the date of certification, provided the collector annually submits timely and complete renewal information detailed below. ~~This three-year certification period shall continue until notice from the county to the collector of the county's intent to displace waste collection per the requirement of F.S. § 403.70605. Therefore, the certification period shall decline continuously and daily and shall expire after a total of three calendar years from the date of such notice. The term of certification period shall change to five years upon adoption by the board of county commissioners of section 82-132, franchising of solid waste collection.~~

(c) Collector may not contract or renew a contract with a residential or commercial customer for a contract term which exceeds the expiration date

of its certification unless prior approval of the board of county commissioners is obtained by the collector. Any contract entered into is in violation of this section is void as against public policy.

(d) Annually, a collector shall provide to the coordinator such information as may be required by the county or state statutes including information as noted below. Such certification shall be issued by the county division of solid waste management, without charge. The standards for obtaining, maintaining and renewing such certification shall be as follows:

(1) Any individual who desires to obtain a certification from the coordinator must have attained at least 18 years of age. A partnership, corporation or other business entity must be in good standing with the state department of state, division of corporations.

(2) An applicant must be of good moral character. The applicant has the burden of establishing "good moral character". The term "good moral character" means a personal history of honesty, fairness and respect for the rights of others and for the laws of this county, state and nation. The findings by the coordinator of lack of good moral character must be supported by clear and convincing evidence. If the applicant has been placed on the "convicted vendor list" pursuant to F.S. § 287.133, within the last three years, this fact shall be prima facie evidence of lacking good moral character. When an applicant is found to be unqualified for a certification because of lack of good moral character, the coordinator shall furnish the applicant a statement containing the findings of the coordinator, a complete record of the evidence upon which their determination was based, and a notice of the rights of the applicant to a rehearing and appeal. The applicant:

- a. May not be guilty of making misrepresentations in connection with his business;
- b. May not have committed a felony in connection with his trade; or
- c. May not have defrauded the general public in practicing his trade.

(3) Upon application and annually thereafter, the applicant must provide evidence that he, at his own expense, has obtained all permits and licenses required by law or ordinance and will maintain the permits and licenses in full force and effect during the certification period.

(4) Upon application and annually thereafter, the applicant must provide a list or map of the areas in which service is provided, a list of the types of service provided, for example garbage, yard waste and recycling for residential or garbage, special waste and recycling for commercial, ~~the frequency of services,~~ and the number of customers

served as of July 1st of each calendar year. The applicant must provide the location where recyclables are taken for processing.

(5) Upon application and annually thereafter, the applicant must provide a list of vehicles by size and type, including the vehicle identification number that will be used to provide the services. The identification number shall be displayed in characters no less than six inches high on the front and rear of the vehicle. The identification number of the vehicle shall also be displayed on the driver's door with a label provided by the county. The collector's name and office telephone number shall be prominently displayed on all solid waste collection vehicles. ~~The applicant shall notify the coordinator of any changes in equipment within 14 days.~~ The coordinator shall have the right to inspect the vehicles at any time.

(6) The applicant must sign an affidavit agreeing to comply with all standards and provisions of the ordinance as well as all other county ordinances dealing with solid waste.

(7) Upon application and annually thereafter, all applicants for a certification must demonstrate that they are financially responsible. The applicant shall provide a sworn statement to the coordinator that:

- a. He has no unsatisfied judgments against him in connection with the practice of this trade for which he is applying for a certification; and
- b. There are not any liens of records by the Internal Revenue Service or the state of corporate tax division against any business or any organization he is qualifying.

(8) Upon application and annually thereafter, applicants shall complete and execute a solid waste disposal agreement or renewal.

(9) Upon application, the applicant shall furnish proof that they have ~~he has~~ commercial liability, automobile liability, workers' compensation and employer's liability, and pollution liability insurance coverage meeting the minimum requirements established by the county office of risk management, which insurance must be maintained. ~~Each holder of a certification shall maintain the required insurance coverage during the certification period, as follows:~~

- a. ~~Commercial general liability. Coverage must be afforded under a per occurrence form policy for limits not less than \$1,000,000.00 each occurrence, \$1,000,000.00 products/completed operations each occurrence, \$1,000,000.00 personal and advertising injury liability, \$1,000,000.00 each occurrence, \$50,000.00 fire damage liability and \$5,000.00 medical expense.~~
- b. ~~Automobile liability. Coverage must be afforded including coverage for all owned vehicles, hired and~~

~~nonowned vehicles for bodily injury and property damage of not less than \$1,000,000.00 combined single limit each accident. In the event the contractor does not own vehicles, the contractor shall maintain coverage for hired and nonowned auto liability, which may be satisfied by way of endorsement to the commercial general liability policy or separate business auto liability policy.~~

c. ~~Workers compensation and employer's liability. Coverage to apply for all employees at statutory limits in compliance with applicable state and federal laws: If any operations are to be undertaken on or about navigable waters, coverage must be included for the US Longshoremen & Harbor Workers Act. Employer's liability limits for not less than \$100,000.00 each accident, \$500,000.00 disease policy limit and \$100,000.00 disease each employee must be included.~~

~~For any contractor/employer/owner who has exempt status as an individual, the county requires proof of workers' compensation insurance coverage for the contractor/employer/owner's employees. If the contractor/employer/owner or individual has applied for a worker's compensation exemption, the county does not recognize this exemption to extend to the employees of the contractor/employer/owner. The contractor/employer/owner is required to provide proof of coverage for their employees. This applied to all contractors/employers/owners including, but not limited to, the construction industry.~~

(10) ~~Other insurance provisions.~~ The certificate of insurance to the county shall have a 30-day notice of cancellation, ten days' notice if cancellation is for nonpayment of premium. The certificate shall indicate if coverage is provided under a "claims made" or "per occurrence" form. If any coverage is to be provided under a claims made form, the certificate will show a retroactive date, which should be the same date of the contract (original if contract is renewed) or prior.

The certificate holder should read as follows: Citrus County Board of County Commissioners, Attention: Solid Waste Management, P.O. Box 340, Lecanto, FL 34460. All required insurance policies must be written with a carrier having a minimum A.M. Best rating of A-.

(10) Citrus County, Florida, a political subdivision of the State of Florida, its officials, employees, and volunteers are to be covered as an Additional Insured on all policies except Worker's Compensation. The coverage shall contain no special limitation on

the scope of protection afforded to the County, its officials, employees, or volunteers.

~~Upon application and annually thereafter, every applicant shall show proof that the requirements of the worker's compensation law in the state have been complied with.~~

(e) The division of solid waste management shall provide application forms to assist in implementing this section.

(ef) The collector shall, in addition to complying with all other provisions of this article, comply with the following:

(1) *Assignment of certification.* The collector shall not assign the certification without the prior written approval of the board. Written approval of the assignment of a certification shall be in the form of a board resolution. A transfer of more than 25 percent of the issued or outstanding stock of the collector shall constitute an assignment for the purposes of this section. Likewise, any transfer of the voting rights attendant to 25 percent or more of the issued or outstanding stock of the collector shall constitute an assignment for the purposes hereof. In the event of such assignment, the collector shall cause its assignee to execute an agreement of acceptance, subject to the approval of the board, evidencing that such assignee accepts the assignment, subject to any and all of the terms, conditions and limitations imposed hereby, and which acceptance shall include an affirmative statement evidencing such assignee's intent to fulfill the obligations imposed upon the collector in contemplation hereof.

(2) *Interlocking directorships.* No person shall serve on the board of directors of two or more collectors providing residential or commercial collections services within the unincorporated area of the county. ~~Each collector shall annually certify in writing to the board that the collector is in compliance with this subsection.~~

(g) The applicant shall be required to establish a secured waste disposal account with the County at the time of certification and post the required security deposit.

– (1) Acceptable forms of security deposit include cash, cashiers' check, bond, or letter of credit in the county format only.

(2) The required minimum amount of security deposit shall be as follows: initial \$1000.00; after 90 days, an amount equal to two weeks' disposal value to secure a charge account billed weekly; after 180 days an amount equal to two months' disposal value to secure a charge account billed monthly. A growing company will be required to periodically increase the security deposit amount to meet these requirements. This may also result in a requirement to pay more frequently than the standard agreement provides, until subsequent security deposits are accepted by the Board.

(3) At no time shall the county extend credit to the account holder. Any amounts owing after the due date shall be delinquent and subject to a late charge in the amount set by resolution of the Board. Additionally, in the event of delinquent payments, the County shall be authorized to draw on the account security deposit without notice to the collector. Should the entire value of the account security deposit be drawn, the county will freeze the account. The collector must immediately pay all outstanding amounts, including late fees, and replenish its account security deposit to an amount equal to two months' disposal value to avoid termination of its billing account and being placed on a cash-only payment basis at the County Solid Waste Disposal Facility.

~~(dh)~~ The following shall be exempt from the provision of this section:

(1) Persons who provide lawn care or lawn maintenance for residential and commercial property and who transport the yard trash from such property ~~shall be exempt from the provisions of this section,~~ provided that all yard trash which is transported from the property shall be disposed of at a landfill facility.

(2) A person providing collection for bulk waste and construction waste from residential or commercial property ~~shall be exempt from the provisions of this article,~~ provided that all bulk waste and construction waste which is transported from the property shall be disposed of at a landfill facility.

(3) A person providing for collection of debris generated from a Disaster and under contract with the County or state to provide Disaster debris removal.

~~(d) — Persons who provide lawn care or lawn maintenance for residential and commercial property and who transport the yard trash from such property shall be exempt from the provisions of this section, provided that all yard trash which is transported from the property shall be disposed of at a landfill facility.~~

~~(1) — The applicant shall be required to establish a secured waste disposal account at the time of certification. Acceptable forms of security include cash, cashiers' check, bond, or letter of credit in the county format only. The required minimum amount of security shall be determined by the coordinator at the time of application and at least annually thereafter. The intent of the security is to cover two months' charges.~~

At no time shall the county extend credit to the account holder. Should the entire value of the account security be charged, the county will freeze the account and make a claim on the security. A growing company will be required to periodically increase the security amount to meet these requirements. This may also result in a requirement to pay more frequently

~~than the standard agreement provides, until subsequent security deposits are accepted by the board of county commissioners.~~

~~(e) — A person providing collection for bulk waste and construction waste from residential or commercial property shall be exempt from the provisions of this article, provided that all bulk waste and construction waste which is transported from the property shall be disposed of at a landfill facility.~~

~~(3) — The applicant shall be required to establish a secured waste disposal account at the time of certification. Acceptable forms of security include cash, cashiers' check, bond, or letter of credit. The required minimum amount of security shall be as follows: initial \$1000.00; after 90 days, an amount equal to two weeks' disposal value to secure a charge account billed weekly; after 180 days an amount equal to two months' disposal value to secure a charge account billed monthly.~~

~~All collectors holding existing certifications shall be required to comply with the provisions of this article no later than the next certification renewal date following adoption of this section.~~

~~At no time shall the county extend credit to the hauler. A growing company will be required to periodically increase the security amount to meet these requirements. This may also result in a requirement to pay more frequently than the standard agreement provides, until subsequent security deposits are accepted by the board of county commissioners.~~

[underline indicates additions; ~~strikethrough~~ indicates deletions]

Section 6. Amendment of Section 82-103 of the Citrus County Code. Section 82-103 of the Citrus County Code of Ordinances, entitled Promulgation of Solid Waste Collection Routes and Schedules, is hereby amended as follows:

Sec. 82-103. Promulgation of solid waste collection routes and schedules.

(a) The collector shall utilize such routes within the service area as will contribute to maximum efficiency of operation and ensure compliance with Section 82-125 regarding separation of loads. ~~The Collector~~ will file a copy of such routes with the coordinator. The county shall deny the collector's vehicles access to certain streets, alleys and public ways where it is in the interest of the general public to do so because of conditions of the streets or bridges or the nature of development of the general area. Notice shall be given by the coordinator prior to such denial so as not to unduly interfere with the collector's normal operations.

(b) Each collector shall supply the coordinator with schedules of collection routes upon renewal of his certification, and shall annually supply all customers with printed information cards containing information regarding amounts and types of refuse which will be collected, complaint procedures, rates, regulations and days of collection. Customers shall be

notified of any alteration in the collection schedule at least ten days prior to such alteration.

[underline indicates additions; ~~striketrough~~ indicates deletions]

Section 7. Amendment of Section 82-106 of the Citrus County Code. Section 82-106 of the Citrus County Code of Ordinances, entitled Collection of Special, Hazardous, Biological Waste and Sludge, is hereby amended as follows:

Sec. 82-106. Collection of special, hazardous, biological waste and sludge.

(a) _The collector shall not be required to collect and dispose of special waste, hazardous waste, biological waste or sludge but, at his option, may offer such service.

(b) Special Waste, Hazardous Waste, Biological Waste, and sludge which cannot be handled lawfully by or at the county's Solid Waste Disposal Facility shall not be delivered to the system but shall be handled and disposed of in accordance with all applicable laws, entirely at the expense of the person or governmental agency responsible for creating the Special Waste, Hazardous Waste, Biological Waste, or sludge or bringing such waste into the county.

(b) As to Special Waste, Hazardous Waste, Biological Waste, and sludge which may be lawfully handled by the county, the county may incorporate a charge for handling such wastes in its rates, fees, and charges adopted pursuant to Section 82-38.

[underline indicates additions; ~~striketrough~~ indicates deletions]

Section 8. Adoption of New Section 82-111 of the Citrus County Code. Section 82-111 of the Citrus County Code of Ordinances, entitled Suspension and Revocation, is hereby created to read as follows:

Sec. 82-111. Suspension and Revocation.

(a) As set forth below, the county administrator may suspend or revoke, for just cause, the right of a Collector to obtain or retain a Certification to provide residential or commercial solid waste or recycling services in unincorporated areas of the County. Suspension or revocation applies to all officers, principals, directors, partners, qualifiers, divisions or other organizational elements of the Collector. The suspension or revocation applies to any existing affiliates of the Collector if they are specifically named and are given written notice of the proposed suspension or revocation and an opportunity to respond.

(1) *Suspension.* A Collector's Certification may be suspended based upon the following:

a. Failure to fully comply with the conditions, specifications, or terms of a contract with the county.

b. Failure to meet the requirements of Section 82-101 or this Chapter 82, violation of any of the provisions of this Chapter or any of the applicable provisions of the Citrus County Code of Ordinances, or the laws of the United States or the State of Florida, the violations of which reflect unfavorably on the fitness of the Collector to offer solid waste collection services to the public.

c. Commission of any misrepresentation or material omission in connection with application for Certification.

d. Charged by a court of competent jurisdiction with the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract. If charges are dismissed or the Collector is found not guilty, the suspensions shall be lifted automatically upon written notification and proof of final court disposition provided by the Collector to the county.

e. Charged by a court of competent jurisdiction with the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, misrepresentation, fraud, receiving stolen property, or any other offense indicating a lack of good moral character. If charges are dismissed or the Collector is found not guilty, the suspensions shall be lifted automatically upon written notification and proof of final court disposition provided by the Collector to the county.

f. Collector becomes insolvent, proceedings in bankruptcy regarding the Collector are filed or, Collector compounds its debts or assigns over its estate or effects for payment thereof, has a receiver or trustee appointed over its property, or otherwise demonstrates financial irresponsibility.

g. Commission of any act or omission to perform any act which is grounds for revocation.

h. Any other cause the county administrator determines to be compelling as to materially and adversely affect the responsibility of a Collector, including but not limited to, suspension by another governmental entity.

i. Violation of the ethical standards set forth in local, state or federal law.

(2) *Revocation.* A Collector's Certification may be revoked for the following:

a. Repeated failure to fully comply with the conditions, specifications, or terms of a contract with the county.

b. Repeated failure to meet the requirements of Section 82-101 or this Chapter 82, violation of any of the provisions of this Chapter or any of the applicable provisions of the Citrus County Code of

Ordinances, or the laws of the United States or the State of Florida, the violations of which reflect unfavorably on the fitness of the Collector to offer solid waste collection services to the public.

c. Conviction by or judgment obtained in a court of competent jurisdiction for commission of those offenses in connection with the Collector's commercial enterprise stated in section 82-111(a)(1)d. and e. If the conviction or judgment is reversed through the appellate process, the revocation shall be removed immediately upon written notification and proof of final court disposition from the Collector to the county.

d. Conviction for the commission of any fraud or act of collusion in connection with any sale, bid, quote, proposal or other act incident to doing business with the county.

(3) *Effect of suspension and revocation.* Collectors without a valid, current Certification are excluded from conducting residential or commercial solid waste or recycling collection services in the unincorporated area of the County as agents, representatives, subcontractors, or partners of other Collectors.

(b) *Suspension and Revocation process.* The following procedures shall be utilized for the suspension or revocation of a Certification:

(1) The Coordinator shall submit to the county administrator a written complaint which shall state with specificity the facts supporting such a request for suspension or revocation of the Certification and shall identify a recommended suspension or revocation period.

(2) The county administrator shall review the complaint, verify whether it is compliant with the provisions of this article, direct any appropriate changes and forward the complaint to the Collector.

(3) The Collector shall review the complaint and provide a written response, with supporting documentation, to each allegation. The response shall be provided to the county administrator within ten (10) business days of receipt of the complaint. In the event the Collector fails to respond to the complaint within the prescribed time period, the complaint, as forwarded to the Collector, shall become an effective suspension or revocation decision without further appeal.

(4) In the event the Collector files a timely and complete response to the complaint, the county administrator shall determine whether the Collector's Certification should be suspended or revoked and, if applicable, the time period for such suspension or revocation. The county administrator's decision shall be based on the facts set forth in the complaint, the Collector's response, and the parameters set forth in this article.

(5) If the Collector chooses to appeal the county administrator's determination, the Collector shall have three (3) business days to file an appeal to the Board. At its next available meeting, the Board shall review the suspension or revocation record compiled by the county administrator

and the Collector. The County Administrator shall provide the Collector with written notice of the date, time, and place when the Board will consider the appeal and the Collector shall have a right to be heard on the appeal. The Board shall review the record and decide whether the decision of the County Administrator was based on competent, substantial evidence. If the Board finds competent, substantial evidence for the County Administrator's decision, it will uphold the decision; otherwise, it will reverse the decision. If the original decision to suspend or revoke is determined to be proper and justified, the Collector's Certification shall be suspended or revoked. The decision of the Board shall constitute final administrative action.

(c) *Suspension or Revocation period.*

(1) *Suspension.* The county administrator, or the Board in the case of an appeal, shall determine the period of suspension. Such period shall be commensurate with the severity of the cause(s). At the conclusion of the suspension period, the Collector's Certification shall automatically be reinstated to the status of active Collector and be eligible to conduct residential or commercial solid waste or recycling collection services in the unincorporated area of the County.

(2) *Revocation.* The period of revocation shall remain in effect until the Collector's Certification is reinstated.

(d) *Reinstatement.*

(1) A Collector may apply for reinstatement at any time during the suspension or revocation period based on one or more of the following reasons:

- a. Newly discovered material evidence;
- b. A reversal of the conviction, civil judgment or other action upon which the suspension or revocation was based;
- c. Bona fide change in ownership or management;
- d. Elimination of other causes for which the suspension or revocation was imposed; or
- e. Other reasons that the Board deems appropriate.

(2) The Collector's appeal for reinstatement shall be based on one or more of the aforementioned reasons. The county administrator, with the assistance of the Coordinator, shall have 30 days from receipt of such appeal to submit a written response thereto. The matter will be presented to the Board for a final determination. The County Administrator shall provide the Collector with written notice of the date, time, and place when the Board will consider the appeal and the Collector shall have a right to be heard on the appeal.

Section 9. Adoption of New Section 82-125 of the Citrus County Code. Section 82-125 of the Citrus County Code of Ordinances, entitled Separation of Loads, is hereby created to read as follows:

Sec. 82-125. Separation of Loads.

(a) Loads of mixed Commercial Solid Waste and Residential Solid Waste shall not be disposed of at the County's Solid Waste Disposal Facility.

(b) Loads of mixed City Solid Waste and County Solid Waste shall not be disposed of at the County's Solid Waste Disposal Facility.

(c) No Collector shall dispose of any load consisting of mixed Commercial Solid Waste and Residential Solid Waste or mixed City Solid Waste and County Solid Waste at the County's Solid Waste Disposal Facility.

Section 10. Repeal of Chapter 90, Article XVIII, County Solid Waste Municipal Service Benefit Unit. Chapter 90, Article XVIII of the Citrus County Code of Ordinances, entitled County Solid Waste Municipal Service Benefit Unit, which includes Sections 90-731 through 90-766 (inclusive), is hereby repealed in its entirety.

Section 11. Legislative Findings and Intent. The Board hereby adopts, ratifies, and incorporates into this Ordinance the above stated "whereas" clauses as a statement of its findings and intent for this Ordinance.

Section 12. Severability. If any section, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 13. Codification. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Citrus County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 14. Modification. The provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed with the Clerk.

Section 15. Repeal of Inconsistent Provisions. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 16. Effective Date. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment by the Board and shall be effective upon filing with the Department of State.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting, this ____ day of _____, 2025.

BOARD OF COUNTY
COMMISSIONERS OF CITRUS
COUNTY, FLORIDA

ATTEST:

ANGELA VICK, Clerk

CHAIR

APPROVED AS TO FORM FOR THE
RELIANCE OF CITRUS COUNTY, FLORIDA ONLY:

DENISE A. DYMOND LYN,
COUNTY ATTORNEY