

BROWARD COUNTY, FLORIDA

ORDINANCE NO. 2026-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ESTABLISHING A MANDATORY COMMERCIAL RECYCLING PROGRAM; PROVIDING FOR DEFINITIONS; ESTABLISHING REQUIREMENTS FOR NON-RESIDENTIAL PROPERTIES, MULTI-FAMILY PROPERTIES, AND TEMPORARY EVENTS; PROVIDING FOR EXEMPTIONS; ESTABLISHING A RECOGNITION PROGRAM; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 403.706, Florida Statutes, requires each county to implement a recycling program and achieve a 75% recycling goal; and

WHEREAS, Section 403.7046, Florida Statutes, authorizes local governments to require commercial establishments to separate recyclable materials from solid waste; and

WHEREAS, commercial waste represents a significant portion of the waste stream in Broward County; and

WHEREAS, the Board of County Commissioners finds that establishing a flexible commercial recycling program will reduce waste disposal costs, conserve natural resources, and support environmental sustainability; and

WHEREAS, the Board desires to encourage business participation through flexible requirements and recognition of exemplary recycling efforts.

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

SECTION 1. SHORT TITLE

This Ordinance shall be known and cited as the "Broward County Commercial Recycling Ordinance."

SECTION 2. DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

"Board" means the Board of County Commissioners of Broward County, Florida.

"Certificate of Operation" means a valid certificate issued by the County to a Contractor authorizing the collection and transportation of Recyclable Materials.

"Contractor" means any person who collects or transports Recyclable Materials for compensation.

"County Manager" means the County Administrator of Broward County or their designee.

"De Minimis Amount" means an amount of Solid Waste not exceeding ten percent (10%) of the total volume or weight of Recyclable Materials.

"Generator" means any business, institution, organization, temporary event organizer, or other entity operating on Non-Residential Property or organizing a Temporary Event that generates Recyclable Materials.

"Hazardous Waste" means waste with properties that make it dangerous or potentially harmful to human health or the environment, as defined by federal and state law.

"Multi-Family Property" means any property containing three (3) or more dwelling units under common ownership, including apartments, condominiums, and townhomes.

"Non-Residential Property" means any commercial, industrial, institutional, governmental, or nonprofit property, including but not limited to offices, retail stores, restaurants, hotels, hospitals, schools, and warehouses.

"Primary Recyclable Material" means any single type of Recyclable Material that a Generator produces in a quantity exceeding ninety-six (96) gallons per month.

"Recyclable Materials" means materials designated by the Board for recycling, including:

- Paper (office paper, newspaper, magazines)
- Cardboard and corrugated containers
- Glass bottles and jars
- Plastic containers (numbers 1 through 7)
- Aluminum containers and materials
- Ferrous metal (steel, tin) containers and materials

"Recycling Facility" means any facility, location, or operation where Recyclable Materials are collected, separated, processed, or prepared for reuse or remanufacturing, including drop-off centers, material recovery facilities, and processing centers.

"Self-Hauling Certificate" means documentation demonstrating that a Generator or Owner transports Recyclable Materials directly to a Recycling Facility, including receipts or weight tickets from the facility.

"Service Agreement" means a written contract between a Generator or Owner and a Contractor for the collection and transportation of Recyclable Materials to a Recycling Facility.

"Small Generator" means a Generator that produces an average of seventy (70) gallons or less of Solid Waste per week.

"Solid Waste" means garbage, refuse, and other discarded materials as defined in Section 403.703, Florida Statutes.

"Temporary Event" means any event held on public or private property that requires a County permit or approval, including festivals, fairs, concerts, markets, sporting events, and similar gatherings.

"Venue Facility" means a permanent facility that regularly hosts events, including but not limited to convention centers, arenas, stadiums, amphitheaters, fairgrounds, and event halls.

SECTION 3. DESIGNATION OF RECYCLABLE MATERIALS

A. Designated Materials

Recyclable Materials shall consist of paper, cardboard, glass, plastic containers (numbers 1 through 7), aluminum, and ferrous metal.

B. Board Authority to Modify

The Board may, by resolution, add to or remove materials from the list of Recyclable Materials based on the availability of recycling markets and technological feasibility.

SECTION 4. MINIMUM STANDARDS FOR RECYCLING ON NON-RESIDENTIAL PROPERTY

A. Property Owner Responsibilities

Owners of Non-Residential Property shall:

1. Provide recycling containers in sufficient number and size to accommodate Recyclable Materials generated on the property.
2. Arrange for collection of Recyclable Materials by a Contractor holding a valid Certificate of Operation, or arrange for self-hauling to a Recycling Facility.
3. Coordinate with Generators on the property to ensure compliance with this Ordinance.

B. Generator Responsibilities

Generators shall:

1. **Annual Assessment:** Conduct an annual assessment to identify which types of Recyclable Materials are generated on the property and determine which materials qualify as Primary Recyclable Materials.
2. **Material Selection:** Designate at least one (1) Primary Recyclable Material for recycling. If no materials qualify as Primary Recyclable Materials, the Generator shall designate at least one (1) type of Recyclable Material that is generated on the property.
3. **Separation:** Separate designated Recyclable Materials from Solid Waste.
4. **Proper Disposal:** Place separated Recyclable Materials in the recycling containers provided by the Property Owner.
5. **Coordination:** Work with the Property Owner to ensure that designated Recyclable Materials are delivered to a Recycling Facility.

C. Prohibitions

1. No person shall knowingly dispose of Recyclable Materials in Solid Waste containers.

2. No person shall place Hazardous Waste or Solid Waste exceeding a De Minimis Amount in recycling containers.
3. No person shall cause or permit litter or create a nuisance in connection with recycling activities. Any litter created shall be immediately cleaned up.

D. Documentation Requirements

1. Property Owners and Generators shall maintain current Service Agreements or Self-Hauling Certificates documenting compliance with this Ordinance.
2. Such documentation shall be made available to the County Manager upon request during normal business hours.
3. Service Agreements shall identify the Contractor, frequency of collection, and types of Recyclable Materials collected.
4. Self-Hauling Certificates shall include dated receipts or weight tickets from Recycling Facilities showing delivery of Recyclable Materials.

E. Use of Contractors

Property Owners and Generators may use Contractors to fulfill requirements under this Ordinance but shall remain responsible for compliance.

SECTION 5. MINIMUM STANDARDS FOR RECYCLING ON MULTI-FAMILY PROPERTY

A. Property Owner Responsibilities

Owners of Multi-Family Property shall:

1. **Recycling Containers:** Provide recycling containers in sufficient number and size to accommodate Recyclable Materials generated by residents, located in convenient and accessible areas.
2. **Collection Services:** Arrange for collection of Recyclable Materials by a Contractor holding a valid Certificate of Operation, or arrange for self-hauling to a Recycling Facility.
3. **Signage:** Post clear and visible signage at each recycling collection location identifying Recyclable Materials and providing instructions for proper use.
4. **Education:** Provide printed educational materials about the recycling program to all residents at least twice per year, including information about what materials are recyclable and how to participate.
5. **Proper Handling:** Ensure that Recyclable Materials collected on the property are not disposed of as Solid Waste or Hazardous Waste.
6. **Litter Prevention:** Take reasonable action to prevent litter or nuisance conditions related to recycling activities and promptly clean up any litter that occurs.

7. **Annual Contact Information:** Submit current contact information for the property, including the name, address, telephone number, and email address of the property owner or property manager, to the County's Solid Waste Management Department annually.

B. Documentation Requirements

Property Owners shall maintain current Service Agreements or Self-Hauling Certificates and make them available to the County Manager upon request during normal business hours.

SECTION 6. MINIMUM STANDARDS FOR RECYCLING AT TEMPORARY EVENTS

A. Event Organizer Responsibilities

Organizers of Temporary Events shall:

1. **Recycling Plan:** Submit a Temporary Event Recycling Plan as part of the event permit application, describing how Recyclable Materials will be collected and delivered to a Recycling Facility.
2. **Promotion:** Include information promoting recycling in event literature, announcements, and signage.
3. **Recycling Containers:** Provide at least one (1) clearly labeled recycling container adjacent to each Solid Waste container at the event.
4. **Collection and Delivery:** Arrange for Recyclable Materials to be delivered to a Recycling Facility by a Contractor or through self-hauling.
5. **Self-Hauling Documentation:** If self-hauling, submit receipts or weight tickets from the Recycling Facility to the County Manager within thirty (30) days after the event.

B. Small Event Variance

If a Temporary Event is expected to generate less than one (1) ninety-six (96) gallon container of combined Solid Waste and Recyclable Materials, the County Manager may grant a variance from the requirements of this Section upon demonstration of a good faith effort to minimize waste.

C. County Assistance

The County Manager or designee may attend Temporary Events to provide technical assistance and verify compliance with recycling requirements.

SECTION 7. MINIMUM STANDARDS FOR VENUE FACILITIES

Owners and operators of Venue Facilities shall comply with the requirements for Non-Residential Property under Section 4 and shall additionally:

- A.** Establish comprehensive recycling programs that address the unique waste generation patterns of events held at the facility.
- B.** Provide clearly marked recycling containers throughout the facility in public areas, including entrances, concourses, concession areas, and restrooms.

C. Include recycling requirements in contracts or agreements with event organizers, vendors, and concessionaires using the facility.

D. Provide training to facility staff on proper handling of Recyclable Materials.

SECTION 8. EXEMPTIONS

A. Small Generators

Small Generators as defined in Section 2 shall be exempt from the requirements of this Ordinance.

B. Hardship Exemption

The County Manager may grant an exemption to a Property Owner or Generator upon written application demonstrating that:

1. Compliance would create an undue economic hardship; or
2. Compliance is physically impracticable due to space constraints, operational limitations, or site conditions; or
3. No licensed Contractor providing recycling collection services is reasonably available in the area.

C. Alternative Compliance

Property Owners or Generators that recycle through on-site processing, donation programs, reuse programs, or other alternative methods may apply for exemption or alternative compliance approval if such methods achieve equivalent or superior diversion of materials from disposal.

D. Application Process

Applications for exemption shall be submitted to the County Manager on forms provided by the County and shall include documentation supporting the basis for the exemption request. The County Manager shall issue a written determination within thirty (30) days of receiving a complete application.

E. Duration and Renewal

Exemptions granted under this Section shall be valid for one (1) year and may be renewed annually upon submission of updated documentation.

SECTION 9. BROWARD COUNTY COMMERCIAL RECYCLING RECOGNITION PROGRAM

A. Program Establishment

The County hereby establishes the Broward County Commercial Recycling Recognition Program to acknowledge and promote excellence in commercial recycling and waste reduction efforts.

B. Recognition Levels

The Recognition Program shall include four (4) levels of achievement:

1. Bronze Level - Compliance Achievement

- Meets all minimum requirements of this Ordinance
- Recycles at least one (1) Primary Recyclable Material
- Maintains required documentation and service agreements

2. Silver Level - Enhanced Recycling

- Recycles at least three (3) types of Recyclable Materials
- Demonstrates measurable waste diversion through documentation
- Provides employee or tenant education about recycling
- Maintains contamination rates below five percent (5%)

3. Gold Level - Recycling Excellence

- Recycles four (4) or more types of Recyclable Materials
- Achieves waste diversion rate of fifty percent (50%) or higher
- Implements comprehensive employee or tenant education programs
- Conducts regular waste audits to improve recycling performance
- Serves as a model program for the community

4. Platinum Level - Sustainability Leadership

- Achieves all Gold Level criteria
- Implements innovative waste reduction or zero-waste strategies
- Diverts organic materials (food waste, compostable materials) from landfill
- Achieves waste diversion rate of seventy-five percent (75%) or higher
- Participates in community education or mentorship activities

C. Recognition Benefits

Property Owners and Generators participating in the Recognition Program shall be eligible for:

1. Public recognition on the County's website, social media platforms, and publications
2. Official recognition certificates and window decals for display at the property
3. Permission to use County recognition program logos and marks in marketing materials

4. Priority consideration for County sustainability awards, grants, and incentive programs
5. Featured profiles in County press releases, newsletters, and media outreach
6. Invitations to sustainability roundtables and networking events
7. Recognition at Board of County Commissioners meetings

D. Application and Verification

1. Property Owners or Generators may apply for recognition by submitting an application to the County Manager including:
 - Description of recycling program and materials recycled
 - Documentation of waste generation and diversion (hauler records, invoices, weight tickets)
 - Photos of recycling infrastructure and signage
 - Description of education and outreach efforts
 - Waste audit results (if available)
2. The County Manager shall review applications, verify eligibility through site visits or documentation review, and issue recognition designations.
3. Recognition shall be valid for one (1) year and may be renewed annually upon submission of updated documentation demonstrating continued compliance with recognition level criteria.

E. Recognition Program Promotion

The County shall actively promote the Recognition Program through:

1. Outreach to business organizations and chambers of commerce
2. Publication of recognition criteria and application materials on the County website
3. Annual recognition events or ceremonies
4. Case studies and success stories highlighting recognized businesses

SECTION 10. EDUCATION AND TECHNICAL ASSISTANCE

A. County Responsibilities

The County Manager shall provide education and technical assistance to support compliance with this Ordinance, including:

1. Development and distribution of educational materials describing recycling requirements, best practices, and available resources.

2. Provision of technical assistance to help Property Owners and Generators establish and improve recycling programs.
3. Maintenance of a current list of Contractors holding valid Certificates of Operation and Recycling Facilities accepting materials.
4. Conducting outreach workshops and training sessions for businesses, property managers, and event organizers.
5. Publication of guidance documents addressing common compliance questions and challenges.

B. Online Resources

The County shall maintain a dedicated webpage providing:

1. Summary of recycling requirements by property type
2. Application forms and guidance documents
3. List of licensed Contractors and Recycling Facilities
4. Recognition Program information and applications
5. Frequently asked questions
6. Sample recycling plans and policies
7. Contact information for technical assistance

SECTION 11. INSPECTIONS, ENFORCEMENT, AND PENALTIES

A. Inspection Authority

The County Manager or designee may conduct inspections of:

1. Non-Residential Properties
2. Multi-Family Properties
3. Temporary Events and Venue Facilities
4. Vehicles, equipment, and containers used to collect Recyclable Materials

B. Prima Facie Evidence

The absence of recycling containers required under this Ordinance shall constitute prima facie evidence of a violation.

C. Implementation Timeline and Compliance Period

This Ordinance shall be implemented in three phases:

1. Phase I - Education and Outreach (Months 1-6 after Effective Date)

- The County shall conduct education and outreach activities, develop program materials, and provide technical assistance.
- No enforcement actions or penalties shall be initiated during this phase.

2. Phase II - Voluntary Compliance (Months 7-12 after Effective Date)

- Property Owners and Generators shall establish recycling programs.
- The County shall provide continued technical assistance and issue courtesy notices for non-compliance.
- No penalties shall be assessed during this phase.

3. Phase III - Full Enforcement (Month 13 and beyond after Effective Date)

- Full enforcement of this Ordinance shall commence, including issuance of Notices of Violation and assessment of administrative fines.

The Board may, by resolution, extend Phase I or Phase II to provide additional time for compliance.

D. Notice of Violation

Upon discovery of a violation after Phase II, the County Manager shall issue a written Notice of Violation to the Property Owner or Generator specifying:

1. The nature of the violation
2. The corrective action required
3. The deadline for compliance (not less than thirty (30) days from the date of notice)
4. The consequences of failure to comply

E. Corrective Action Plan

A Property Owner or Generator receiving a Notice of Violation shall submit a written corrective action plan to the County Manager within fifteen (15) days of receipt, describing the steps to be taken to achieve compliance and the expected timeline.

F. Progressive Enforcement

Violations of this Ordinance shall be subject to progressive enforcement as follows:

1. **First Violation:** Written warning and thirty (30) days to comply. No fine shall be assessed if compliance is achieved within the specified timeframe.
2. **Second Violation** (occurring within twelve (12) months of first violation): Administrative fine of Three Hundred Dollars (\$300.00) and thirty (30) days to comply.

3. **Third and Subsequent Violations** (occurring within twelve (12) months of previous violation): Administrative fine of Five Hundred Dollars (\$500.00) for each violation and thirty (30) days to comply.
4. **Continuing Violations:** Each day a violation continues after the compliance deadline specified in the Notice of Violation shall constitute a separate violation subject to a fine of up to One Hundred Dollars (\$100.00) per day.

G. Appeal Process

Any Property Owner or Generator receiving a Notice of Violation or administrative fine may request an administrative hearing before a designated hearing officer or special magistrate within fifteen (15) days of receipt of the Notice of Violation. The hearing officer or special magistrate shall:

1. Conduct a hearing within thirty (30) days of the appeal request
2. Provide the appellant an opportunity to present evidence and testimony
3. Issue a written decision within thirty (30) days of the hearing

H. Enforcement Procedures

The County Manager may enforce this Ordinance through:

1. The Broward County Code Enforcement Board or Special Magistrate
2. Any other enforcement procedures authorized by the Board or applicable law

Administrative fines and enforcement procedures shall be consistent with applicable provisions of the Broward County Code of Ordinances.

I. Alternative Remedies

Nothing in this Ordinance shall preclude the County from seeking alternative or additional remedies available under law, including injunctive relief, civil penalties, or other legal or equitable relief.

SECTION 12. CONTRACTOR CERTIFICATION

A. Certificate of Operation Required

No Contractor shall collect or transport Recyclable Materials in Broward County without first obtaining a Certificate of Operation from the County Manager.

B. Application Requirements

Applications for a Certificate of Operation shall be submitted on forms provided by the County and shall include:

1. Proof of valid business license
2. Proof of liability insurance as required by the County

3. Description of service area and types of materials collected
4. List of Recycling Facilities where materials will be delivered
5. Certification that the applicant will comply with all applicable federal, state, and local laws

C. Certificate Issuance and Duration

The County Manager shall issue a Certificate of Operation to qualified applicants. Certificates shall be valid for one (1) year and may be renewed annually upon submission of updated documentation and payment of applicable fees.

D. Suspension or Revocation

The County Manager may suspend or revoke a Certificate of Operation for violation of this Ordinance or failure to comply with applicable laws and regulations, following notice and opportunity for hearing.

SECTION 13. ANNUAL REPORTING

A. County Report to Board

The County Manager shall submit an annual report to the Board of County Commissioners describing:

1. Program participation rates by property type
2. Types and quantities of materials diverted from disposal
3. Number of businesses recognized through the Recognition Program
4. Compliance and enforcement activities
5. Challenges encountered and recommendations for program improvements
6. Progress toward County waste diversion goals

B. Generator Reporting (Optional)

The County Manager may establish voluntary or mandatory reporting requirements for Generators to provide data on recycling activities, materials collected, and waste diversion achieved.

SECTION 14. FEES

The Board may, by separate resolution, establish reasonable fees for:

1. Issuance and renewal of Certificates of Operation for Contractors
2. Processing of exemption applications
3. Recognition Program applications and renewals

4. Copies of documents and records

Fees shall be set at amounts reasonably related to the cost of administering the respective programs.

SECTION 15. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 16. CONFLICTS

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 17. INCLUSION IN CODE

The provisions of this Ordinance shall be included in the Broward County Code of Ordinances and may be renumbered or re-lettered to accomplish such inclusion.

SECTION 18. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND ADOPTED this ____ day of _____, 2026.

ATTEST:

Broward County Administrator

BROWARD COUNTY, FLORIDA

By: _____
Chair, Board of County Commissioners

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

County Attorney