

AGENDA ITEM REPORT

DATE: August 5, 2025
DEPARTMENT: Solid Waste
REQUESTER: Rebecca Rodriguez
TITLE: Approve FY26 Solid Waste and Recycling Collection Franchise Agreement Amendments

I. MOTION REQUESTED

- A. Approve the requested franchise hauler commercial rate adjustment of 1.21% CPI per contract allowances; approve requested 1.21% CPI residential rate increase for residential franchise hauler collection areas 1, 2, 3, 4 and 5. Direct the special assessments to be placed onto the Lee County tax bill for collection by the Lee County Tax Collector per section 197.3632 Florida Statutes, for FY26 (the 2025 tax year) by the terms of the Resolution.
- B. Approve Amendments No. 5 to the Solid Waste and Recycling Collection Franchise Agreements – for Service Areas 1 and 2 with Waste Management Inc. of Florida (WMIF) to add a 1.21% Consumer Price Index (CPI) increase to the rates for collection of curbside residential solid waste, commercial solid waste, curbside residential recycling, and excess vegetative storm debris for the Fiscal Year 2025–2026 as provided in the Fee Schedule.
- C. Approve Amendments No. 3 to the Solid Waste and Recycling Collection Franchise Agreements – for Service Areas 3 and 5, with Waste Pro of Florida, Inc, to add a 1.21% Consumer Price Index (CPI) increase to the rates for collection of curbside residential solid waste, commercial solid waste, curbside residential recycling, and excess vegetative storm debris for the Fiscal Year 2025–2026 as provided in the Fee Schedule.
- D. Approve Amendment No. 4 to the Solid Waste and Recycling Collection Franchise Agreements – for Service Area 4, with Waste Pro of Florida, Inc, to add a 1.21% Consumer Price Index (CPI) increase to the rates for collection of curbside residential solid waste, commercial solid waste, curbside residential recycling, and excess vegetative storm debris for the Fiscal Year 2025–2026 as provided in the Fee Schedule.
- E. Authorize the County Manager or designee to execute the amendments on behalf of the Board of County Commissioners.

II. ITEM SUMMARY

Approves contract amendments with Waste Pro of Florida, Inc. and WMIF to add a 1.21% Consumer Price Index (CPI) increase to their rates for solid waste and recycling collection services for Service Areas 1, 2, 3, 4, and 5.

This increase will apply to:

- Curbside residential garbage and recycling
- Commercial garbage collection
- Collection of excess yard waste after storms

The rate change will take effect for Fiscal Year 2025–2026 and follows the terms set in the existing fee schedule.

In Fiscal Year 23-24, total residential collection costs across all five franchise areas (1–5) were \$30,218,808.

III. BACKGROUND AND IMPLICATIONS OF ACTION

On June 7, 2022, the Board of County Commissioners awarded the Solid Waste and Recycling Collection Franchise Agreement – for Service Area 4 to Waste Pro of Florida, Inc., to provide mandatory curbside residential collection services, multifamily solid waste collection service and multifamily recycling collection service in the Service Areas. The original term of the contract was for seven (7) years with an option to renew for one (1) additional three (3) year period.

On February 14, 2023, Amendment No. 1 was administratively approved for Waste Pro of Florida Inc, Franchise Area 4, to revise Item 4.A.I, Paragraph 7 and Item 13 of the Agreement to align more closely with the other franchise hauling agreements.

On May 16, 2023, the Board of County Commissioners approved a CPI increase of 13.79% to the rates for collection of curbside residential solid waste, commercial solid waste, and curbside residential recycling, for the Fiscal Year 2024-2025 for Waste Pro of Florida Inc., Franchise Areas 4.

On August 15, 2023, the Board of County Commissioners awarded the Solid Waste and Recycling Collection Franchise Agreements – for Service Areas 3 and 5 to Waste Pro of Florida, Inc., to provide mandatory curbside residential collection services, multifamily solid waste collection service and multifamily recycling collection service in the Service Areas. The original term of the contract was for seven (7) years with an option to renew for one (1) additional three (3) year period.

On September 19, 2023, the Board of County Commissioners awarded the Solid Waste and Recycling Collection Franchise Agreements – for Service Areas 1 and 2 to WMIF, respectively, Solid Waste and Recycling Collection Franchise Agreement – Areas 1, 2, 3, and 5, to provide mandatory curbside residential collection services, multifamily solid waste collection service and multifamily recycling collection service in the Service Areas. The original term of the contract was for seven (7) years with an option to renew for one (1) additional three (3) year period.

On March 29, 2024, Amendment No. 1 was administratively approved for WMIF, Franchise Areas 1 and 2, and Waste Pro of Florida Inc., Franchise Areas 3 and 5, to add the definition of “contaminated recyclable material” to Section 2. DEFINITIONS of the Agreements.

On March 29, 2024, Amendment No. 2 for Waste Pro of Florida Inc., Franchise Area 4, was also administratively approved to add the definition of "contaminated recyclable material" to Section 2. DEFINITIONS of the Agreement and extend the delivery deadline for the annual audit in Subsection G of Section 27. ACCESS AND AUDITS of the Agreement from 90 to 120 days.

On July 25, 2024, Amendment No. 2 was administratively approved for WMIF, Franchise Areas 1 and 2, to correct the sample calculations in Exhibit V, Collection Franchise Agreement Performance Bond Requirement of the Agreement.

On November 1, 2024, Amendment No. 3 was administratively approved for WMIF, Franchise Areas 1 and 2, to update the entity, tax number and Payment Agent information within the Agreement and designate WM Corporate Services, Inc. as the Payment Agent for WMIF.

On August 6, 2024, the Board of County Commissioners approved a CPI increase of 0.73% to the rates for collection of curbside residential solid waste, commercial solid waste, and curbside residential recycling, for the Fiscal Year 2024-2025 for all Franchise Areas.

On January 21, 2025, Amendment No. 3 for Waste Pro of Florida Inc, Franchise Area 4, was approved by the Board of County Commissioners to memorialize the previously approved CPI increases to the rates for collection of curbside residential solid waste, commercial solid waste, curbside residential recycling, and excess vegetative storm debris after named storm events for the 2023-2024 and 2024-2025 Fiscal Years and to revise the Agreement to permit the rate increase request for the excess vegetative storm debris.

On May 6, 2025, Amendment No. 4 for WMIF, Franchise Areas 1 and 2, and Amendment No. 2 for Waste Pro of Florida Inc., Franchise Areas 3 and 5, were approved by the Board of County Commissioners to memorialize the previously approved CPI increases to the rates for collection of curbside residential solid waste, commercial solid waste, curbside residential recycling, and excess vegetative storm debris after named storm events for the 2023-2024 and 2024-2025 Fiscal Years and to revise the Agreement to permit the rate increase request for the excess vegetative storm debris.

IV. FINANCIAL INFORMATION

Current Year Dollar Amount: No funding required.

Included in the Current Budget?: N/A

Fund: N/A

Comments:

Is this a revenue or expense item? N/A

Is this Discretionary or Mandatory? Discretionary

Will this item impact future budgets? N/A

Program: Solid Waste

Project: N/A
Account Strings: N/A
Fund Type? N/A

V. RECOMMENDATION

Approve

ATTACHMENTS:

Recycling Collection 4th Amendment Area 4, Recycling Collection 5th Amendment Area 1, Recycling Collection 5th Amendment Area 2, Recycling Collection 3rd Amendment Area 3, Recycling Collection 3rd Amendment Area 5

REVIEWERS:

Tiffany Wallace, Solid Waste
Mary Tucker, Procurement
Rebecca Rodriguez, Solid Waste
Anne Henkel, Budget Services
Angela Guttery, Budget Services
Peter Winton, County Manager
Amanda Swindle, County Attorney
Christine Brady, County Manager

Created/Initiated - 7/23/2025
Approved - 7/24/2025
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