

**POLICY DECISIONS- highlighted in yellow and now with comments for each decision point.**

VERSION 3-2-26 with changes tracked since first draft was provided for review and listed below.

1. Updated to remove shingles due to lack of markets in FL
2. Revised definition of "Recovery Rate" to remove calculation methodology and refer to the Certification Body's methodology. This is needed to account for stockpiling of material at processing facilities, which is a common practice that would skew recycling calculations if not accounted for.
3. Revise definition of Alternative Daily Cover (ADC) to delete reference to sizing of material seeing sizing is addressed in the definition of Recovered Screen Materials (RSM) with the RSM definition matching FDEP definition.

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**BROWARD COUNTY, FLORIDA**

**ORDINANCE NO. 2026-\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, ESTABLISHING A MANDATORY CONSTRUCTION AND DEMOLITION (C&D) DEBRIS RECYCLING PROGRAM; ESTABLISHING A BAN ON DIRECT HAULING OF COVERED C&D MATERIALS TO LANDFILLS OR WASTE TO ENERGY DISPOSAL FACILITIES; PROVIDING FOR DEFINITIONS; ESTABLISHING REQUIREMENTS FOR APPROVED FACILITIES; ESTABLISHING REQUIREMENTS FOR COVERED PROJECTS; PROVIDING FOR COVERED CONSTRUCTION AND DEMOLITION (C&D) MATERIALS RECYCLING REQUIREMENTS; PROVIDING FOR CHANGES TO FEES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, AND EFFECTIVE DATE**

**WHEREAS**, Section 403.706 Local Government Solid Waste Responsibilities, Florida Statutes (F.S.), requires each county to implement a recycling program and achieve a 75% recycling goal; and

**WHEREAS**, F.S. Section 403.706, further authorizes local governments to adopt ordinances, regulations, codes, or issue permits related to waste collection and recycling under their home rule authority; and

**WHEREAS**, F.S. Section 403.706 declares, "the Legislature finds that the recycling of construction and demolition debris fulfills an important state interest. Therefore, each county must implement a program for recycling construction and demolition debris."; and

**Commented [TB1]:** Note the Whereas statements are placeholders and to be determined with input from whichever entity is adopting the ordinance.

**WHEREAS** the Florida Department of Environmental Protection estimates that approximately twenty-five percent (25%) of Florida's total Municipal Solid Waste (MSW) stream is comprised of construction and demolition (C&D) debris; and

**WHEREAS**, the United States Environmental Protection Agency (EPA) has found that recycling of construction and demolition debris provides numerous economic and environmental benefits to the public including conserving landfill disposal capacity, reducing energy consumption, conserving natural resources, recovering and retaining valuable materials in the supply chain, job creation, and a reduction in greenhouse gases; and

**WHEREAS**, Broward County's commitment to the reduction of waste requires the establishment of programs for Reuse, Recycling, repurposing, and Salvaging of construction and demolition waste; and

**WHEREAS**, Broward County is committed to promoting sustainability, resource conservation, and the reduction of waste, and believes that a Construction and Demolition Debris Recycling Ordinance is a critical component of achieving these goals.

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

#### **SECTION 1. SHORT TITLE**

This Ordinance shall be known as the **Broward County Mandatory Construction & Demolition (C&D) Debris Recycling Ordinance**.

#### **SECTION 2. DEFINITIONS**

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

**"Alternative Daily Cover (ADC)"** shall mean the fines fraction and Recovered Screened Materials, consisting of soil and other small materials, derived from the processing or recycling of construction and demolition debris ~~which passes through a final screen size no greater than ¾ of an inch and/or other shredded C&D materials~~, other than the mandatory six (6) inches of earthen soil, that are placed on the active working face of a landfill at the end of each operating day to control vectors, fires, odors, blowing litter, and animal scavenging in accordance with Florida Administrative Code Rule 62-701.500.

**"Approved Facility"** shall mean a C&D processing, transfer, or recycling facility authorized by or on behalf of Broward County that meets all performance standards and reporting requirements specified in this Ordinance and demonstrates the ongoing capability to properly sort, process, manage, recover, and market Covered C&D Materials for beneficial use other than landfill and waste to energy disposal.

**"C&D Diversion Rate Sheet"** shall mean a document maintained by Broward County that lists the current fees and applicable thresholds for Covered Project valuation associated with determining the C&D Diversion Rate requirements. The C&D Diversion Rate Sheet shall be published annually and may be updated by the County Designee to reflect administrative costs, market conditions, or policy changes without requiring amendment to this Ordinance.

**"C&D Materials Management Plan (C&DMMP)"** means the construction management plan developed by the Generator and submitted to Broward County prior to permit issuance detailing the process and estimated amounts of materials to be Diverted from disposal.

**"Certification Body"** shall mean the Recycling Certification Institute (RCI) or another qualified independent, third-party organization that Broward County selects to utilize in determining the Recovery Rate at Approved Facilities.

**"Construction and Demolition (C&D) Debris"** shall mean solid waste generated by or resulting from construction or demolition-related activities, including, but not limited to, building, construction, deconstruction, demolition, improvement, reconstruction, remodeling, renovation, repair, or site clean-up.

**"C&D Generator"** shall mean the property owner, contractor, or other responsible party applying for a permit for a Covered Project who generates Covered C&D Materials and is therefore responsible for complying with all requirements of this Ordinance.

**"Covered C&D Materials"** shall mean materials that are generated from a Covered Project, and which are required to be targeted for Diversion from disposal via this Ordinance due the availability of existing viable end markets and their ability to be recovered with existing Reuse, Salvaging, and/or Recycling processing technologies including:

- Asphalt
- Brick
- Cardboard
- Cinder blocks
- Clean concrete
- Clean wood/untreated lumber
- Metals (ferrous and non-ferrous)
- Roofing materials (shingles, tiles)
- Rigid plastics
- Wooden pallets

**Commented [TB2]:** Policy decision as to how frequently the C&D Diversion Rate Sheet is to be updated, with an annual update recommended.

**Commented [TB3]:** Policy decision as to who has the authority to update the C&D Diversion Rate Sheet and if that can be delegated for a municipal staff person (i.e. Broward County Solid Waste Director, or City Solid Waste Director) vs requiring an update to be voted on by the municipality's elected body (i.e. city council, county commission). Its recommended this authority be designated to a municipal staff person to ensure ease of administration and the necessary flexibility to periodically adjust the applicable non-compliance fees and covered project thresholds as market conditions and ordinance compliance changes over time.

**Commented [TB4]:** Policy decision as to whether to have municipal staff be responsible to develop and perform C&D MRF certifications vs having a 3<sup>rd</sup> party independent certification body. Thus far we've heard from the Executive Committee and C&D Subcommittee that they want to reduce the burden on municipal staff which favors using a 3<sup>rd</sup> party certification body as the draft ordinance is currently written. Also note from our research, RCI is the only nationally recognized 3<sup>rd</sup> party C&D MRF certification body.

**Commented [TB5R4]:** We may not want to list RCI by name in this definition to allow for a future entity to be used if one emerges and simply define Certification Body as, "shall mean a qualified independent, third-party organization that Broward County selects to utilize in determining the Recovery Rate at Approved Facilities."

**Commented [TB6]:** Policy decision on which waste materials should be targeted for minimum recycling requirements. C&D MRFs would be allowed to recycle more materials than on this list if they have the capability and end-markets needed to do so successfully, however they would be expected to target these "Covered C&D Materials" at a minimum. We would like to receive industry feedback from existing C&D MRFs regarding this list of materials.

**“Covered C&D Materials Diversion Acknowledgement”** shall mean a checkbox on the Broward County permit application to be signed by the Generator indicating that the applicant acknowledges the Diversion requirements for the Covered Project set forth via this Ordinance for which they are seeking a permit and that the applicant understands the consequences of failing to meet the requirements of this Ordinance. By checking this box, the applicant confirms awareness and agreement to comply with the Covered Project Diversion Rate requirements and the associated Diversion Non-Compliance Fee for not meeting the Ordinance requirements.

**Commented [TB7]:** We will need to work with SWA’s Legal Counsel as well as the County’s staff and Legal team and the cities staff to determine the best means of adopting, administering, and enforcing the ordinance. Those decisions will then need to be reflected in how we refer to the forms, compliance timelines, and reporting requirements for Covered Projects and C&D MRFs within this ordinance.

**“Covered Project”** shall mean any project requiring a building or demolition permit that meets thresholds established by the C&D Diversion Rate Sheet, including new construction, major alterations, and full or partial structure removal.

**“Covered Project Diversion Rate”** shall mean the project specific Diversion rate percentage for each Covered Project as calculated by dividing the total generated waste material that is successfully Diverted from landfill and waste to energy disposal via Reuse, repurposing, Salvaging, and/or Recycling by the total waste material generated. Covered projects must provide proof of their Diversion Rate with documented weight tickets, receipts, and/or photographs to be formally submitted on the Covered Project’s Diversion Report.

**“Deconstruction”** shall mean the systematic disassembly of a structure to maximize Salvage and Reuse of building components, thereby minimizing waste and environmental impact.

**“Designee”** shall mean the individual, office, or administrative entity designated by the Board of County Commissioners to administer and interpret this Ordinance, including any responsibilities related to permitting, oversight, and compliance.

**Commented [TB8]:** Policy decision as to who the appropriate staff person is to be granted the authority to be the “Designee”

**“Direct Haul”** shall mean the transportation of Covered C&D Materials directly from the point of generation to a landfill or waste to energy disposal facility without first being delivered to a processing, sorting, donation, Salvaging, or materials recovery facility.

**“Diversion” (aka “Diverted)”** shall mean the process of redirecting C&D materials away from landfill or waste to energy disposal through Reuse, repurpose, donation, Salvage, and/or Recycling.

**“Diversion Non-Compliance Fee”** shall mean a monetary assessment imposed on a Covered Project that does not achieve the required Covered Project Diversion Rate or fails to provide acceptable documentation of compliance with the requirements of this Ordinance. The Diversion Non-Compliance Fee shall be calculated based on project size and/or valuation and is intended to recover administrative costs and incentivize compliance with the C&D Diversion requirements. The applicable Diversion Non-Compliance Fee amount shall be established by Broward County and shall be published in the official C&D Diversion Rate Sheet as specified in this Ordinance.

**Commented [TB9]:** Policy decision on what the appropriate fee should be for the Non-Compliance Fee. It’s currently written to range from \$1,000 up to \$5,000 based on the size of the construction and demolition projects. See the last page of this document for the reference table.

**"Diversion Report"** shall mean a Diversion status report submitted by the Generator for their Covered Project to Broward County. The Diversion Report shall be required to be filed prior to building inspections and shall include weight tickets, receipts, photographs, and/or other supporting documentation demonstrating the tons of Covered C&D Materials Diverted, the means by which the material was Diverted, and the tons of material disposed at a landfill or waste to energy facility. The Diversion Report shall be used by Broward County to determine if the Generator met the requirements of this Ordinance or alternately is subject to the Diversion Non-Compliance Fee.

**"Processed Residuals"** shall mean the portion of byproduct waste material generated after a C&D recycling facility has sorted and/or processed C&D Debris at their facility with the intent to maximize the amount of Covered C&D Materials recovered and minimize the amount of Covered C&D Materials remaining to be sent to landfill or waste to energy disposal. Processed Residuals may include unrecoverable C&D Debris.

**"Recovered Screened Materials"** shall mean the fines fraction, consisting of soil and other small materials, derived from the processing or recycling of construction and demolition debris which passes through a final screen size no greater than  $\frac{3}{4}$  of an inch, and which may qualify for use as Alternative Daily Cover in accordance with Florida Administrative Code Rule 62-701.500

**"Recovery Rate"** shall mean each Approved Facility's respective percentage of material successfully recovered from the waste stream as calculated ~~and determined by the total inbound material weight accepted for processing that is recovered for beneficial use and successfully Diverted from landfill and waste to energy disposal via Reuse, Salvaging, and/or Recycling divided by the total inbound materials weight accepted at the facility. The Recovery Rate for each Approved Facility shall be determined~~ by the Certification Body.

**Commented [TB10]:** This definition is being revised to allow for stockpiling of materials on site at C&D facilities. The certification body has a standard methodology for quantifying the Recovery Rate that will be used consistently across all C&D facilities.

**"Recycling"** shall have the meaning set forth in Florida Administrative Code Ch. 62 701: the process by which solid waste materials are collected, separated, processed, and returned to use in the form of raw materials or products.

**"Reuse"** shall mean the subsequent use of Covered C&D Materials in their original form or with minimal processing for the same or similar purpose.

**"Salvage"** shall mean controlled removal of building components or materials for Reuse, resale, or donation prior to Recycling or disposal.

**"Source-separated"** shall mean the act of separating materials by type at the point of generation to allow for separate collection.

### SECTION 3. DESIGNATION OF COVERED C&D MATERIALS LIST

#### A. Covered C&D Materials

The Covered C&D Materials list specifies materials that can be locally Reused, repurposed, Salvaged, Recycled, or otherwise Diverted from landfill and waste to energy disposal. For all Covered Projects, these materials shall be Source-separated from trash and sent for Reuse, Salvage, processing, and/or Recycling. Covered C&D Materials may be commingled and are not required to be Source-separated by material type so long as they are Source-separated from trash and putrescible waste. Covered C&D Materials are expressly banned from Direct Haul to any landfill or waste-to-energy disposal facility within Broward County. C&D Materials shall be handled in a manner that maximizes opportunities for beneficial use and minimizes disposal. Covered C&D Materials shall include all materials on the published Covered C&D Materials list including:

1. Asphalt, brick, cardboard, cinder blocks, clean concrete, clean wood/untreated lumber, metals (both ferrous and non-ferrous), roofing materials (shingles, tiles), rigid plastics, and wooden pallets.
2. Any other materials for which Broward County has determined there to be a local recycling or reuse marketplace.

**Commented [TB11]:** Just a note to ensure consistency here with policy decision made on which materials are going to be included in the minimum list of Covered C&D Materials.

Landfill disposal is limited to Processed Residuals, materials that do not meet the definition of Covered C&D Materials, and materials specifically authorized by the County under an approved exemption, as listed in Section 6 below. No landfill or disposal facility operating within Broward County shall knowingly accept Covered C&D Materials that are being Direct Hauled, as defined herein, from a property owner, contractor, subcontractor, hauler, entity, or job site.

#### B. Authority to Modify

Broward County reserves the right to modify the Covered C&D Materials list annually to adjust for changes in local recycling and reuse marketplaces and when modified the revised Covered C&D Materials list shall be published on Broward County's and the [city/town/county] website.

**Commented [TB12]:** Policy decision as to how frequently to allow for changes to the list of Covered C&D Materials and to allow for the Designee to update the list without requiring an ordinance amendment

### SECTION 4. REQUIREMENTS FOR APPROVED FACILITIES

#### A. Applicability

This section shall apply to any permitted C&D recycling facility that seeks to be designated by the County as an Approved Facility for purposes of accepting materials generated by Covered Projects in satisfaction of applicable Diversion requirements. No C&D recycling facility shall be considered an Approved Facility unless the facility has applied for and obtained County approval in accordance with this section.

#### B. Certification

Approved Facilities shall be required to be certified via an independent evaluation conducted by a County-authorized Certification Body utilizing the National Standard Certification of Recycling Rates (CORR) Protocol to assess facility operations, Diversion performance, Processed Residuals, and compliance with this Ordinance. Approved Facilities shall bear all costs associated with the third-party registration and certification process and shall fully cooperate with all third-party evaluations, provide operational and records access as required, and maintain certification in good standing as a condition of continued approval under this Mandatory C&D Recycling Program.

### C. Recovery Rate

Recovery Rates shall be certified and reported for each Approved Facility to include **both the Recovery Rate** without the use of any materials for ADC and separately calculated to include any use of materials as ADC. **Approved Facilities shall have a minimum Recovery Rate of twenty percent (20%) without the use of any materials for ADC.**

### D. Reporting

Each Approved Facility shall be required to transparently publish, to the County and the public, the facility's achieved Recovery Rate ~~and the amount of Covered Materials remaining in their Processed Residuals~~, as determined by the Certification Body. Approved Facilities shall submit an annual report to Broward County. The report shall include a summary of the amounts (i.e. weight in tons) and types of waste received, ~~what portion was stockpiled, and what portion was disposed of versus what portion was recovered at the facility, by material type.~~ The county of origin of materials that are accepted for processing, shall also be included in the report. The report shall be submitted no later than February 1 of each year and shall cover the preceding calendar year.

### E. Approval Revocation

The County may revoke, suspend, or condition a facility's approval upon a determination that the facility has failed to meet required standards, failed to maintain accurate or complete records, impeded the Certification Body evaluations, or otherwise acted in a manner inconsistent with the intent or implementation of this Ordinance.

## SECTION 5. REQUIREMENTS FOR COVERED PROJECTS

### A. Applicability

Generator permit applications for Covered Projects shall comply with the Covered Project Diversion Rate requirements outlined in the C&D Diversion Rate Sheet. The C&D Diversion Rate Sheet establishes the applicable valuations and project size thresholds, as well as the standards for Diverting Covered C&D Materials generated by a Covered Project. Covered C&D Materials shall be Diverted through Reuse, repurposing, Salvaging, and/or Recycling as specified in this

**Commented [TB13]:** Each C&D MRF that undergoes the certification process will have a Recovery Rate published for the public showing what % of materials their facility diverts via recycling and another showing what % of materials are used for ADC. This is also consistent with how RCI currently publishes both recycling rates. Goal is to ensure the municipalities and the public know how each C&D facility is performing.

**Commented [TB14R13]:** Also important to note FDEP counts qualified ADC towards the state's 75% recycling goal.

**Commented [TB15]:** Policy decision as to what C&D MRFs are required to achieve with their Recovery Rate. We were advised by members of the Construction and Demolition Recycling Association (CDRA) Legislative Committee and RCI staff to not be too aggressive at first. Goal is to not have the requirement be so high that existing facilities can't meet it and to allow facilities to improve their operations if needed.

**Commented [TB16R15]:** Massachusetts DEP was widely cited as a good example to follow. In 2020 they set a requirement at 15% for facilities with that increasing to 25% by 20230.  
<https://www.mass.gov/doc/cd-action-plan/download#:~:text=To%20address%20the%20historic%20limitations,2030%20SWMP%20waste%20reduction%20goal.>

**Commented [TB17]:** No longer going to require assessment of what Covered Materials remain in residue as its not consistent with how RCI determines the recovery rates

**Commented [TB18]:** Its common for C&D MRFs to stockpile materials in order to get enough quantity to economically process and/or to time the end markets.

Ordinance. Permit applicants for Covered Projects shall submit the C&D Materials Management Plan (C&DMMP) along with their permit application pursuant to Section 5, Subsection C., below.

### B. Diversion Rate

Generators shall achieve a Covered Project Diversion Rate of at least fifty percent (50%), as determined by weight, to meet the requirements of this Ordinance. Failure to achieve a Covered Project Diversion Rate of at least fifty percent (50%) by weight shall result in the Generator applicant being assessed the Diversion Non-Compliance Fee.

**Commented [TB19]:** Policy decision as to what Covered Projects are required to divert. From our research 50-65% is common in most ordinances. Our recommendation is to start out with 50% to let the local market adjust to the ordinance requirements and in the future if there is strong compliance then this diversion requirement can be increased to be more aggressive.

### C. Permit Submission

Prior to permit issuance, the Generator shall indicate either "Yes" or "No" on the Covered C&D Diversion Acknowledgement checkbox on the Broward County Uniform Permit Application to acknowledge whether they intend to comply with the C&D recycling requirements specified in this Ordinance.

**Commented [TB20]:** Which permit application process to reference will be determined by decisions made on how the ordinance is adopted and implemented. If each city will adopt their own ordinance then it may need to refer to the city's respective permit application forms and process.

At permit submittal and prior to starting the project, the Generator/applicant shall submit a completed C&D Materials Management Plan (C&DMMP) to Broward County. Permits for any construction or demolition on a Covered Project requiring a C&DMMP will not be issued until a C&D approval authorization is granted by Broward County Building Code Division. Each C&DMMP shall be made available on Broward County's official website. The C&DMMP shall contain the following:

**Commented [TB21]:** Will need to ensure the appropriate county/city department is listed once implementation approach is decided.

1. A brief description of the scope of work for the project.
2. A designated employee to be the on-site C&D waste recycling point of contact for waste-related issues to include the employee's full name, title, email address, and phone number.
3. The estimated weight of waste materials anticipated to be generated from the project, by each material type.
4. Specify if Covered C&D Materials will be Source-separated on-site or commingled/mixed. Note all Covered Projects shall Source-separate trash and any putrescible waste generated from C&D materials, however C&D materials may be commingled/mixed in appropriate containers.
5. The maximum estimated Diversion Rate that can feasibly be Diverted via Reuse, repurpose, Salvage, Recycling, or other County approved Diversion practices identified in the C&D Diversion Rate Sheet.
6. The facility(s) the materials will be hauled to and their expected Diversion rates, by weight, for each Covered C&D Material type.
7. Estimated weight of C&D waste that will be disposed of at a landfill or waste to energy facility.

**Commented [TB22]:** And/or the cities website if individual cities are adopting the ordinance.

### D. Reporting

The following requirements apply to all Generators responsible for the management, documentation, and reporting of Covered C&D Materials generated from a Covered Project:

1. The Generator is responsible for retaining and submitting all weight tickets, receipts, photographs, and/or related documentation necessary to account for the disposal and Diversion of C&D Debris generated from the Covered Project. This includes tracking C&D Debris generated from work conducted by subcontractors. Such records shall be subject to the Florida Public Records Act, Fla. Stat. Ch. 119 (e.g., § 119.01 et seq.).
2. Within [X number of days] days following the completion of the Covered Project for which this Ordinance applies, the Generator shall, as a condition precedent to final inspection and to issuance of any certificate of occupancy or final approval of the project, submit a Diversion Report that proves compliance with the required Covered Project Diversion Rate.
3. The Diversion Report shall include actual waste tonnage data, supported by original or photocopies of receipts and weight tickets or other records of measurement from Approved Facilities, deconstruction contractors, and/or landfill and disposal facilities.
4. Diversion Non-compliance Fees, as listed in the C&D Diversion Rate Sheet, shall be assessed if the Generator does not meet the timely reporting requirements of this section.
5. Broward County reserves the right to publicize annual C&D Debris Diversion data obtained through this Ordinance. The County also reserves the right to use the Diversion rate achieved for any and all Covered Projects in developing materials designed to help educate, inform, promote, or otherwise demonstrate the results of this Mandatory C&D Recycling Program to the public.

**Commented [TB23]:** Policy decision on how long an applicant has to submit the required documentation. Could use 10 days or it can reflect what the County or municipalities allow for other permit documentation to be submitted.

#### E. Compliance

1. Generators shall not be assessed a Diversion Non-Compliance Fee if they achieve a Covered Project Diversion Rate of a minimum of 50% of the project's total generated waste weight as reported in the Diversion Report. The submission of a Diversion Report shall include submission of weight tickets, receipts, photos, or other means of proof that the Diversion of Covered C&D Materials listed in their initial C&DMMP has been satisfied.
2. It is recognized that Source-separation of Covered C&D Materials provides the greatest opportunity to maximize Diversion, however not all Covered Project job sites provide ample space to allow for multiple collection containers for each different material type. Therefore, Generators who commingle C&D debris

**Commented [TB24]:** Policy decision as to what the minimum recycling requirement should be for Covered Projects (not C&D MRFs). From our research and discussions with other communities, the Construction and Demolition Recycling Association Legislative Committee, and others, we recommend no higher than 50% initially. Its also a policy decision as to whether to increase the minimum requirement over time by writing in phased increases within the ordinance now (for example in year 5 after the ordinance is adopted the recycling rate requirement increases to 55% and so forth) vs leaving that decision to future elected officials to revise the ordinance to increase the requirements.

generated from their Covered Project and elect to have the materials processed at an Approved Facility shall receive that Approved Facility's Recovery Rate, as published by the Certification Body, with the facility's Recovery Rate being multiplied by the weight of material processed from the Covered Project in order to calculate the Diversion Rate required to be submitted on the Diversion Report.

3. Generators who do not meet the required Covered Project Diversion Rate of 50% or higher shall be assessed a Diversion Non-compliance Fee as determined by Broward County's C&D Diversion Rate Sheet.
4. Any assessed fees shall be utilized by the Broward County Building Code Division to advance the purposes of this Ordinance, including administration and management of the C&D Recycling Program.

#### Section 6. EXEMPTIONS FOR COVERED PROJECTS

To claim exemption under this provision, projects shall submit property records, reports, photographs or other documentation necessary to verify the exemption being sought. The following are exempt from the provisions of this Ordinance and are not considered Covered Projects:

1. Covered C&D Materials that are painted, stained, or have hazardous constituents. Photo documentation shall be provided to verify the materials claiming exemption under this provision. Covered C&D Materials shall not be intentionally painted, stained, or otherwise altered to bypass the requirements of this ordinance.
2. Project valuations exempt as listed in the C&D Diversion Rate Sheet.
3. Projects for which only a plumbing permit, electrical permit, or mechanical permit is required.
4. Roofing projects that do not include removal of the existing roof.
5. Demolition or construction required to protect public health or safety in an emergency, as determined by the County Designee.
6. Projects occurring during a declared state of emergency due to a natural disaster, for the period designated by Broward County.
7. Work for which a building or demolition permit is not required.
8. Projects where no structural building modifications are required.

**Commented [TB25]:** The intent will be that whichever municipality is reviewing the permit and associated C&D Materials Management Plan (C&DMMP) for Covered Projects will keep the non-compliance fees for projects to be used to support the cost of the program and supporting education and outreach on the ordinance, etc.

**Commented [TB26]:** Policy decision on what exemptions are appropriate.

9. Asbestos-containing Covered C&D Material, refers to any material that contains more than 1% asbestos, as determined by a state-licensed Asbestos Consultant or Asbestos Contractor, and is not intended for further use. This includes friable and nonfriable asbestos-containing materials as defined by Florida Statute § 469.001 and Florida Administrative Code Rule 62-257.200.
10. Covered Projects occurring as a result of damage from a fire, flood, or natural disaster.
11. Projects involving the construction, alteration, or demolition of detached residential garages.

## **SECTION 7: ENFORCEMENT, PENALTIES, APPEALS**

### **A. PERMIT-CONDITION ENFORCEMENT**

1. Compliance with applicable Diversion Rate requirements shall be a condition of issuance, inspection approval, and final close-out of any permit issued for a Covered Project.
2. A Covered Project that fails to meet the applicable C&D Diversion Rate Sheet requirements shall be subject to the assessment of the Diversion Non-Compliance Fee as established in the most recently published C&D Diversion Rate Sheet.
3. Broward County may withhold final inspection approval, certificate of completion, or other permit close-out documentation until the Covered Project has either demonstrated compliance with applicable Diversion Rate requirements or satisfied all Diversion Non-Compliance Fees.

### **B. ELIGIBILITY-BASED ENFORCEMENT**

1. Approved Facilities shall comply with all applicable Recovery Rate thresholds, certification standards, reporting, and recordkeeping requirements as a condition of continued approval.
2. Nothing in this section shall relieve a Covered Project of responsibility for meeting applicable Diversion Rates. Reliance on an Approved Facility does not guarantee compliance.

### **C. DISPOSAL FACILITY ENFORCEMENT**

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

1. Any person who violates this section, including but not limited to contractors, subcontractors, property owners, disposal facility operators, and entities shall be subject to a civil penalty not to exceed two hundred fifty dollars (\$250.00) per violation.
2. Each separate act, load, delivery, or acceptance of Covered C&D Materials in violation of this section shall constitute a separate and distinct offense.
3. The County may enforce this section through notices of violation, administrative citations, permit or license action, injunctive relief, or any other remedies authorized by law.
4. Nothing herein shall limit the County's authority under Chapter 27, Code of Broward County, Florida, or Section 125.01, Florida Statutes.

**Commented [TB27]:** Willful violation of the ordinance should be enforced consistent with however the adopting body (County, city) enforces other ordinance violations.

#### D. APPEAL PROCESS

Any person or entity 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

#### E. 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 8. 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 9. 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 10. 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 11. 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

IT IS INTENDED THAT THE BELOW BROWARD COUNTY C&D DIVERSION RATE SHEET NOT BE ADOPTED AS PART OF THE OFFICIAL ORDINANCE LANGUAGE BUT RATHER THAT IT BE KEPT AS A SEPARATE DOCUMENT TO BE ADMINISTRATIVELY MAINTAINED & PUBLISHED BY THE COUNTY DESIGNEE & PERIODICALLY UPDATED AS NECESSARY AS MARKET CONDITIONS EVOLVE OVER TIME. THIS WILL PREVENT THE NEED FOR AN ORDINANCE AMENDMENT EACH TIME THE DIVERSION RATE SHEET IS UPDATED

## BROWARD COUNTY C&D DIVERSION RATE SHEET

### SECTION 1. PURPOSE

This C&D Diversion Rate Sheet establishes thresholds, fees, and requirements for compliance with the Broward County Mandatory Construction and Demolition (C&D) Debris Recycling Program (Ordinance #####). It is maintained separately from (Ordinance #####) and may be updated administratively by the County Designee without Ordinance amendment.

### SECTION 2. COVERED C&D MATERIALS

#### A. Authority to Modify

The Covered C&D Materials list shall be updated annually by the County Designee to adjust for changes in local recycling and reuse marketplaces and shall be published on Broward County's website.

The current list of Covered C&D Materials includes:

- Asphalt
- Brick
- Cardboard
- Cinder blocks
- Clean concrete
- Clean wood/untreated lumber
- Metals (ferrous and non-ferrous)
- Roofing materials (~~shingles~~, tiles),
- Rigid plastics
- Wooden pallets

### SECTION 3. COVERED PROJECT VALUATION THRESHOLDS

The below project valuation thresholds apply to both residential and commercial construction, remodel, and demolition projects for which a permit is required, unless otherwise exempted per the Ordinance.

Project Valuation	Threshold	Diversion Rate Required
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**Commented [TB28]:** Policy decision on what thresholds are appropriate to trigger ordinance compliance. We recommended these after looking at other ordinances. Goal is to not add cost to smaller valued projects in order to minimize impact on affordable housing and economically disadvantaged residents.

<i>New Construction</i>	< \$150,000	No
<i>Demolition Full or Partial</i>	< \$40,000	No
<i>Alterations</i>	< \$40,000	No
<i>New Construction</i>	> \$150,000	Yes
<i>Demolition Full or Partial</i>	> \$40,000	Yes
<i>Alterations</i>	> \$40,000	Yes

**SECTION 4. DIVERSION NON-COMPLIANCE FEE TABLE**

<i>Project Size (sq ft)</i>	<i>Diversion Non-Compliance Fee</i>	<i>Fee Deadlines</i>
<i>≤ 15,000</i>	<i>\$1,000</i>	<i>To Be Determined</i>
<i>15,001-40,000</i>	<i>\$2,000</i>	
<i>40,001-75,000</i>	<i>\$3,000</i>	
<i>75,001-99,000</i>	<i>\$4,000</i>	
<i>&gt; 99,001</i>	<i>\$5,000</i>	

**SECTION 15 UPDATES**

**A. Authority to Modify**

This Diversion Rate Sheet may be updated administratively and published on the Broward County website on an annual basis without amending (Ordinance XXXX).