

PROPOSED

RESOLUTION NO.

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO WASTE COLLECTION SERVICES;
3 REPEALING SECTION 38.39 AND EXHIBIT 38.A OF THE BROWARD COUNTY
4 ADMINISTRATIVE CODE (“ADMINISTRATIVE CODE”); CREATING A NEW
5 SECTION 38.39 OF THE ADMINISTRATIVE CODE RELATING TO WASTE
6 COLLECTION SERVICES FOR UNINCORPORATED AREAS WITHIN BROWARD
7 COUNTY; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE
8 ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

9
10 WHEREAS, Broward County is responsible for ensuring collection, hauling, and
11 transportation services for solid waste generated within the unincorporated areas of
12 Broward County;

13 WHEREAS, in June 2011, the Broward County Board of County Commissioners
14 (“Board”) enacted Section 14-84 of the Broward County Code of Ordinances (“Code”) ~~which~~
15 which, among other things, established special requirements for the “Open Market Area”
16 within the unincorporated areas of Broward County where private waste collectors would
17 be allowed to provide nonexclusive collection, hauling, and transportation services for
18 solid waste generated within that designated Open Market Area;

19 WHEREAS, prior to providing such services, private collectors must first receive a
20 license from Broward County Solid Waste and Recycling Services;

21 WHEREAS, prior to a license being issued, the Code requires private collectors to
22 enter into a license agreement with Broward County and to pay monthly franchise fees
23 for such a license;

24 WHEREAS, Section 38.39 of the Administrative Code establishes the fees
25 associated with these licenses; and

26 WHEREAS, Section 38.39 of the Administrative Code related to the fees for these
27 licenses was last revised in 2011 and would benefit from updates to reflect current
28 conditions impacting solid waste collection and disposal, NOW, THEREFORE,

29 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
30 BROWARD COUNTY, FLORIDA:

31 Section 1. Section 38.39 of the Broward County Administrative Code is hereby
32 repealed in its entirety, and a new Section 38.39 is hereby created to read as follows:

33 [Underlining omitted]

34 **38.39. Waste Collection Services for Unincorporated Areas Within Broward County.**

35 a. Service Areas for Collection and Disposal Services. Service areas (each a
36 “Service Area” or “Collection District”) are hereby established within the unincorporated
37 areas of Broward County for collection, disposal services, and recycling for Solid Waste
38 (including, but not limited to Regulated Garbage), as both are defined in Section 14-78 of
39 the Broward County Code of Ordinances (“Code”), from commercial establishments,
40 industrial establishments, mobile home parks, and residential units, as described in
41 Section 30-457 of the Code, along with collection and disposal services associated with
42 Recyclable Materials, as defined in Section 14-71 of the Code, from residential units in

buildings of nine units or fewer (collectively, "Collection Services"). The geographical boundaries of each Service Area are as follows:

1. Service Area 1: Palm Beach County line on the north, State Road 7 on the east, Sample Road on the south, and the conservation area bordering the portion of State Road 869 known as the Sawgrass Expressway on the west;
2. Service Area 2: Palm Beach County line on the north, Powerline Road on the east, Atlantic Boulevard on the south, and State Road 7 on the west;
3. Service Area 3: State Road 84 on the north, Southwest 136th Avenue on the east, Southwest 14th Street on the south, and Weston Road on the west;
4. Service Area 4: Commercial Boulevard on the north, Interstate 95 on the east, State Road 84 on the south, and University Drive on the west; and
5. "Open Market Area": All unincorporated areas that are not located within Service Areas 1 through 4 above.

If any portion of a Service Area is subsequently annexed into a municipality or becomes incorporated as a municipality, such portion shall automatically be deemed, upon the effective date of such annexation or incorporation, to no longer be part of a Service Area.

b. Collection Services and Franchise Agreements.

1. Service Areas 1 through 3. The County shall enter into agreements for the provision of Collection Services within Service Areas 1 through 3 by one or more of the following methods:
 - (a) Interlocal agreements with one or more of the municipalities listed below for the applicable Service Area:

Service Area 1: City of Parkland

Service Area 2: City of Coconut Creek

Service Area 3: City of Sunrise

(b) Exclusive franchise agreements with one or more waste collectors providing Collection Services for the municipalities identified in Section (a) above for the referenced Service Areas.

(c) Separate agreements with one or more waste collectors for the sole purpose of providing Collection Services to either: (i) residential units or (ii) commercial establishments, industrial establishments, and/or mobile home parks.

2. Service Area 4. The County shall enter into an exclusive franchise agreement (hereafter referred as "Central County Agreement") with one waste collector to provide Collection Services in Service Area 4. The Central County Agreement may also provide for the waste collector to perform Collection Services for commercial establishments, industrial establishments, and/or mobile home parks in Service Areas 1 through 3.

3. Open Market Area Revocable License Agreements. All unincorporated areas within Broward County that are not part of Service Areas 1 through 4 all shall be deemed an "Open Market Area," where waste collectors with revocable license agreements with the County may enter into private agreements to provide Collection Services.

c. Franchise Fees.

1. Residential Franchise Fees. Each waste collector retained by the County to perform Collection Services for residential units in one or more assigned Service Areas shall pay the County a fixed monthly percentage of the total monies or equivalent value paid to the waste collector as a franchise fee as follows:

- | | | |
|-----|-------------------|-----|
| (a) | Service Area 1: | N/A |
| (b) | Service Area 2: | N/A |
| (c) | Service Area 3: | N/A |
| (d) | Service Area 4: | 10% |
| (e) | Open Market Area: | N/A |

No franchise fee shall be owed to the County for residential units not included on the tax roll. All authorized waste collectors retained by the County to provide Collection Services for residential units shall pay to the County, no later than the 15th calendar day of each month, the franchise fees provided for in this section for the preceding calendar month.

2. Commercial, Industrial, and Mobile Home Park Franchise Fees: All authorized waste collectors retained by the County to provide Collection Services for commercial establishments, industrial establishments, and/or mobile home parks in one or more Service Areas shall pay to the County, no later than the 15th calendar day of each month, a franchise fee for the preceding calendar month based on 15% of the total monies or equivalent value received by the waste collector for all such Collection Services. No

franchise fee shall be owed for container rental and temporary roll-off container service at construction sites.

3. Late Fees. All franchise fees provided for in Sections 1 and 2 above that are paid to the County after the 15th calendar day of the month shall incur late fees of the greater of either (i) an amount accruing based on the rate of interest provided in the Florida Prompt Payment Act, Sections 218.70 through 218.80, Florida Statutes; or (ii) \$50.00. Waste collectors shall pay such late fee upon receipt of written notice from the County.

d. Open Market Area License Fees. All waste collectors applying to obtain a new license or a license renewal from the County to perform Collection Services in the Open Market Area shall pay the County a \$500.00 license application processing fee at the time the application is submitted and, if such license is approved or renewed, a \$2,000.00 license fee upon issuance of the approval or renewal, as applicable. The County may withhold processing and issuance of a license to a waste collector until all fees provided for in this section are paid.

Section 2. Exhibit 38.A of the Broward County Administrative Code is hereby repealed in its entirety.

Section 3. Severability.

If any portion of this Administrative Code Resolution is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Administrative Code Resolution. If any court determines that this Administrative Code Resolution, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the

applicability of this Administrative Code Resolution to any other individual, group, entity, property, or circumstance.

Section 4. Inclusion in the Broward County Administrative Code.

It is the intention of the Board of County Commissioners that the provisions of this Administrative Code Resolution become part of the Broward County Administrative Code as of the effective date. The sections of this Administrative Code Resolution may be renumbered or relettered and the word "resolution" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary to accomplish such intention.

Section 5. Effective Date.

This Administrative Code Resolution is effective upon adoption.

ADOPTED this day of , 2024.

PROPOSED

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Matthew Haber 11/29/2023
Matthew Haber (date)
Assistant County Attorney

By: /s/ Nathaniel A. Klitsberg 11/29/2023
Nathaniel A. Klitsberg (date)
Senior Assistant County Attorney

MH/tb
Waste Collection Service Reso
#1056487v5
11/29/2023

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.