



MONICA CEPERO, County Administrator

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MEMORANDUM

DATE: July 9, 2026

TO: Mayor, Vice-Mayor, and Broward County Board of County Commissioners

FROM: Monica Cepero, County Administrator 

SUBJECT: Response to Unsolicited Proposal from Filthy Organics for an Aerated Static Pile Composting Facility at the Broward County Landfill

On May 26, 2026, Broward County ("County") Administration received an unsolicited proposal from Filthy Organics, LLC ("Filthy Organics"), to lease, construct, and operate a composting facility on County-owned property located at 7101 SW 205th Avenue, Unincorporated Broward County, 33332, and otherwise known as the Broward County Landfill ("BCL"). Accompanying the proposal was an application fee of \$10,000. Thereafter, Filthy Organics was advised that the Cone of Silence pursuant to Section 1-266 of the Broward County Code of Ordinances ("Code") was imposed. The Cone of Silence remains in effect with respect to Filthy Organics and this proposal unless and until terminated in accordance with the Code.

In accordance with the provisions governing unsolicited proposals, staff has completed a preliminary compliance review and evaluation of the submission, including an initial review of whether the proposal may be considered under Section 255.065, Florida Statutes, and whether further evaluation is warranted. If the Board elects to proceed under Section 255.065, further evaluation should address whether the submission satisfies, or whether the Board wishes to waive, applicable statutory submission requirements.

The proposal presents a potentially beneficial concept and generally aligns with the County's sustainability goals. If properly structured, a composting operation could help extend landfill life through diversion, explore beneficial reuse of organic material, create finished compost products that could be used for County parks, landscaping, and other public purposes, increase recycling rates and support broader sustainability and circular-economy goals. The proposed plan does not include food waste and does not include an identified request for County capital funding. However, the proposal contains significant financial and operational gaps. After careful review and consideration, staff recommends advancing the unsolicited

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proposal for further evaluation and potential initiation of the statutory public bidding process for accepting other proposals for the same project.

Staff Recommendation

Assuming the Board determines that the submission may be evaluated as an unsolicited proposal for a qualifying project under Section 255.065, Florida Statutes, and that the County intends to further evaluate the proposal, the Board may either:

- (1) publish notice of receipt of the unsolicited proposal and accept competing proposals for the same project through the statutory public bidding process; or
- (2) proceed without engaging in a public bidding process by conducting the required publicly noticed meetings and making the findings required to determine that advancing the proposal is in the public interest.

After careful consideration, staff recommends advancing the unsolicited proposal for further evaluation and potential initiation of the statutory public bidding process for accepting other proposals for the same project, consistent with the first option above.

If the Board directs staff to proceed under the statutory public bidding process, the County will publish notice in the Florida Administrative Register and in a newspaper of general circulation at least once a week for two weeks, stating that the County has received a proposal and will accept other proposals for the same project. The timeframe within which the County may accept other proposals must be at least 21 days, but no more than 120 days, after the initial date of publication, unless altered by majority vote of the Board in accordance with Section 255.065, Florida Statutes. The County will also mail a copy of the notice to each local government in the affected area, as required by Section 255.065, Florida Statutes.

Prior to any publication or solicitation for competing proposals, staff will determine whether the scope of the solicited qualifying project includes design work requiring a design criteria package under Section 255.065(3)(e), Florida Statutes. If required, the design criteria package may be prepared by an appropriately licensed County staff professional or by an outside Florida-licensed architect, landscape architect, or engineer, provided that the County ensures the licensed design professional who prepares the design criteria package is retained or otherwise available to serve the County through completion of the design and construction of the project, as required by Section 255.065(3)(e), Florida Statutes.

The design criteria package must specify reasonably specific criteria for the qualifying project such as the legal description of the site, with survey information; interior space requirements; material quality standards; schematic layouts and conceptual design criteria for the qualifying project; cost or budget estimates; design and construction schedules; and site development and utility requirements.

Basis for Recommendation

According to Sunbiz.org, Filthy Organics, LLC, has been operating since 2020, as a home-based business located in Broward County and has operated a community-scale aerated static pile composting facility since 2021. The business is registered as a County Business Enterprise (“CBE”) and certified service-disabled, veteran-owned small business.

The proposal also identifies existing municipal and commercial relationships, including several local municipalities and institutional/commercial clients. Those relationships suggest some level of operating experience and market presence, although the County should independently confirm tonnage history, compliance history, customer references, and operational performance. Currently, Filthy Organics processes approximately 572 tons per year (“TPY”), the proposed facility scales to 25,000 – 100,000 TPY, a significant operational leap which is not supported by past performance.

Areas of Consideration

1. Lease Term

The BCL is a valuable public asset deserving commensurate consideration and due diligence analysis. The unsolicited proposal implies a 20-year ground lease with possible renewable options. The proposed 20-year lease is not recommended as presented for the following reasons:

- creates an exclusive, long-term commercial opportunity on public land,
- does not provide opportunity for competitive market testing to evaluate other qualified vendors and potential best value offer,
- limits the County’s ability to take advantage of improved technologies, better pricing structures, or more competitive service offerings that could emerge, and
- proposed operation has not yet been demonstrated on County property or under County-specific conditions at BCL.

Organics processing technology, regulatory requirements, and market conditions are likely to evolve over a 20-year period. For these reasons, if this proposal advances, the County should consider a shorter initial term, pilot or demonstration period, or a structure that allows for multiple vendors or competitive opportunities over time. Any extensions or renewals should be at the County’s discretion and based on demonstrated performance and continued value.

2. Financial Remuneration to the County

The proposed payment structure appears to be below market expectations in relation to the value of the opportunity being granted, especially given the benefit of operating within a County landfill facility. At face value, the proposed payment structure does not

reflect fair market value for the use of County land, infrastructure access, operational advantages, and the commercial benefit of being located at the County landfill.

The proposal identifies an approximately 8-acre composting site at BCL and proposes a 20-year ground lease, with the County retaining land ownership. It proposes an annual payment of \$10,000 for the first two years, and \$5 per ton of material processed on-site thereafter. Therefore, during the first two years, the lease amount equals \$1,250 per acre annually. After year two, potential revenue at \$5/ton is unknown as the current proposal suggests starting with a proposed 25,000 **inbound** tons per year. The \$5/ton payment is based on tons **processed**.

Yard waste/vegetative matter is drastically reduced after processing averaging approximately 40% - 60% reduction in weight. Therefore, using 25,000 **inbound** tons reduced at a conservative 50% equates to an approximate annual payment of \$62,500. This revenue amount would be reduced further due to contamination which would be extracted prior to processing.

Given these valuation concerns, further analysis is required before the County can determine whether the proposed financial terms are cost-effective and provide an overall public benefit. Prior to initiating the statutory public bidding process, or prior to award if the Board proceeds under the alternative public meeting process, the County will need to perform the independent analysis required by Section 255.065(5)(d), Florida Statutes, demonstrating the cost-effectiveness and overall public benefit of the proposed public-private partnership.

For these reasons, the proposed compensation should not be accepted without further evaluation and/or the statutory public bidding process to ensure the County receives appropriate value.

3. Financial Structure and Economic Soundness

The County should also verify the proposer's financial capacity. The proposal states that the project would be privately funded, but the County should require proof of committed financing, audited or reviewed financial statements if available, bonding capacity, insurance coverage, closure obligations, indemnification, and financial assurance for site restoration if the operation fails or is terminated.

The proposed payment structure also lacks key protections typically included in long-term agreements, such as minimum annual guarantees, escalation provisions, revenue sharing, and performance-based adjustments. Without these elements, the County may not receive fair value over time.

4. Operational Feasibility and Environmental Impacts

Composting facilities can create odor, leachate, stormwater, vector, fire, traffic, litter, contamination, and public-complaint concerns if not properly designed and managed. Therefore, the County would require a detailed operating plan, including accepted feedstocks, feedstock storage, contamination controls, odor management,

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stormwater/leachate management, traffic routing, fire prevention, emergency response, hours of operation, and complaint response.

Because the proposed location is within an active landfill footprint, the County must ensure that the project would not interfere with landfill operations, future cell development, ingress and egress, scalehouse operations, emergency access, regulatory compliance, cover operations, hurricane debris operations, or long-term landfill planning.

Furthermore, the proposal does not include a phased-in approach detailing how and when Filthy Organics plans to meet the 25,000 TPY initially. This is important to the current operations and logistics of the County's landfill.

5. Daily Cover

As common with virtually all compost processing facilities, when envisioning the end markets, landfills are at the top of the list. Landfills use mulch and/or compost as "daily cover" also known as beneficial use. Unlike Class I landfills that accept food waste and require daily cover at the end of each workday, the Broward County Landfill operates as a Class III landfill (no food waste accepted) and is required to apply daily cover only **once per week**. Therefore, BCL is not a reliable source to unload stockpiles of compost material that may have a hard time reaching other end markets. A plan to move the compost material is a vital requirement as part of the partnership with the County.

Accordingly, staff recommends that the County advance the unsolicited proposal for further evaluation to determine its feasibility, compatibility with County objectives, compliance with applicable statutory requirements, and potential public benefit. Based on the results of that evaluation, staff may return with a recommendation to initiate the public bidding process to accept other proposals for the same project, consistent with the first option described above. This recommendation is not an endorsement of the proposer, a final determination that the proposal constitutes a qualifying project under Section 255.065, Florida Statutes, approval of any agreement with Filthy Organics, or a commitment to proceed with a procurement, but rather an opportunity to further assess the proposed concept, potential value-added benefits, financial and operational feasibility, and its suitability for the identified location and the County's long-term operational needs.

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