

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO GARBAGE AND TRASH; REPEALING AND
3 CREATING A NEW ARTICLE V OF CHAPTER 14, INCLUDING SECTIONS 14-150
4 THROUGH 14-154, OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE")
5 RELATING TO BATTERY DISPOSAL AND RECYCLING; PROVIDING FOR
6 PENALTIES AND ENFORCEMENT; AMENDING SECTION 8½-16 OF THE CODE; AND
7 PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE
8 DATE.

9 (Sponsored by Senator Steve Geller)

10
11 WHEREAS, single-use and rechargeable batteries, either as a removable or
12 nonremovable power source for consumer goods, are often disposed of in solid waste
13 facilities in Broward County;

14 WHEREAS, the use and disposal of batteries in Broward County is likely to
15 continue to increase due to the ever-increasing use of small portable electronics, power
16 tools, smart products, and other everyday battery-powered items;

17 WHEREAS, batteries are generally manufactured using various chemical
18 elements to meet power and performance needs and may contain metals such as
19 cadmium, lithium, lead, mercury, nickel, and others, all of which pose a threat to human
20 health and the environment if improperly managed;

21 WHEREAS, toxic metals from batteries can leach into soil, ground water, and
22 surface water, concentrate in the tissues of various organisms, and make their way into
23 the public food supply, creating potential adverse health effects;

24 WHEREAS, disposal of batteries containing lithium is particularly hazardous and
25 can cause landfills, waste-to-energy facilities, and the trucks hauling such batteries to
26 catch fire;

27 WHEREAS, some batteries may also contain valuable materials such as silver,
28 cobalt, lithium, and graphite, which are considered critical minerals by the United States
29 Geological Survey and the recycling of which is economically and strategically important
30 to the United States; and

31 WHEREAS, separating the various types of batteries for recycling at end of life can
32 enable reuse of valuable minerals, reduce the leaching of toxic substances into soil and
33 water resources, protect human health, and prevent fires at solid waste facilities,

34 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
35 BROWARD COUNTY, FLORIDA:

36 Section 1. Article V of Chapter 14 of the Broward County Code of Ordinances
37 is hereby repealed in its entirety, and a new Article V of Chapter 14 is hereby created to
38 read as follows:

39 [Underlining omitted]

40 **ARTICLE V. BATTERY RECYCLING AND DISPOSAL**

41 **Sec. 14-150. Definitions.**

42 *Battery(ies)* means any device, weighing two (2) pounds or less, consisting of
43 one (1) or more electrically connected electrochemical cells that is designed to receive,

store, and deliver electric energy, and that is not an Excluded Battery. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term Battery(ies) includes an intact, unbroken Battery from which the electrolyte has been removed. The term Battery(ies) includes a number of different types of Batteries, each of which must also weigh two (2) pounds or less, defined as follows:

(a) *Rechargeable Battery(ies)* means any dry cell Battery capable of being recharged, or any battery pack containing such a Battery, weighing two (2) pounds or less regardless of chemistry, that is not an Excluded Battery.

(b) *Single-Use Disposable Battery(ies)* means any nonrechargeable dry cell Battery, including, but not limited to, alkaline and zinc carbon Batteries, that is not a Specialized Care Battery or an Excluded Battery.

(c) *Specialized Care Battery(ies)* means any of the following types of Batteries, whether single-use or rechargeable: (i) button-cell; (ii) coin; (iii) lithium; (iv) lithium-ion; (v) nickel cadmium; (vi) nickel metal hydride; (vii) nickel zinc; (viii) small-scale sealed lead acid; or (ix) any Battery that is not a Single-Use Disposable Battery and meets the description of "Universal Waste" under applicable law, including without limitation 40 C.F.R. § 273.2, as amended. This term may include Rechargeable Batteries depending on the composition of the Battery but does not include Excluded Batteries.

Code means the Broward County Code of Ordinances.

Consumer means any natural person who purchases, for personal use, one (1) or more Batteries or products containing Batteries that cannot be easily removed.

67 *Excluded Battery(ies)* means any device that would otherwise fall under the
68 definition of Battery but that weighs more than two (2) pounds. This term also means any
69 device, whether single-use or rechargeable and regardless of weight, used as the
70 principal or backup electric power source for: (i) a vehicle, such as, but not limited to, an
71 automobile, bicycle, boat, rideable lawnmower, truck, tractor, golf cart, or wheelchair; or
72 (ii) the storage of electricity provided by the electrical grid or an onsite alternative power
73 source (e.g., fossil fuel, solar, or wind-driven generators) for a home, building, other
74 structure, or fixture. This term includes, but is not limited to, the following types of
75 batteries: heavy equipment, large-format lead-acid, and medium- and large-scale lithium-
76 ion.

77 *Hazardous Waste* has the meaning as stated in Section 27-352 of the Code, as
78 amended.

79 *Place of Business* means the physical location within Broward County at which a
80 Retailer sells, or offers for sale, Batteries or Rechargeable Battery Products to
81 Consumers.

82 *Rechargeable Battery Product(s)* means any device or product containing a
83 Rechargeable Battery that cannot be easily removed.

84 *Retailer* means a person or entity engaged in the retail sale of Batteries or
85 Rechargeable Battery Products at a physical location in Broward County and who derives
86 more than twelve thousand dollars (\$12,000.00) per year in gross revenue from Battery
87 sales at the Place of Business. The term Retailer includes Large Volume Retailers, Repair
88 Service Retailers, and Small Volume Retailers, defined as follows:

(a) *Large Volume Retailer* means a Retailer who is engaged in the sale of Batteries or Rechargeable Battery Products to the public and dedicates more than fifteen (15) linear feet of store space within its Place of Business for such sale.

(b) *Repair Service Retailer* means a Retailer who is not a Large Volume Retailer, who is engaged in the sale or repair of Rechargeable Battery Products, and who derives more than fifty percent (50%) of such Retailer's gross revenue from the sale or repair of such products.

(c) *Small Volume Retailer* means a Retailer who is not a Large Volume Retailer or a Repair Service Retailer and who is engaged in the sale of Batteries or Rechargeable Battery Products.

Universal Waste has the meaning given it in 40 C.F.R. § 273.9, as amended.

Sec. 14-151. Recycling and Disposal of Batteries, Excluded Batteries, and Specialized Care Batteries.

(a) Single-Use Disposable Batteries and Rechargeable Batteries that are not Specialized Care Batteries may be recycled with Retailers providing Battery collection service pursuant to Section 14-152 of the Code, or otherwise safely recycled or disposed of in compliance with the requirements of state and federal law.

(b) *Specialized Care Batteries.*

(1) Specialized Care Batteries, including products containing Specialized Care Batteries, must be disposed of or recycled with Retailers providing Battery collection service pursuant to Section 14-152 of the Code or through a public or private program or service that complies with the applicable requirements of state and federal law, including, but not limited to, those

regulating Universal Waste in 40 C.F.R. §§ 273.13 and 273.33. Examples of such public or private programs or services include, but are not limited to, County-sponsored residential drop-off programs for the collection of household hazardous waste or electronic waste, other government curbside programs, or destination facilities permitted for the treatment, disposal, or recycling of Hazardous Waste or Universal Waste.

- (2) Specialized Care Batteries, including products containing Specialized Care Batteries, may not be knowingly: (i) placed in a refuse bin, garbage container, or other receptacle for the disposal of solid waste in Broward County; (ii) disposed of in any receptacle for recyclable materials in Broward County other than in compliance with Section 14-152 of the Code unless such receptacle is part of a Universal Waste recycling program or service; or (iii) disposed of in Broward County at a “solid waste disposal facility,” as that term is defined by Section 403.703, Florida Statutes, unless such facility is permitted as a Hazardous Waste or Universal Waste destination facility.

(b) *Excluded Batteries.*

- (1) Retailers providing Battery collection service pursuant to Section 14-152 of the Code are not required to accept Excluded Batteries or products containing Excluded Batteries.

- (2) Excluded Batteries, including products containing Excluded Batteries, must be disposed of or recycled, as appropriate, in compliance with the applicable requirements of state and federal law.

- (3) Excluded Batteries, including products containing Excluded Batteries, may not be knowingly placed into any refuse bin, garbage container, or other receptacle for the disposal of solid waste in Broward County or disposed of in Broward County at a “solid waste disposal facility,” as that term is defined by Section 403.703, Florida Statutes, that is not permitted as a Hazardous Waste or Universal Waste destination facility.

Sec. 14-152. Retail Battery Collection and Recycling Program.

(a) *Retailer Onsite Battery Collection.*

- (1) *Establishment of Onsite Battery Collection and Recycling Program.* All Retailers must implement an onsite Battery collection, disposal, and recycling program for Batteries, at no expense to Consumers, in compliance with this article and that is distinct from any local government curbside program or other local government collection system.

- (2) *Collection Hours.* A Retailer’s onsite Battery collection program must accept Batteries from Consumers any day that the Place of Business is open for business, with such collection service provided beginning no later than one (1) hour after the opening time of the Place of Business and ending no more than one (1) hour before the closing time of such Place of Business.

- (3) *Batteries Collected.* A Retailer’s onsite Battery collection program must accept Batteries from Consumers in compliance with the following minimum standards:

- a. A Large Volume Retailer must accept any and all Batteries and Rechargeable Battery Products that are of a similar size and kind as

those sold by the Large Volume Retailer, regardless of brand, at such
Retailer's Place of Business.

b. A Repair Service Retailer must accept any and all Batteries and
Rechargeable Battery Products that are of a similar size and kind as
those sold or repaired by the Repair Service Retailer, regardless of
brand, at such Retailer's Place of Business.

c. A Small Volume Retailer must accept from each Consumer up to
ten (10) Batteries per day of a similar size and kind of Batteries as
those sold at the Small Volume Retailer's Place of Business,
regardless of brand, unless such Consumer purchases Batteries that
day at such Retailer's Place of Business. If a Consumer purchases
Batteries from the Small Volume Retailer, then on that day of
purchase the Small Volume Retailer must accept from such
Consumer up to five (5) times the number of Batteries purchased by
such Consumer. A Small Volume Retailer must also accept from
each Consumer up to ten (10) Rechargeable Battery Products per
day of a similar size and kind as those sold at the Small Volume
Retailer's Place of Business. A Small Volume Retailer may not
impose any other limits on the number of Batteries accepted.

(4) *Placement of Collection Boxes.* A Retailer must maintain collection boxes
or other receptacles suitable for the safe collection of Batteries and
Rechargeable Battery Products at a conspicuous location within its Place
of Business that is convenient for use by Consumers.

- (5) *Rules.* A Retailer may establish rules for the orderly and safe collection of Batteries from Consumers in compliance with this article.
- (f) *Processing Collected Batteries.*
- (1) *Handling, Transportation, and Destination.* A Retailer must ensure that all Batteries, and all products containing Batteries that cannot be easily removed, collected at its Place of Business are handled, transported, processed, and disposed of or recycled safely in compliance with applicable state and federal law, including, but not limited to, laws regulating Universal Waste in 40 C.F.R. §§ 273.13 and 273.33, as applicable.
- (2) *Recycling of Specialized Care Batteries.* A Retailer must ensure that all Specialized Care Batteries, whether single-use or rechargeable, collected at its Place of Business are recycled in compliance with applicable state and federal law.
- (g) *Signage.*
- (1) A Retailer must post and maintain, in a conspicuous location at or near the point of entry to its Place of Business and also proximate to the location where Batteries or Rechargeable Battery Products are displayed for sale, legible signs, not less than eight and one-half by eleven inches (8.5" x 11") in size, stating that used Batteries or Rechargeable Battery Products may not be disposed of as solid waste and that the Place of Business is a collection site for Batteries or Rechargeable Battery Products.
- (2) Each such sign posted and maintained by a Retailer must state the following in letters at least one-half inch (0.5") in height:

204 "THE UNSAFE DISPOSAL OF BATTERIES IS KNOWN TO CAUSE
205 FIRES. IT IS ILLEGAL IN BROWARD COUNTY TO DISPOSE OF MOST
206 TYPES OF BATTERIES IN THE TRASH OR RECYCLING BINS. USED
207 BATTERIES ARE ACCEPTED HERE FOR SAFE DISPOSAL AND
208 PROPER RECYCLING."

209 (h) All Retailers must be in compliance with the provisions of this article no later
210 than January 1, 2026.

211 **Sec. 14-153. Penalties and Remedies.**

212 (a) Any Retailer determined to be in violation of this article shall be required to
213 pay a civil penalty of two hundred fifty dollars (\$250.00) for the first violation and five
214 hundred dollars (\$500.00) for each repeat violation. Each day such violation continues
215 shall constitute a separate offense.

216 (b) Any person or entity determined to have disposed of Batteries,
217 Rechargeable Battery Products, or Excluded Batteries at a "solid waste disposal facility,"
218 as that term is defined by Section 403.703, Florida Statutes, located within Broward
219 County in violation of this article or a rule or regulation posted at that facility shall be
220 required to pay a civil penalty of two hundred fifty dollars (\$250.00) for the first violation
221 and five hundred dollars (\$500.00) for each repeat violation; provided such rule or
222 regulation is posted on a legible sign that is not less than twelve by eighteen inches
223 (12" x 18") in size with letters at least one-half inch (0.5") in height. Each day such
224 violation continues shall constitute a separate offense.

225 (c) These penalties shall not preclude any other remedies, including injunctive
226 relief, otherwise available at law or in equity.

Sec. 14-154. Enforcement.

(a) This article shall be applicable countywide. Broward County may enforce this article in the unincorporated and incorporated areas, and each applicable municipality may enforce this article in its incorporated area.

(b) Every code enforcement officer having jurisdiction in the area governed by this article may, in addition to all other duties imposed by law, enforce the provisions of this article.

(c) Violations of Sections 14-152 or 14-153 are civil infractions and, as such, may be enforced by Broward County and/or any municipality pursuant to the provisions of Chapter 8½, Article II, "Alternate Code Enforcement Procedure," of the Code, with penalties assessed pursuant to Section 14-153 of the Code, pursuant to Chapter 162, Florida Statutes, and/or may be enforced by any municipality pursuant to the procedures contained in any applicable municipal code provisions.

Section 2. Section 8½-16 of the Broward County Code of Ordinances, relating to "Schedule of civil penalties," is hereby amended to create a new numbered paragraph (4) in Section (f), with the remaining listed violations being renumbered accordingly.

Sec. 8½-16. Schedule of civil penalties.

SCHEDULE OF CIVIL PENALTIES

. . .

(f) *Miscellaneous provisions:*

Fine

Violation

First Violation

Repeat Violation

250	...		
251	<u>(4)</u>	<u>Violation of battery recycling</u>	
252		<u>and disposal ordinance</u>	
253		<u>(sec. 14-152 and 14-153)</u>	<u>250.00</u> <u>500.00</u>

254 ...

255 Section 3. Severability.

256 If any portion of this Ordinance is determined by any court to be invalid, the invalid
257 portion will be stricken, and such striking will not affect the validity of the remainder of this
258 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
259 legally applied to any individual, group, entity, property, or circumstance, such
260 determination will not affect the applicability of this Ordinance to any other individual,
261 group, entity, property, or circumstance.

262 Section 4. Inclusion in the Broward County Code of Ordinances.

263 It is the intention of the Board of County Commissioners that the provisions of this
264 Ordinance become part of the Broward County Code of Ordinances as of the effective
265 date. The sections of this Ordinance may be renumbered or relettered and the word
266 "ordinance" may be changed to "section," "article," or such other appropriate word or
267 phrase to the extent necessary to accomplish such intention.

269 | This Ordinance is effective as of the date provided by law.

PROPOSED

EFFECTIVE

By: /s/ Matthew Haber 02/27/2025
 Matthew Haber (date)
 Senior Assistant County Attorney

By: /s/ René D. Harrod 02/27/2025
René D. Harrod (date)
Chief Deputy County Attorney

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