



155 F Road Loxahatchee Groves, FL 33470

**TO: Town Council of Town of Loxahatchee Groves**

**FROM: Francine L. Ramaglia, Town Manager**

**DATE: May 6, 2025**

**SUBJECT: Discussion on Livestock Waste Non-Exclusive Franchise Program to Replace Registration Program as Required by FS 163.3205**

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**Background:**

This agenda item is being brought forward to comply with state law and clarify the Town's regulatory path forward due to recent changes in state law that require a transition from permit-based systems to franchise agreements.

It is important to note that *this is not a pilot program for a livestock waste transfer station*, nor does it modify any existing Town ordinances or codes. The proposed non-exclusive franchise agreement—authorized under the Town's existing solid waste regulations for special waste—is designed solely to replace the Town's prior permit and registration system. This change is necessitated by the state's preemption of municipal authority to issue permits or charge fees for livestock waste haulers under Section 163.3205, Florida Statutes. The franchise approach allows the Town to retain control and oversight while remaining in compliance with the law.

The timeline below summarizes the key regulatory actions taken by the Town concerning the oversight of livestock waste haulers and receiver sites:

- 2006:** The Town of Loxahatchee Groves was incorporated and its Charter adopted, granting general police powers and the authority to regulate solid waste, health, safety, and land use.
- 2010:** The Town began issuing administrative permits to livestock waste haulers, marking the informal start of oversight.
- 2012:** Ordinance 2012-12 was adopted to regulate livestock waste receiver sites. Section 3 granted the Town Manager the authority to approve receiver properties based on parcel size, agricultural use, and site conditions. The ordinance ensures that only compatible properties—not vacant or noncompliant parcels—may receive waste.



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- 2014:** Ordinance 2014-03 established the Town's full Manure Permit system, requiring permits for both haulers and receiver properties. It created operational standards, required documentation, and annual renewals.
- 2021:** The Florida Legislature passed F.S. 163.3205, preempting local governments from requiring permits, registrations, or fees from waste haulers, effective July 1, 2021.
- 2023:** A statutory extension was granted allowing towns with existing permit systems to continue regulation until July 1, 2025.
- 2025:** The Town is developing a Franchise Program with a standard agreement and application materials to preserve regulatory authority and comply with state law and anticipate bringing this forward for Council approval at the June 3, 2025 meeting in order to preserve the Town's ability to regulate livestock waste haulers.

**Recommendation:**

Discussion and direction from Council to bring Resolution No. 2025-28 forward at the June 3<sup>rd</sup> Council meeting for adoption and approval along with 2<sup>nd</sup> Reading of Ordinance No. 2025-02 Amending Chapter 38 "Solid Waste" of the Town's Code of Ordinances.