



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - County Manager

J.3.

9/16/2025

Subject:

Brevard County 2026 Legislative Program

Fiscal Impact:

N/A

Dept/Office:

County Manager's Office

Requested Action:

It is requested that the Board of County Commissioners discuss and provide direction concerning the 2026 Legislative Program and identify priorities for the upcoming 2026 Legislative Delegation meeting.

Summary Explanation and Background:

The Board of County Commissioners is asked to review the legislative items that staff have developed for consideration for the State Legislature's 2026 session. Items that the Board supports with any additional items the Board may add to the listing will make up the legislative package that our legislative delegation and state lobbyist will be asked to pursue.

The draft Legislative Package with Departmental Input/Recommendations include items submitted by Planning and Development, Solid Waste, Public Works, Utility Services, Housing and Human Services, Natural Resources and Mosquito Control. Detailed requests are attached. The Board is requested to review, discuss, and provide direction for the 2026 Legislative Program, including any Commissioner suggested items that the Board directs be included, and to identify the Board's top priorities for the upcoming session.

Finally, the Board may wish to designate a Commissioner to present the Board's Legislative priorities to the Legislative Delegation meeting on Tuesday, September 30, 2025.

Clerk to the Board Instructions:



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September 17, 2025

M E M O R A N D U M

TO: Jim Liesenfelt, County Manager

RE: Item J.3., Brevard County 2026 Legislative Program

The Board of County Commissioners, in regular session on September 16, 2025, discussed the 2026 Legislative Program; approved as amended, by including for public safety to be an allowable expense for the Tourist Development Tax, and the preemption of short-term rentals; and designated Commissioner Rob Feltner, to present the Board's Legislative priorities to the Legislative Delegation meeting on Tuesday, September 30, 2025, with Commissioner Kim Adkinson as backup, for if Commissioner Feltner is not able to attend.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/ds

cc: Each Commissioner

Brevard County Board of County Commissioners

2026 Legislative Program Summary Brevard County Initiatives

Stormwater Infrastructure:

SUPPORT funding for the design of the **Scottsmoor/Mims Area North Stormwater Master Drainage Project**. The planning effort completed in December 2024 consists of upgrading and replacing drainage systems to achieve effective flood control in the Scottsmoor region (Basin IX). Five areas of flooding concern include Aurantia Road, Burkholm Canal, Lawrence, Ravencrest and Shamrock-Bouganvilla, however, impacts of the flooding goes far beyond these areas of concern. The plan includes replacing or adding structures such as culverts, inlets, and weirs, clearing or dredging channels and implementing detention measures where feasible. For efficiency and budgetary purposes, the project has been broken down into several phases to ensure a logical progression for flood mitigation and cost effectiveness. The estimated costs associated with the drainage project (design, survey, permitting and construction) is \$9.3 million. The estimated cost of completing the design for all phases is approximately \$1,396,204. We are seeking funding in this year's appropriation for all design work associated with the **Scottsmoor/Mims Area North Stormwater Master Drainage Project** in the amount of \$698,102.

SUPPORT funding for the design of the **Indialantic Stormwater Drainage Project - Phase 7**. The focus area is bound by SR-518 to the north, Paradise Boulevard to the south, to the west is the Indian River and SR A1A to the east. The master planning effort, completed in December 2022, recommended improvements to the drainage systems. The scope of work has been broken down into phases to allow for a logical progression of improvements that include a change in drainage patterns to lessen reliance on rear lot drainage easements in residential backyards and to make improvements from downstream to upstream within the drainage systems. Funding for design, permitting and engineering services was funded by the County in 2024/2025 for Phases 1B, 2, and 4 in the amount of \$652,526. Construction was funded by County and ARPA funding for Phase 1 in the approximate amount of \$3,524,518. The contractor was recently issued a construction notice to proceed for Phase 1. Brevard County is also anticipating receipt of FY 26 State funding through FDEP totaling \$1,764,078 to construct the Phase 2 (\$3.5M) project with a 50% County match. The County is awaiting notification of funding through a federal appropriation for the Phase 4 (\$4M) project with a 50% County match. The total estimated costs associated with the remaining phases (3,5,6,8, and 9) identified in the 2022 study is approximately \$15.8 million based on the actual design and construction costs for Phase 1 and 2. The total amount for the design for the **Indialantic**

Stormwater Drainage Project - Phase 7 is estimated at \$210K. We are seeking funding in this year's appropriation for Phase 7 with estimated design cost of \$105K.

SUPPORT funding for a multi-basin study of the **Maemir/Martin/Fiske Area Drainage Improvements** to study stormwater management options for the area. The project area is currently experiencing issues with localized flooding and inadequate drainage infrastructure. The study will be done in coordination FDOT and the City of Rockledge. Brevard County is seeking funding in this year's appropriation for the **Maemir/Martin/Fiske Area Drainage Improvements** in the amount of \$500K.

SB180:

SUPPORT legislation repealing portions of Chapter 205-190, Laws of Florida (CS/CS/SB 180, 2025), specifically Sections 18 and 28. While SB 180 contained constructive provisions that may enhance emergency response and disaster recovery, Sections 18 and 28 imposed a three-year freeze on community planning for every local government in Florida and extend that freeze for another year in any county within 100 miles of future hurricanes. These sections prohibit any change in comprehensive plans, land development regulations, or procedures that might be deemed "more restrictive or burdensome." Those terms are not defined, and the reach of these sections is not limited to hurricane recovery. They create uncertainty regarding important improvements in Brevard County's comprehensive plan and land development regulations, including implementation of the Area of Critical State Concern in the South Beaches area created by the Legislature in the Brevard Barrier Island Protection Act (Section 380.0553, Florida Statutes).

In the alternative, support legislation clarifying the terms "burdensome" and "restrictive" contained in Sections 18 and 28 by providing definitions, and clarifying that regulations adopted pursuant to the Brevard Barrier Island Protection Act are exempt from the restrictions contained in Section 28.

Public Works:

SUPPORT funding for the replacement of the **North Banana River Dr (South Bridge) (#704014)** located just south of the intersection with Central Avenue in Merritt Island, Brevard County, FL. The purpose of the construction project will be the replacement of the South Bridge, which is a single span bridge built in 1965, and includes the relocation of utilities. The bridge, at approximately 18.5ft in length crosses navigable Canal #3 which is connected to the Banana River. With noticeable deterioration of the structure and supporting walls, it has been determined that rehabilitation costs will continue to rise making replacement of the bridge necessary. Additionally, the current bridge is load rated with weight restrictions. We are seeking funding in this year's appropriation for construction of the **North Banana River Dr (South Bridge) (#704014)** at an estimated cost of \$1,798,585.

SUPPORT funding for the implementation of the **Newfound Harbor Drive Drainage Improvements**. A study was funded by the County and completed in March 2022 for \$69,690. It summarized the analysis and recommendations to improve drainage conditions within the study area. The study focused on the region between Pelican Creek to the east and Newfound Harbor Drive to the west and Worley Avenue to the north and Piney Woods Circle to the south. The analysis included stormwater modeling to assess culvert capacity and staging performance for Pelican Creek, which serves as the primary outfall for this region of Merritt Island and discharges into the Banana River. The project has been prioritized into phases where the most critical improvements can be made that affect drainage issues in other parts of the study area. The Phase 1B project is currently in design and construction is expected to be completed in FY26. The total estimated costs associated with the future phases is approximately \$3.2 million. The total estimated costs for Phase 1A (Pelican Creek) and Fowler Drive-Newfound Harbor Drive phases are \$2,522,448. Brevard County is seeking funding in this year's appropriation for **Pelican Creek (Phase 1A) and Fowler Drive Newfound Harbor Drive Drainage Improvements** with an estimated construction cost of \$1,261,224.

SUPPORT funding for the shovel ready **Stadium and Cuddington Signal and Intersection Improvement Project** (D4 Commissioner Request). This intersection has experienced vehicular crashes as well as near-miss incidents exacerbated by the growing student loading at the five-year-old Viera Elementary School. While the school's project did not contemplate a traffic signal, it was determined after only several years that the intersection already met a signal warrant based on the school's traffic. In order to mitigate the growing safety concerns, the County placed the intersection in an all-way stop configuration in August 2023 while it programmed funding and subsequently contracted for a design and acquired the necessary parcels to construct the project. The project is currently at 100% design. The estimated cost of completing the construction is approximately \$2,386,482.61. We are seeking funding in this year's appropriation for construction work associated with the **Stadium and Cuddington Signal and Intersection Improvement Project** in the amount of \$250,000 to help offset the high costs associated with this critical project.

REPEAL OR REVISE FY2025 SB180. It negatively impacts home rule and burdens jurisdictions with an unfunded mandate. More specifically:

- a. Section 16. Section 252.381(5) creates an unfunded mandate by requiring an online option for receiving, reviewing, and assessing substantial damage and substantial improvement letters by May 2026 as well as to accept an email address to provide digital copies of such letters.

- b. Section 18. Section 252.422 places limitations on adopting more restrictive or burdensome amendments to its comprehensive plan or land development regulations. If the intent was to carve out properties affected by storm damage, which in and by itself is ripe to create repetitive losses, then it overshoot and unfairly restricts any new regulations even for the betterment of communities as demanded by its citizens. It further restricts jurisdictions simply trying to implement new procedures for current codes that may not be implemented properly which is contrary to Brevard County Code Section 62-602(e)(3) Concurrency evaluation when finding of deficiency (e.g., issuing a moratorium when a section of road is over capacity). Not all jurisdictions have the same baseline codes to make it such that nothing requires updating. Further, there will almost never be a year where we are not impacted by a hurricane landfall within 100 miles to some extent or another. While repeal is preferable, limiting the adoption for 90 days after the trigger would be more palatable. A good example is a recent private driveway culverts policy that staff recently implemented as a stopgap to changing the code. Culverts are the homeowner's responsibility, but the code lacks the necessary guardrails to ensure they are put in correctly and for staff to enforce, causing entire communities to flood when they are put in incorrectly.
- c. Section 20. Subsection (4) to Section 373.423 creates an unfunded mandate that is nearly impossible to meet without additional state-funded resources or having a significant limitation placed on the scope and expectation from local governments. While the intent is good, the County simply lacks the resources to conduct a comprehensive Flood Inventory and Restoration report by September 1, 2026 without deprioritizing other failing infrastructure projects. Further, the combination of identifying both priority infrastructure, upstream impacts, and historic flooding, as written describes, evaluating nearly 20K documented assets. It further requires an inspection and maintenance schedule biannually. At current staffing, the cleaning and inspecting of these assets take 10-20 years in some case due to limited staffing and equipment.

REPEAL OR REVISE. Section 337.401(3)(g) and related statutes that exempt utility and communication providers from obtaining certain local permits. Local oversight is essential to protect our residents, property, and infrastructure. Without required permitting and stronger enforcement authority, providers have operated in rights-of-way and easements without coordination, causing damage and even high-profile safety incidents (e.g., Merritt Island Crane Incident on top of a house). Restoring and strengthening local authority will ensure accountability, safeguard our communities, and give counties and other jurisdictions the tools to protect public interests.

Utility Services:

South Brevard Water and Wastewater Treatment Facility

SUPPORT funding for the South Brevard Water and Wastewater Treatment Facility. These new facilities will be a replacement to the Barefoot Bay facilities and serve the southeast portion of Brevard County to the Sebastian River. This new facility will provide water and sewer to future developments.

The new water treatment plant will operate using Reverse Osmosis (RO). This is a proven technology to provide the highest level of water treatment. RO uses the brackish water for its raw water source which is the desired water source use by the St John River Water Management District. RO is proven to remove PFAS and any pharmaceutical drugs. The new wastewater treatment plant will operate using Advanced Wastewater Treatment (AWT). AWT is the highest treatment technology available. AWT provides the highest removal of nutrients. This project's disposal will utilize 2 deep injection wells. Estimated construction cost is \$219 million.

Mims Water Treatment Plant Expansion

SUPPORT funding for the Mims Water Treatment Plant Expansion. This new facility will expand the water treatment that serves Mims and North Brevard. The new water treatment plant will operate using Reverse Osmosis (RO). This is a proven technology to provide the highest level of water treatment. RO uses the brackish water for its raw water source which is the desired water source use by the St John River Water Management District. RO is proven to remove PFAS and any pharmaceutical drugs. Estimated construction cost is \$113.6 million.

Housing and Human Services:

SUPPORT Full appropriation of the State Housing Trust Funds (SHIP and SAIL) for their intended purposes. These funds provide critical resources to local governments for affordable housing, addressing the shortage of deeply affordable units and strengthening housing stability across all Florida communities.

SUPPORT funding for homeless coalitions. Florida's homeless law, House Bill 1365, signed in March 2024 and effective October 1, 2024, bans sleeping or camping on public property, making it illegal in most instances. The law requires local governments to find temporary housing or treatment options for individuals before enforcement or arrest can occur.

The Brevard Homeless Coalition (BHC) serves as the lead agency for homeless services in Brevard County, coordinating the Continuum of Care (CoC) - a comprehensive system of

services, shelter, and housing for residents experiencing homelessness. The Coalition oversees federal, state and local funding that provides emergency shelter, rapid rehousing, permanent supportive housing, and prevention services to help stabilize vulnerable residents and prevent homelessness.

Natural Resources:

Indian River Lagoon and St. Johns River

SUPPORT \$100 million recurring appropriation for the Indian River Lagoon Protection Program with state cost-share for Water Projects that **reduce** pollution sources, **remove** legacy loading, **restore** critical ecosystem functions and provide sound, applied **research** for the Indian River Lagoon, St. John's River Upper Basin and Lake Washington. Water Project funding encourages local governments and agriculture to improve stormwater and wastewater treatment, remove legacy loads and restore critical ecosystem functions. Recurring funds are critical to the Indian River Lagoon National Estuary Program.

SUPPORT monitoring and remediation of algal blooms, bacteria and PFAS. Harmful algae (brown tides, red tides, and blue-green cyanobacteria) continue to bloom in the Indian River Lagoon and St Johns River, annihilating seagrass habitat, releasing toxins and occasionally creating hypoxic fish kills. Research is needed on the causes and remediation options for harmful blooms. Excess bacteria and PFAS pose health risks to humans and wildlife. Action is needed to track sources and develop cost-effective remediation options.

SUPPORT legislative actions on the management of sewage treatment biosolids to improve current practices, incentivize advanced treatment technologies, and facilitate eliminating land application of toxic chemicals, metals and nutrients at levels that cause health or environmental risks. The excessive land application of biosolids within the watershed of the St. Johns River, increase nutrient loading into waters within Brevard County. This creates an additional burden to the Brevard County taxpayers as Brevard County is mandated to reduce the nutrient loads entering these same waters, shifting potential cleanup costs from wastewater treatment plants in South Florida to the citizens of Brevard County and increasing algal blooms. Lake Washington and large portions of the Upper Basin of the St. Johns River are classified by FDEP as Class I surface waters with a designated use for potable water supplies. Lake Washington provides supply for the City of Melbourne's potable water utility that serves drinking water to approximately 170,000 residents in Melbourne, West Melbourne, Palm Shores, Satellite Beach, Indian Harbour Beach, Indialantic, Melbourne Beach and portions of unincorporated Brevard County.

SUPPORT the development of a program, process and emergency funding source for removing hurricane debris, including derelict vessels that pollute state waters or impede navigation.

OPPOSE preemption of county authority to regulate the sources of pollution that contribute to water quality impairments and mandates to achieve Total Maximum Daily Loads.

Resiliency:

SUPPORT dedicated state funding of at least \$50 million for cost-share grants to sustain sand on Florida's beaches. Healthy funding levels for this cost-share program are critical to support the state's tourism brand, economic well-being and, in Brevard, our globally important sea turtle nesting beaches, including the Archie Carr National Wildlife Refuge.

Legislative Priorities/SHORT-TERM RENTALS (STRs)

- Brevard County opposes state preemption that limits County authority over STRs
- Florida Statute 509.032 7(b) already limits local government authority to regulate or ban STRs. However, prior, grandfathered-in ordinances can still be enforced.
- Brevard County supports legislation that would restore full authority to local governments to regulate STRs for issues of quality of life, public safety, and fair lodging standards

Board Meeting Date

9-14

Item Number: J.3.

Motion By: KD

Second By: TA

Nay By: _____

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