



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Resolution/Award/Presentation

E.1.

9/16/2025

Subject:

Resolution supporting the Melbourne Tillman Water Control District's request for the Florida Legislature to amend subsection (12) of section 8 of section 3 of chapter 2001-336, Laws of Florida. - District 5

Fiscal Impact:

None

Dept/Office:

District 5 Commission Office

Requested Action:

It is requested that the BOCC approves the resolution supporting the Melbourne Tillman Water District's request for the Florida Legislature to amend subsection (12) of section 8 of section 3 of chapter 2001-336, Laws of Florida.

Summary Explanation and Background:

- **Background:**
- The Melbourne-Tillman Water Control District is a special district established in 1922 by the Florida Legislature for the purpose of providing a water management system to prevent damage from flooding, erosion, and excessive drainage. The district is a dependent water control district of Brevard County located in the southern part of the county and is comprised of 100 square miles within its boundaries (approximately 64,500 acres). The district owns and maintains over 2,300 acres of canal rights-of-way in 163 miles of canals. The district is funded through the annual collection of user fees and has three user fee categories: Commercial, Residential, and Agricultural.

- **Issue:**

As amended in Ch. 2001-336, Laws of Florida, the rate at which user fees are collected is capped by an allowable increase of 10% year over year, pending approval by the Brevard County Commission, and is capped at the following overall levels:

- Commercial: \$52.50 per acre
- 1 Residential: \$25 per acre
- 2 Agricultural: \$8.50 per acre

While the caps were reasonably set at these levels in 2001, they now inhibit the district from collecting an adequate and reasonable amount of fees to pay for operations. This growing inability to cover district operational costs has impacted the level of service and is at risk of becoming critical in the coming years due to continually rising costs in recent years.

- **Request:**

- Melbourne Tillman Water Control District respectfully requests that the Florida Legislature amend Ch. 2001-336, Laws of Florida, to remove all total limit caps set on the collection of user fees by the district. This proposal replaces the caps with an annual consumer price index adjustment based upon South Region data from the US Bureau of Labor Statistics. The district would continue to have oversight by the Brevard County Commission for annual budgetary approval, which includes two members with absolute veto power on any increase, as well as the 10% year-over-year cap on increases of user fees. These safeguards ensure the prevention of inappropriate or excessive spending by the district.

For the purpose of providing services to new infrastructure adjacent to current district boundaries, the district requests that language be included under this same chapter to enable the district to annex Brevard County parcel 28-37-34-00-755, a piece of vacant commercial land that is currently owned by Holmes Regional Medical Center, Inc.

Bill drafts are attached.

Clerk to the Board Instructions:

Please provide one framed copy of the resolution.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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Kimberly.Powell@brevardclerk.us

September 17, 2025

M E M O R A N D U M

TO: Commissioner Thad Altman, District 5

RE: Item E.1., Resolution Supporting the Melbourne Tillman Water Control District's Request for the Florida Legislature to Amend Subsection (12) or Section 8 of Section 3 of Chapter 2001-336, Laws of the Florida

The Board of County Commissioners, in regular session on September 16, 2025, adopted Resolution No. 25-097, supporting the Melbourne Tillman Water District's request for the Florida Legislature to amend subsection (12) of Section 8 of Section 3 of Chapter 2001-336, Laws of Florida. Enclosed is the fully-executed Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

Encl. (1)

Brevard



County

BOARD OF COUNTY COMMISSIONERS

Resolution

WHEREAS, the Melbourne Tillman Water Control District was established as a dependent special district in 1922 for the purposes of damage prevention from flooding, erosion, and excessive damage for residents of Brevard County; and

WHEREAS, the water control district's boundaries encompass southern areas of Brevard County, specifically in portions of unincorporated Brevard County, City of Palm Bay, and the City of West Melbourne; and

WHEREAS, the district maintains major water control infrastructure that requires continual maintenance to prevent infrastructure malfunction or failure that would result in the communities listed being impacted by the aforementioned damage related to flooding, erosion, and other water-related causes; and

WHEREAS, special districts that are established under Florida law are subject to legislation in the form of local bills to change core aspects of their structure, function, and ability to collect fees.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, does hereby proclaim support for the purposes of

LEGISLATION IN REGARD TO DISTRICT USER FEES

and encourages the Florida Legislature to amend subsection (12) of Section 8 of Section 3 of Chapter 2001-336, Laws of Florida, to remove caps related to user fees collected by the district, leave intact provisions that require budgetary approval by the Brevard County Board of County Commissioners and cap annual budget increases 10 percent, and amend language to create an annual consumer-price-index adjustment with considerations based upon data from the South Region of the United States, issued by the United States Department of Labor.

DONE, ORDERED, AND ADOPTED, in regular session this 16th day of September, 2025.

ATTEST:

RACHEL M. SADOFF, CLERK

ROB FELTNER, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA



RESOLUTION

WHEREAS, the Melbourne Tillman Water Control District was established as a dependent special district in 1922 for the purposes of damage prevention from flooding, erosion, and excessive damage for residents of Brevard County; and

WHEREAS, the water control district's boundaries encompass southern areas of Brevard County, specifically in portions of unincorporated Brevard County, the City of Palm Bay, and the City of West Melbourne; and

WHEREAS, the district maintains major water control infrastructure that requires continual maintenance to prevent infrastructure malfunction or failure that would result in the communities listed being impacted by the aforementioned damage related to flooding, erosion and other water-related causes; and

WHEREAS, special districts that are established under Florida law are subject to legislation in the form of local bills to change core aspects of their structure, function and ability to collect fees.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA does hereby proclaim support for the purposes of

Legislation in Regard to District User Fees

And encourages the Florida Legislature to amend subsection (12) of section 8 of section 3 of chapter 2001-336, Laws of Florida, to remove caps related to user fees collected by the district, leave intact provisions that require budgetary approval by the Brevard County Board of County Commissioners and cap annual budget increases to 10%, and amend language to create an annual consumer-price-index adjustment with considerations based upon data from the South Region of the United States, issued by the United States Department of Labor.

DONE AND ORDERED AND ADOPTED, in regular session this 16th day of September A.D., 2025.

ROB FELTNER, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

ATTEST:

RACHEL SADOFF, CLERK

BILL

ORIGINAL

YEAR

1 A bill to be entitled
2 An act relating to the Melbourne-Tillman Water Control
3 District, Brevard County; amending ch. 2001-336, Laws of
4 Florida; amending district boundaries; providing an
5 effective date.

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 **Section 1.** Section 3 of section 3 of chapter 2001-336,
10 Laws of Florida, is amended, to read:

11 **Section 3.** Section 3. Special district.--There is hereby
12 created and incorporated the Melbourne-Tillman Water Control
13 District, a dependent special district, for the purpose of
14 constructing, reconstructing and repairing, maintaining, and
15 operating a surface water management system. The boundaries of
16 the District are:

17
18 All of Township 29 South, Range 36 East, and portions
19 of Township 29 South, Range 37 East, Township 28
20 South, Range 36 East and Township 28 South, Range 37
21 East in Brevard County, Florida being more
22 particularly described as follows:

23
24 Township 29 South, Range 37 East:

25
26 The West 1/2 of Sections 3, 27 and 34, and all of
27 Sections 4 through 9, 16 through 21, and 28 through
28 33, and the West 1/2 of the Southwest 1/4 of the
29 Northeast 1/4 of Section 34.

30 Township 28 South, Range 36 East:

31
32 The South 1/2 of Sections 1 through 5, the Southeast
33 1/4 of Section 6, and all of Sections 7 through 36.
34 All of Sections 20 and 29 located within Township 28

BILL

ORIGINAL

YEAR

35 South, Range 36 East shall be annexed into the City
36 of Palm Bay.

37
38 Township 28 South, Range 37 East:

39
40 (a) The Southwest 1/4 of Section 6, the West 1/2 and
41 Southeast 1/4 of Section 7, the West 1/2 of Section
42 17, the South 1/2 of Section 21, a portion of the
43 Southwest 1/4 of Section 22 described as the West 1/2
44 of the Northwest 1/4 of the Southwest 1/4, less
45 Parcel 543, the South 1/2 of Section 27, less a
46 portion of the North 1/2 of the South 1/2 described
47 as the area bounded by the west section line, then
48 southerly along the section line to a point 419 feet
49 distant, then easterly to a point along the east
50 section line 450 feet southerly of the midpoint of
51 the east section line, then northerly along the
52 section line to the midpoint of the section line,
53 then westerly to the midpoint of the west section
54 line, the point of beginning, the West 1/2, Northeast
55 1/4 and a portion of the Southeast 1/4 described as
56 the North 1/2 of the Southeast 1/4 and Lot 4 and the
57 West 1/2 of Lot 3, all within Section 34, the West 1/2
58 of the Northwest 1/4 and Northwest 1/4 of the Southwest
59 1/4 of Section 35, and all of Sections 18 through 20,
60 and 28 through 33.

61
62 (b) Tracts 1, 2, 3 & 4 of the Garner Acres Plat, a
63 replat of a portion of Central Highlands, as recorded
64 in Plat Book 47, Page 13, of the Public Records of
65 Brevard County, Florida, lying in Section 8.

66
67
68 (c) Tax I.D. Parcels 503, 505, 507 & 508 lying in
69 Section 8.

70
71 (d) Lot 29, Florida Indian River Land Company, as
72 recorded in Plat Book 1, Page 164, of the Public

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Records of Brevard County, Florida, lying in Section 17.

(e)The East 1/2 of Lot 3 of Florida Indian River Land Company's Subdivision, lying in Section 34, Township 28 South, range 37 East, according to the plat thereof as recorded in Plat Book 1, Page 164, Public Records of Brevard County, Florida; less the South 33 feet thereof conveyed to the State of Florida for road right-of-way as recorded in Deed Book 227, Page 558, on the 28th day of May 1936, Brevard County, Florida.

The District shall constitute a dependent special district under the laws of the state.

Section 4. This act shall take effect July 1, 2026.

BILL

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YEAR

1 A bill to be entitled
2 An act relating to the Melbourne-Tillman Water Control
3 District, Brevard County; amending chapter 2001-336, Laws
4 of Florida, as amended; removing obsolete language;
5 revising maximum stormwater management user fees for
6 residential, agricultural, and commercial parcels of land;
7 providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 **Section 1. Subsection (12) of section 8 of section 3 of**
12 **chapter 2001-336, Laws of Florida, as amended, is amended to**
13 **read:**

14 Section 8. Powers given the Board to effect a surface
15 water management system within District boundaries.—In order to
16 responsibly, efficiently, and effectively secure, operate, and
17 maintain an adequate, dependable surface water management
18 system, the Board of Directors, consistent with and supportive
19 of the state water policy, the state water use plan, the state
20 land development plan, and the regional policy plan, shall:

21 (12)~~(a)~~ Levy, assess, and collect an annual stormwater
22 management user fee to carry out the purposes of the District,
23 beginning with the 1990-1991 budget year.

24 (a) Such fee must be just and equitable and shall be based
25 upon the impact that a given parcel of land imposes on the

BILL

ORIGINAL

YEAR

26 stormwater management system.

27 (b) A fee may not be finally set by the Board of Directors
28 or approved by the Board of County Commissioners of Brevard
29 County during its annual budget review until after a public
30 hearing is held by the Board of County Commissioners. The Board
31 of County Commissioners must hold a special public hearing
32 within the boundaries of the District. At the public hearing,
33 all owners of property in the District shall have an opportunity
34 to be heard concerning the proposed fee.

35 (c) Notice of such public hearing ~~for the 1990-1991 budget~~
36 ~~year must be given in the manner prescribed in subsection (2) of~~
37 ~~Section 16. Thereafter, notice~~ must be given by publication in a
38 newspaper of general circulation in Brevard County at least 7
39 days before the date of the hearing. The stormwater management
40 user fee, when established, shall be deemed to be reasonable and
41 necessary to carry out the obligations, responsibilities, and
42 duties of the District. All of the proceeds of the fee are in
43 payment for the use of the District stormwater management
44 system. The fee must be established by resolution of the Board
45 of Directors and approved by a majority vote of the Board of
46 County Commissioners of Brevard County, with each County
47 Commissioner whose county commission residency area lies wholly
48 or partially within the District voting in the affirmative.

49 (d) The stormwater management user fee structure shall
50 have three land classifications: Residential, Agricultural, and

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Commercial. The Board of Directors, in establishing the annual fee, must use the Brevard County Land Use Code Index as the basis for land classification. The annual stormwater management user fee shall be levied on the parcels, as the Brevard County Land Use Code Index has them designated, for that respective budget year.

~~For the 1990-1991 budget year, the residential fee may not exceed \$10 per acre or portion thereof, the agricultural fee may not exceed \$3.50 per acre or portion thereof, and the commercial fee may not exceed \$21 per acre or portion thereof.~~

~~Thereafter, The stormwater management fee for residential parcels, agricultural parcels, or commercial parcels may not be more than 10 percent above the fee for the preceding year. However, the maximum fee per acre or portion thereof for residential parcels may not exceed \$25, the maximum fee per acre or portion thereof for agricultural parcels may not exceed \$8.50, and the maximum fee per acre or portion thereof for commercial parcels may exceed \$52.50.~~

Beginning with fiscal year 2026-2027, the stormwater management fee for residential parcels, agricultural parcels, or commercial parcels shall be adjusted annually by the average of the monthly consumer-price-index figures for the stated 12-month period,

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76 relative to the South Region of the United States, issued by the
 77 United States Department of Labor. Notwithstanding the
 78 foregoing, the stormwater management fee may not be more than 10
 79 percent above the fee for the preceding year not inclusive of
 80 the aforementioned annual consumer-price-index adjustment.

81

82 **Section 2.** This act shall take effect July 1, 2026.

Board Meeting Date

9-14

Item Number: E.1 - Melb Tilman Res.

Motion By: TA

Second By: KA

Nay By: _____

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2	✓	
Commissioner Adkinson	3	✓	
Commissioner Altman	5	✓	
Chairman Feltner	4	✓	