

**FIRST AMENDMENT OF SOLID WASTE AND RECYCLING COLLECTION FRANCHISE  
AGREEMENT FOR LEE COUNTY SERVICE AREA NUMBER ONE**

**THIS FIRST AMENDMENT OF THE SOLID WASTE AND RECYCLING COLLECTION FRANCHISE AGREEMENT FOR LEE COUNTY SERVICE AREA NUMBER ONE, is made and entered into by and between the Lee County Board of County Commissioners, a political subdivision of the State of Florida ("County") and Advanced Disposal Services Solid Waste Southeast, Inc. ("Contractor"), collectively, the "Parties."**

**WHEREAS, the County entered into an Agreement for the purchase of collection and hauling services for Franchise Service Area Number One in Lee County with Contractor on the 29<sup>th</sup> day of September, 2023 ("Agreement"); and,**

**WHEREAS, after execution of the Agreement, it was determined that Section 403.706 of the Florida Statutes requires each contract between a recovered materials processing facility and a county or municipality for processing residential recyclable material must include a definition of the term "contaminated recyclable material" that is appropriate for the local community; and,**

**WHEREAS, County and Contractor desire to enter into this First Amendment to add the definition for "contaminated recyclable material" to Section 2. DEFINITIONS of the Agreement.**

**NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING AND THE MUTUAL COVENANTS CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:**

- 1. Section 2. DEFINITIONS of the Agreement shall be supplemented by:**

**"Contaminated Recyclable Material, pursuant to Section 403.706 of Florida Statute, means Program Recyclables in a Program Recyclables Cart that contains more than 25% (by volume or weight) non-recyclable, non-recoverable material. For the purposes of this definition only, the weight or volume of the material may be based on an estimate from a visual inspection of the material or photographs of the material."**

IN WITNESS WHEREOF, this First Amendment of the Agreement has been signed and sealed, in duplicate, by the respective parties hereto.

DATED this 3/29/2024 | 9:46 AM EDT by the Lee County Board of County Commissioners.

COUNTY: LEE COUNTY, FLORIDA

DocuSigned by:  
*Douglass L. Whitehead*  
BY: 764B296DA6E6491  
**Douglass Whitehead**  
Director of Solid Waste, on behalf of the Board of County Commissioners

APPROVED as to Form for the Reliance of Lee County Only

DocuSigned by:  
*Amanda L. Swindle*  
BY: EC9B5A5584DD473...  
**County Attorney's Office**

DATED this 26 day of March, 2024 by Advanced Disposal Services Solid Waste Southeast, Inc.

ATTEST:

*Isa P. Silva*  
(Witness)

BY: *David M. Myhan*  
Authorized Signature

David M. Myhan  
Authorized Signature Printed Name

President  
Authorized Signature Title



CORPORATE SEAL: