

**Brevard County**  
**Save Our Indian River Lagoon Project Plan**  
**Citizen Oversight Committee**

March 19, 2021 – 8:30 to 11:30 am  
Brevard County Government Center  
2725 Judge Fran Jamieson Way Viera,  
Florida 32940

County Commission Chambers and On-line via Zoom Conference

- I. Call to Order
- II. Roll Call
- III. Acceptance of Virtual Votes
- IV. Approval of the Agenda
- V. Introduction of New Committee Members
  - a. Susan Hammerling-Hodgers, Real Estate Member
- VI. Selection of a Chair and Vice-Chair
- VII. Approval of Minutes
- VIII. Progress and Fiscal Reports
  - a. Monthly Progress Report – Virginia Barker, Director
  - b. Monthly Revenue Graph – Crystal Melton, Finance Manager
  - c. Quarterly Financial Statement– Crystal Melton, Finance Manager
  - d. Quarterly Save Our Indian River Lagoon Project Performance Table Update – Terri Breeden, Associate Environmental Specialist
- IX. Other Reports and Special Presentations
  - a. Water Quality Report – Dr. Chuck Jacoby, Supervising Environmental Scientist, Estuaries Section and Lead Scientist, Indian River Lagoon Basin, Bureau of Water Resources, St Johns River Water Management District
  - b. Communications Transparency Project – Becky Clarkson, contract employee
  - c. My Lagoon Story Video, Stephany Eley
  - d. Project Video, septic upgrade
- X. Old Business
- XI. New Business
  - a. Request for Contingency Funding (\$217,053.20) to Add the Berkeley Canal to the Grand Canal Muck Removal Project
  - b. Request for Contingency Funding (\$40,368.00) for the City of Melbourne Pennwood Septic to Sewer Project
  - c. Legislative Session – open discussion
- XII. General Public Comments
- XIII. Final Comments by Chair and Committee Members
- XIV. Adjournment

**Save Our Indian River Lagoon  
Citizen Oversight Committee Meeting Minutes**

January 15, 2021 – 8:30 a.m.  
2725 Judge Fran Jamieson Way,  
County Commission Chambers and On-line Zoom Conference  
Viera, FL 32940

**Members Present:**

Expertise	Member	Present	Alternate	Present
Science	Lorraine Koss	No	Charles Venuto	Yes
Technology	John Luznar	No	Vinnie Taranto	Yes
Education	Stephany Eley	Yes	Kimberly Newton	Yes
Finance	Courtney Barker-Vice-Chair	Yes	Todd Swingle	Yes
Tourism	David Lane	Yes	Laurilee Thompson	Yes
Real Estate	Jay Moynahan	No	Dennis Basile	Yes
Lagoon Advocacy	John Windsor – Chair	Yes	Terry Casto	Yes

**Staff Present:**

Virginia Barker, Brevard County Natural Resources Management Director  
Alex Esseesse, Assistant County Attorney  
Matt Badolato, Associate Environmental Specialist  
Terri Breeden, Environmental Specialist  
Jenny Hansen, Associate Environmental Specialist  
Courtney Maier, Engineer  
Walker Dawson, Engineer III  
Anthony Gubler, Environmental Specialist  
Brandon Smith, Environmental Specialist  
Crystal Melton, Department Finance Manager

**I. Call to Order**

**II. Roll Call**

A quorum was established.

**III. Acceptance of Virtual Votes**

Vinnie Taranto moved that the Committee accept the votes of any members not in the room and attending via zoom due to extenuating circumstances on issues considered at the meeting; Seconded by Courtney Barker. Motion was unanimously approved.

**IV. Approval of the Agenda**

Courtney Barker moved to approve the Agenda as written; Seconded by Stephany Eley. Motion was unanimously approved.

## **V. Approval of Minutes**

David Lane moved to approve the November 20, 2020 minutes as written; Seconded by Stephany Eley. Motion was unanimously approved.

## **VI. Progress and Fiscal Reports**

### **a. Monthly Progress Report – Virginia Barker**

The Monthly Progress Report was given by Virginia Barker.

Discussion ensued. The Committee's questions were answered by Virginia Barker.

Virginia Barker introduced, Alex Esseeesse, Assistant County Attorney, who will be attending the Citizen Oversight Committee meetings moving forward. Mr. Esseeesse gave a brief introduction.

### **b. Monthly Revenue Graph – Crystal Melton**

Crystal Melton reported on the Monthly Revenue Graph.

Discussion ensued. The Committee's questions were answered by Crystal Melton and Virginia Barker.

### **c. Revenue Projection Update – Virginia Barker**

Virginia Barker gave a power point presentation on the Revenue Projection Update.

Discussion ensued. The Committee's questions were answered by Virginia Barker and Crystal Melton.

## **VII. Other Reports and Special Presentations**

### **a. Project Video – My Lagoon Story, Stephany Eley**

*(The video was not shown due to technical issues.)*

### **b. Helping the Lagoon Through Advocacy, Education and Citizen Engagement – Bo Platt, Board Vice President, Brevard Indian River lagoon Coalition**

*(This item was heard out of order due to technical issues.)*

Bo Platt gave a presentation entitled, Helping the Lagoon Through Advocacy, Education and Citizen Engagement. A video - Saving Our Lagoon: A Bold Idea - was shown. Mr. Platt spoke briefly about the Brevard Indian River Lagoon Coalition. Topics included: 1) Straight Talk events; 2) Brevard 2070 Project; 3) Information and Engagement through social media; 4) Outreach and Education at Events and Festivals; and, 5) Educating new residents about preserving the Lagoon with the support of Space Coast Area Realtors and Indian River Lagoon National Estuary Program.

Discussion ensued. The Committee's questions were answered by Mr. Platt.

### **c. Private Package Plant Opportunities – Matt Badolato**

Matt Badolato gave a power point presentation entitled, Package Plant Opportunities – 2021 Updates. Topics included: 1) New Total Nitrogen effluent limits; 2)

Save Our Indian River Lagoon Citizen Oversight Committee Meeting  
MINUTES – January 15, 2021

Calculating cost benefit; and, 3) Public Sprayfield – Rapid Infiltration Basins Loading and Upgrade Opportunities.

Discussion ensued. The Committee's questions were answered Matt Badolato and Virginia Barker.

### **VIII. Old Business**

None.

### **IX. New Business**

#### **a. Draft Save Our Indian River Lagoon Project Plan 2021 Update – Marcy Frick, Tetra Tech, Inc. and Virginia Barker**

Virginia Barker reported on the proposed changes to the 2021 Save Our Indian River Lagoon Update. Topics included; 1) Reduced Revenues in 2020; 2) 10-Year Revenue Projection; 3) Revised format of the Plan; 4) Summary of changes to Sections 1 – 3; 5) Reduce Project Changes; 6) Remove Project Changes; 7) Restore Project Changes; 8) Project funding; 9) Summary of the Plan through the 2021 Update; 10) Appendices; 11) Balancing the 2021 Plan; and 12) Adaptive Management – Plan Updates Since Inception.

Discussion ensued. The Committee's questions were answered by Virginia Barker.

There were no Public Comments.

Courtney Barker moved to recommend to the County Commission approval of the draft 2021 Save Our Indian River Lagoon Project Plan Update to include; 1) some changes to page 124, with regard to the goals of the Muck Removal Program to expand the language to be more descriptive of the benefits; and, 2) to approve the Leaky Lateral Program Countywide; Seconded by Charlie Venuto. Motion was unanimously approved.

### **X. General Public Comment**

None.

### **XI. Final Comments by Chair and Committee Members**

Final Comments with regard to the Committee quorum, appointments/re-appointments, and in-person quorum at future meetings were heard. Discussion ensued. After discussion, there was no motion to change the quorum definition in the by-laws.

### **XII. Adjournment**



## Save Our Indian River Lagoon Project Plan March 2021 Progress Report

### WORK COMPLETED THIS MONTH:

- December revenues are consistent with forecasts used for the 2021 Plan Update
- Palm Bay's North Area Water Reclamation time extension amendment executed
- Sykes Creek N Septic-to-Sewer –demolition complete for new lift station
- Stormwater Sunset Rd/Serenity Park/Basin 26 – Fully permitted, preparing for bid and construction
- Cocoa Beach Golf Muck Project – Preliminary field data collection complete, next field work underway
- Sykes Creek Phase I Muck Dredging – Final submittal received, awaiting recommendation of award
- Brevard Zoo constructed a 1,750 square foot oyster bar in the Central Lagoon
- University of Central Florida final monitoring at the Bettinger oyster bar canal site found a decline in oyster density and poor growth in the past 6 months, in contrast to performance at open water sites
- Septic Upgrade Video complete
- Maps portal added to the website quick links
- Derelict Vessels – 2 additional derelict vessels were removed, grant funding pending

### WORK UNDERWAY THIS MONTH:

- Beaches Leaking Sewer Laterals – 63 of 280 repairs complete; 10 reimbursements processed to date
- Cone Road Septic-to-Sewer Phase 2 – 55 properties connected; 4 connections remaining
- Sykes Creek M & T Septic-to-Sewer – Acquiring property for lift stations
- South Central C Septic-to-Sewer –met with the North and Central Home Owner's Associations to discuss easement requests; meeting with South Home Owner's Association on April 7
- South Beaches O & P Septic-to-Sewer –Survey underway for Zone O; Design awarded for Zone P
- Septic Upgrades – 160 applications approved; 60 in progress; 16 reimbursements completed
- Stormwater Angel City/Basin 1066 – Survey proposal under review by county staff
- Stormwater Hampton Homes/Basin 998 – Gathering monitoring data and structural inventory
- Stormwater Huntington Ave/Basin 41 – Assigned to consultant for redesign requested by land owner
- Flounder Creek/Basin 71 – Public Works is providing cost and schedule to construct in-house
- Cocoa Beach Phase IIb Muck Dredging – Dredging is approximately 77% complete
- Grand Canal Muck Dredging – Modifying dewatering site for dredging to resume in late March
- Eau Gallie Northeast Muck Project –Army Corps meeting about pipeline across Intracoastal Waterway
- Video Production – Two My Lagoon Story videos contracted
- Grass Clippings Campaign Focus Groups Scheduled
- Collecting responses to Tourism grant-funded Communication Transparency Surveys
- Preparing Budget Change Requests for Balance Forward, Mid-Year Revenues and 2021 Plan Update
- Budget: Preparing the Fiscal Year 2021-2022 Budget and Associated Capital Improvement Plan
- Contracts for West Melbourne's Ray Bullard Stormwater Project and Ray Bullard Water Reclamation Facility Upgrade, Titusville's Marina B Managed Aquatic Plant Systems and St. Johns Baffle Box, and the Oak Point Package Plant Connection to Central Sewer
- Contract Amendments for Melbourne's Hoag Septic to Sewer and Titusville's High School Baffle Box



#### **PRESENTATIONS THIS MONTH:**

February 18 - Leadership Brevard Class on Communicating Progress Regarding the Lagoon – Virginia  
March 4 – Citizens Academy, Natural Resources Management – Virginia  
April 15 - Brevard County Budget Workshop, 10-Year Save Our Lagoon Project Plan - Virginia

#### **UPCOMING LAGOON SCIENCE FORUMS AND PUBLIC EVENTS:**

Ongoing - [Marine Resources Council 3<sup>rd</sup>-6<sup>th</sup> grade Virtual Learning](#)  
February 23 – Virtual Water Ambassador Program – [email Lisa Krinsky for details](#)  
April 6 – Marine Resources Council Lunch and Learn Webinar: [Sarasota Dolphin Research Program](#)  
March 13, 3:00-4:30pm - League of Women Voters Event: [Restoring the Lagoon \(Zoom event registration\)](#)  
March 24, 6:00-7:30pm – Indian River Lagoon Coalition: [Palm Bay Lagoon Straight Talk Event](#)  
March 24, 12:00 pm – Florida Tech Lunch and Learn: [Restoration of the Indian River Lagoon](#)  
March 29, 31 and April 2 – Sarasota Bay Estuary Program: [Florida Microalgae Workshop](#)

#### **UPCOMING VOLUNTEER PARTICIPATION OPPORTUNITIES:**

March 19-April 24 – [City of Satellite Beach: Sampson Island Restoration](#)  
March 20 – [Blue Marlin Real Estate: Bird Island Cleanup](#)  
April 3 & 4 – [Keep Brevard Beautiful: Trash Bash](#)  
Rotary Park rain garden maintenance – [Email Carlos Cuevas for opportunities](#)  
Storm drain marking in Cocoa – [Email Carlos Cuevas for opportunities](#)  
Storm drain marking in Melbourne – [Email Nicole Broquet for opportunities](#)  
Merritt Island National Wildlife Refuge Trash Cleanups Tuesday & Saturdays – [Email Micah Thomas](#)

#### **WEBSITE AND SOCIAL MEDIA LINKS:**

[Lagoon Loyal Outreach and Engagement Landing Page](#)  
[Save Our Indian River Lagoon Website](#)  
[Save Our Indian River Lagoon Facebook](#)  
[Save Our Indian River Lagoon Instagram](#)  
[Save Our Indian River Lagoon YouTube](#)

#### **FUTURE TOPICS FOR SPECIAL PRESENTATIONS:**

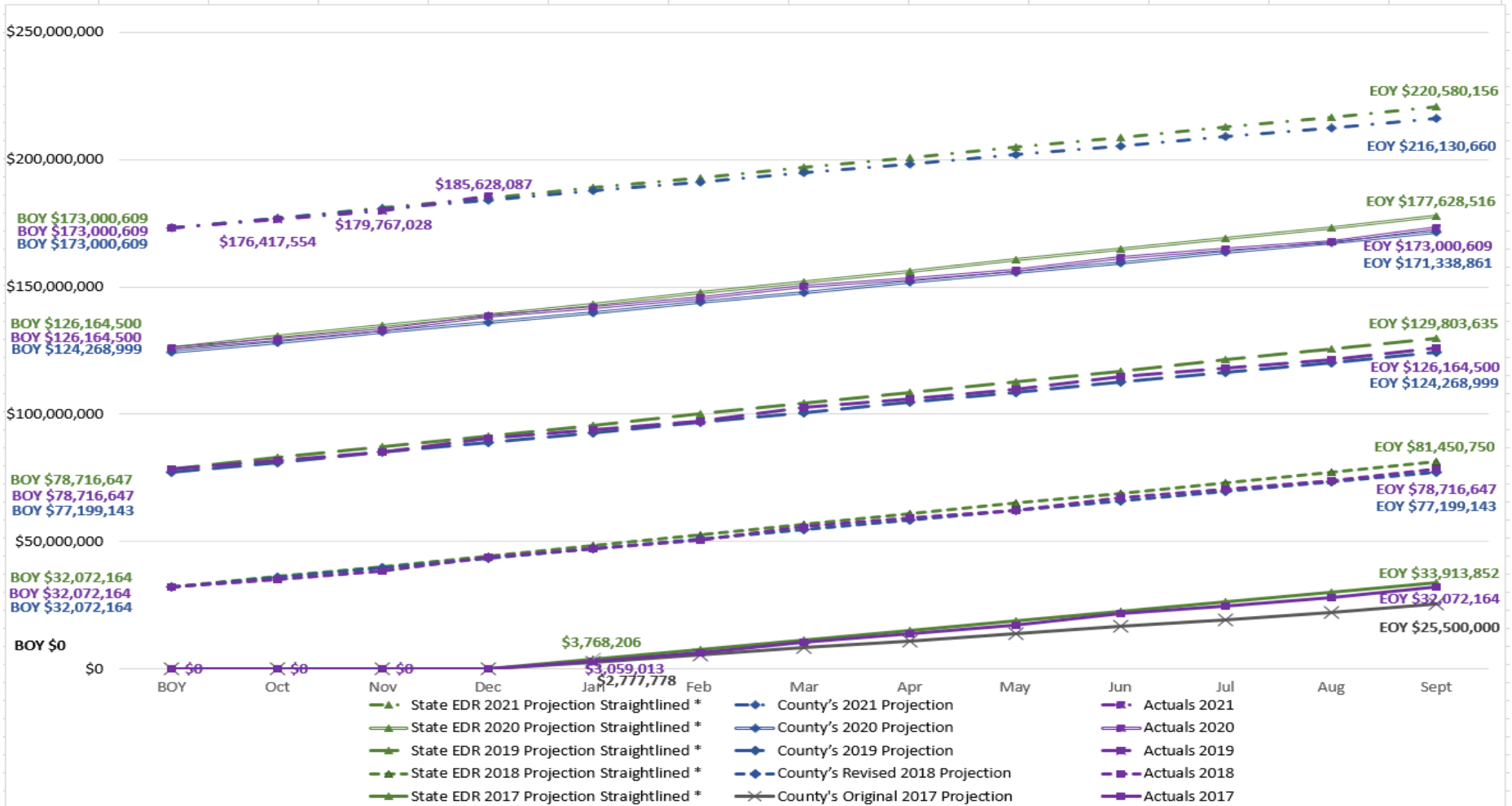
1. Low Impact Development/Resilience – Local examples, efforts and potential opportunities
2. Wastewater Utility Asset Management Planning – Todd Swingle
3. Re-use/Reclaimed Water – Nutrient Loading Impacts and Opportunities
4. Surface Water Remediation – Phosphorus Free, S.W.I.G., D.T.G., Chemical Tech, HABITATS
5. New Enhanced Ocean Inflow Research – Florida Tech Research Initiative
6. Completed and Ongoing Muck Research – Florida Tech Research Initiative
7. Indian River Lagoon Research News: TechCon, Shore, and Harbor Branch Symposium Highlights
8. Water Technology Conference/Industry Day – Economic Development and National Estuary Program
9. Coordinating Spoil Management with Florida Inland Navigation District
10. Pollution and Algal Bloom Mapping via Satellite Imagery Interpretation - Gybe
11. Lagoon Fish and Fisheries Research – Dr. Grant Gilmore
12. Lagoon projects managed and funded by other agencies, entities or grant programs
13. Climate change impacts to the Lagoon – Randy Parkinson
14. Project Monitoring Results

# Save Our Indian River Lagoon Revenues Cumulative Graph

## Fiscal Year 16-17 to Current Fiscal Year

\* Economic and Demographic Research Data is sourced from Florida's Office of Economic & Demographic Research using their Estimation of Realized and Unrealized Tax Revenues Table

- Projected and Actual Data is from Systems, Applications and Products program
- EDR-Economic and Demographic Research Data, BOY-Beginning of Year, EOY-End of Year
- For Screen Readers use the Save Our Indian River Lagoon Revenues Cumulative Chart Fiscal Year 16-17 to Current Fiscal Year Table
- Updated the State EDR Beginning Of Year to match Actuals End Of Year to the prior Fiscal Years



## Save Our Indian River Lagoon Revenues Cumulative Chart Fiscal Year 16-17 to Current Fiscal Year

Economic and Demographic Research Data is sourced from Florida's Office of Economic & Demographic Research using their Estimation of Realized and Unrealized Tax Revenues Table

- Projected and Actual Data is from Systems, Applications and Products program
- EDR-Economic and Demographic Research Data, BOY-Beginning of Year, EOY-End of Year
- For Screen Readers use the Save Our Indian River Lagoon Revenues Cumulative Chart Fiscal Year 16-17 to Current Fiscal Year Table

Month	State EDR 2021 Projection Straightlined *	County's 2021 Projection	Actuals 2021	State EDR 2020 Projection Straightlined *	County's 2020 Projection	Actuals 2020	State EDR 2019 Projection Straightlined *	County's 2019 Projection	Actuals 2019
<b>BOY</b>	<b>\$173,000,609</b>	<b>\$173,000,609</b>	<b>\$173,000,609</b>	<b>\$126,164,500</b>	<b>\$124,268,999</b>	<b>\$126,164,500</b>	<b>\$78,716,647</b>	<b>\$77,199,143</b>	<b>\$78,716,647</b>
Oct	\$176,965,571	\$176,986,181	\$176,417,554	\$130,453,168	\$128,191,487	\$129,590,162	\$82,973,896	\$81,121,631	\$81,926,390
Nov	\$180,930,533	\$180,544,770	\$179,767,028	\$134,741,836	\$132,113,976	\$133,089,868	\$87,231,145	\$85,044,119	\$85,225,970
Dec	\$184,895,496	\$184,103,359	\$185,628,087	\$139,030,504	\$136,036,464	\$138,551,296	\$91,488,394	\$88,966,607	\$90,640,944
Jan	\$188,860,458	\$187,661,948		\$143,319,172	\$139,958,953	\$142,014,229	\$95,745,643	\$92,889,095	\$93,950,291
Feb	\$192,825,420	\$191,220,537		\$147,607,840	\$143,881,441	\$145,518,464	\$100,002,892	\$96,811,583	\$97,296,142
Mar	\$196,790,382	\$194,779,126		\$151,896,508	\$147,803,930	\$150,424,958	\$104,260,141	\$100,734,071	\$102,671,360
Apr	\$200,755,345	\$198,337,715		\$156,185,176	\$151,726,418	\$153,099,730	\$108,517,390	\$104,656,559	\$106,219,161
May	\$204,720,307	\$201,896,304		\$160,473,844	\$155,648,907	\$156,326,096	\$112,774,639	\$108,579,047	\$109,784,828
Jun	\$208,685,269	\$205,454,893		\$164,762,512	\$159,571,395	\$161,413,353	\$117,031,888	\$112,501,535	\$114,720,850
Jul	\$212,650,231	\$209,013,482		\$169,051,180	\$163,493,884	\$164,827,524	\$121,289,137	\$116,424,023	\$118,207,520
Aug	\$216,615,194	\$212,572,071		\$173,339,848	\$167,416,372	\$167,886,836	\$125,546,386	\$120,346,511	\$121,640,336
Sept	\$220,580,156	\$216,130,660		\$177,628,516	\$171,338,861	\$173,000,609	\$129,803,635	\$124,268,999	\$126,164,500



## Save Our Indian River Lagoon Revenues Cumulative Chart Fiscal Year 16-17 to Current Fiscal Year

Economic and Demographic Research Data is sourced from Florida's Office of Economic & Demographic Research using their Estimation of Realized and Unrealized Tax Revenues Table

- Projected and Actual Data is from Systems, Applications and Products program
- EDR-Economic and Demographic Research Data, BOY-Beginning of Year, EOY-End of Year

Month	State EDR 2018 Projection Straightlined *	County's Revised 2018 Projection	Actuals 2018	State EDR 2017 Projection Straightlined *	County's Original 2017 Projection	Actuals 2017
<b>BOY</b>	<b>\$32,072,164</b>	<b>\$32,072,164</b>	<b>\$32,072,164</b>	<b>zero</b>	<b>zero</b>	<b>zero</b>
Oct	\$36,187,046	\$35,832,746	\$35,300,032	zero	zero	zero
Nov	\$40,301,929	\$39,593,327	\$38,647,632	zero	zero	zero
Dec	\$44,416,811	\$43,353,909	\$43,870,270	<b>0</b>	<b>0</b>	<b>0</b>
Jan	\$48,531,693	\$47,114,490	\$47,150,412	\$3,768,206	\$2,777,778	\$3,059,013
Feb	\$52,646,575	\$50,875,072	\$50,484,322	\$7,536,412	\$5,555,556	\$6,217,230
Mar	\$56,761,457	\$54,635,653	\$55,782,660	\$11,304,617	\$8,333,334	\$10,686,395
Apr	\$60,876,340	\$58,396,235	\$59,191,675	\$15,072,823	\$11,111,112	\$13,941,510
May	\$64,991,222	\$62,156,817	\$62,444,639	\$18,841,029	\$13,888,890	\$17,177,137
Jun	\$69,106,104	\$65,917,398	\$67,409,450	\$22,609,235	\$16,666,668	\$21,754,009
Jul	\$73,220,986	\$69,677,980	\$70,776,206	\$26,377,441	\$19,444,446	\$24,898,729
Aug	\$77,335,868	\$73,438,561	\$74,021,947	\$30,145,647	\$22,222,224	\$27,890,034
Sept	\$81,450,750	\$77,199,143	\$78,716,647	\$33,913,852	\$25,500,000	\$32,072,164



Save Our Indian River Lagoon  
Citizen Oversight Committee  
March 19, 2021

**Agenda Item:**

XI. a. New Business

**Title:**

Request for Contingency Funding to add the Berkeley Canal to the Grand Canal Muck Removal Project

**Requested Action:**

Motion to recommend approval of a \$217,053.20 funding increase for the Grand Canal Muck Removal Project to add the previously omitted portion of Berkeley Canal between Port Royal Boulevard and Saint Georges Court.

**Summary Explanation and Background:**

The existing Grand Canal Muck Removal Project includes the removal of approximately 478,700 cubic yards of muck over approximately 99 acres within the unincorporated County portion of the Grand Canal. This project will reduce flux by an estimated 10,185 pounds of Total Nitrogen and 1,358 pounds of Total Phosphorus. The total Save Our Indian River Lagoon cost-share for the existing project is \$18,020,368.

During the preliminary design and permitting of the Grand Canal Muck Removal Project in 2015, it was decided to omit the Berkeley Canal from the permit application due to its significant seasonal use by manatees, in the hopes that the overall project would not be required to shut down seasonally. However, both the Florida Department of Environmental Protection and United States Army Corps of Engineers permits require seasonal manatee closures. Since seasonal closures were part of the original permits, the County submitted permit modification requests to the Florida Department of Environmental Protection and the United States Army Corps of Engineers to include the Berkeley Canal and both agencies approved this addition to the project area.

The request for Contingency Fund Reserves is to add the Berkeley Canal to the Grand Canal Muck Removal Project. Based on muck flux data and acreage, Berkeley Canal dredging will reduce the annual nutrient flux from muck by 284 pounds of Total Nitrogen and 38 pounds of Total Phosphorous. Additionally, the Interstitial Treatment will remove an estimated 470 pounds of Total Nitrogen and 41 pounds of Total Phosphorous from water scrubbed before it is returned to the Lagoon. The requested Save Our Indian River Lagoon Cost-Share increase is a



total of \$217,053.20 or 1.2% of the Save Our Indian River Lagoon cost-share (\$18,020,368).

Section 5.1 of the 2021 Save Our Indian River Lagoon Project Plan Update allows the Contingency Fund Reserve to be used *“If a cost increase for an individual project is less than 10% of the estimated cost or eligible amount of Trust Fund cost-share stated in the Save Our Indian River Lagoon Project Plan or update, then additional funding from the contingency reserve may be allocated to the project, as needed, in accordance with Brevard County policies and administrative orders.”*

Staff seeks a recommendation from the Citizen Oversight Committee on expanding the funding for the Grand Canal Muck Removal Project to include additional funds for muck removal and interstitial treatment for the Berkeley Canal to increase the cost-share by \$217,053.20.



Save Our Indian River Lagoon  
Citizen Oversight Committee  
March 19, 2021

**Agenda Item:**

XI. b. New Business

**Title:**

Request for Additional Funding for the City of Melbourne Pennwood Septic to Sewer Project

**Requested Action:**

Motion to recommend approval of a \$40,368 funding increase for the City of Melbourne's Pennwood Septic to Sewer Project

**Summary Explanation and Background:**

The City of Melbourne Pennwood Septic to Sewer Project consists of installing a low-pressure sewer force main within the Pennwood Drive right of way. This will allow five homeowners to convert their existing septic tanks into holding tanks and install small grinder pumps to connect to the municipal sewer system. The City of Melbourne has completed construction on the sewer force main and one homeowner has been connected to the sewer system.

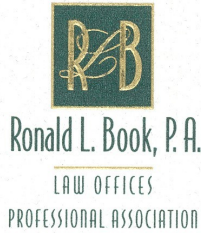
This project was approved in 2017 and was estimated to reduce 48 pounds of Total Nitrogen per year at \$852 per pound, for a total of \$40,632. Updated models now anticipate an annual reduction of 102.6 pounds. In addition, the 2021 Plan update allows for septic to sewer cost share up to \$1500 per pound per year of Total Nitrogen reduction. Considering the updated load reduction benefit plus the increased cost-share allowed, the project is eligible for a total of \$153,900 (an increase of \$113,268). However, the City has secured a grant to cover 40% of the homeowner costs from the Florida Department of Environmental Protection. When considering the state grant, current construction costs and homeowner connection fees, an increase of only \$40,368 is needed to connect these five homes. The amended project would have a total cost of \$81,000 to connect five homes from septic to sewer at approximately \$790 per pound of total nitrogen reduction.

The 2021 Save Our Indian River Lagoon Plan Update includes \$40,632 for the Pennwood Septic to Sewer project. In addition, Section 5.1 of the Save Our Indian River Lagoon Project Plan allows the Contingency Fund Reserve to be used as follows: *"For projects that are contracted with municipalities or other partners and encounter cost overruns, the cost-share agreement may be increased up to 10% over the eligible cost-share amount stated in Attachment E of the cost-share contract."*



In this case, if the cost-share increase is approved, the total funding amount requested by the City of Melbourne for this project will be 47% less than the maximum eligible amount, well below the 10% overrun allowance. In addition, the proposed project is more cost effective than septic upgrades, other septic to sewer extension projects, or muck removal.

Staff seeks a recommendation from the Citizen Oversight Committee on expanding the funding for the City of Melbourne Pennwood Septic to Sewer Project to include additional funds for treatment at an increased cost-share of \$40,368.



## Session 2021 Week 1 Report

---

Enclosed is our Session Report for week 1 which includes an update on funding requests and legislative issues. As we move through Session and issues arise, we will include those in our weekly reports as well. Please let us know if you have questions on issues included in this report, or on any other issue of concern. We will be happy to provide information to you.

➤ **FUNDING REQUEST UPDATE:**

**Emergency Operations Center (EOC) Construction:** (LFIR 1637, HB 2885)

Amount Requested: \$7 million

Sponsors: Senator Mayfield, Representative Sirois

**Indian River Lagoon, 50 Septic Upgrades to Advanced Treatment Systems:** (LFIR 1389, HB 4103)

Amount Requested: \$450,000

Sponsors: Senator Mayfield, Representative Fine

**Indian River Lagoon, 65 Quick Connects to Sewer:** (LFIR 1388, HB 4101)

Amount Requested: \$585,000

Sponsor: Senator Mayfield, Representative Fine

**Indian River Lagoon, FL-518 Bridge Muck Removal project:** (LFIR 1391, HB 2623)

Amount Requested: \$2.5 million

Sponsors: Senator Mayfield, Representative Altman

On all of the County's funding requests, we have worked with County staff over the last several weeks to finalize the requests, forms, and secure sponsors for each, which are listed above. We have worked with each of the appropriations subcommittee chairs to ensure a hearing on each funding request, a required step for eligibility for funding in the House. This year, the House has enacted a new procedure that appropriations request bills will be heard on consent calendars, and three of the requests have passed on subcommittee consent agendas, and we expect that the fourth (HB 4101) will be heard in the upcoming days. In the Senate, we have met with Chair Gainer and Chair Albritton to advocate for funding for these as well and will continue throughout the budget process.

➤ **ISSUES UPDATE:**

**Combating Public Disorder/Sovereign Immunity Issues:** HB 1 sponsored by Representative Fernandez-Barquin and its Senate companion bill, SB 484 by Senator Burgess, is intended to give law enforcement

and prosecutors additional tools to prevent violence and property destruction and to hold any person who uses a protest as an opportunity to commit crime accountable for their actions.

Of note, included in this bill are provisions that directly affects municipalities and local governments. The bill:

- Creates a process by which a citizen of a municipality may challenge a reduction to the operating budget of a municipal law enforcement agency.
- Waives sovereign immunity for tort claims arising from a riot or unlawful assembly if the governing body of a municipality interferes with law enforcement's ability to provide reasonable police protection.

The House bill is ready for a hearing in its last committee stop, and the Senate companion bill has not yet been heard.

**Sovereign Immunity:** HB 1129 by Representative Fernandez-Barquin and the Senate companion, SB 1678 by Senator Diaz would raise the cap for a claim by an individual from \$200,000 to \$500,000 and the per-occurrence limit from \$300,000 to \$1 million. Additionally, the bill includes that Beginning July 1, 2022, annually, the caps must be adjusted to reflect changes in the Consumer Price Index for the Southeast or a successor index as calculated by the U.S. Department of Labor. This bill has not yet been heard but we continue to monitor this legislation.

**Civil Liability for Damages Relating to COVID-19:** HB 7 by Representative McClure and SB 72 by Senator Brandes. The House bill, CS/HB 7 provides several COVID-19-related liability protections for businesses, educational institutions, government entities and religious organizations. Under the bill, entities that makes a good faith effort to substantially comply with applicable COVID-19 guidance would be immune from civil liability from a COVID-19-related civil action. This week, the Speaker noted that the House will separately address COVID liability protections for health care providers and facilities, including nursing homes and long-term care facilities.

HB 7 passed the full House this week by a vote of 83-31. The Senate companion has passed 2 of its 3 committees of reference.

**Vacation Rental Preemption/Regulation:** CS/SB 522, sponsored by Senator Diaz, preempts regulation of vacation rentals to the state, including the inspection and licensing of vacation rentals. We are working again this year, in conjunction with the Florida League of Cities, to oppose this bill.

The main provisions of this bill include the following:

- A local government may regulate activities that arise when a property is used as a vacation rental, provided the regulation applies uniformly to all residential properties.
- Maintains current law that local governments may not prohibit vacation rentals or regulate the duration or frequency of vacation rentals.
- Maintains the current “grandfathered” status for local laws, ordinances, or regulations adopted on or before June 1, 2011
- Provides that a local government may amend a grandfathered regulation to be less restrictive
- An area of critical state concern (the Florida Keys) could continue to regulate and inspect vacation rentals, prohibit vacation rentals, or regulate the duration or frequency of rental of vacation rentals, if the laws, ordinances, or regulations were adopted before June 1, 2011.
- Requires advertising platforms to adopt anti-discrimination policies and to inform users of the public lodging discrimination prohibition found in s. 509.092, F.S.

- Advertising platforms are required by the bill to collect and remit any taxes imposed under chs. 125, 205, and 212, F.S., that result from payment for the rental of a vacation rental property on its platform.
- Allows DOR to adopt emergency rules for six month which may be renewed until permanent rules are adopted
- Provides that its terms do not supersede any current or future declaration or covenant for condominium, cooperative, or homeowners' associations.

**Coastal Construction and Preservation:** SB 1504 by Senator Wright and HB 1133 by Representative Leek

This bill creates new definitions for the terms “upland structure,” “vulnerable,” and “wave runup”. The bill also requires, (rather than authorizes), the Department of Environmental Protection to issue permits for present installations of coastal armoring structures, including walls installed through a local emergency armoring provision.

Neither bill has been heard to date. However, we continue to monitor any action on these bills.

**Building Design:** HB 55 by Representative Overdorf and SB 284 by Senator Perry

This bill:

- Prohibits local governments from adopting land development regulations that require specific building design elements for single- and two- family dwellings, unless certain conditions are met.
- Provides that local governments may adopt land development regulations requiring certain building design elements to single- and two-family dwellings when:
  - The dwelling is a historic property or located in a historic district;
  - The regulations are adopted in order to implement the National Flood Insurance Program;
  - The regulations are adopted in accordance and compliance with the procedures for adopting local amendments to the Florida Building Code; or
  - The dwelling is located in a community redevelopment area.

We continue to work to oppose this bill with the Florida League of Cities. However the bill has passed two of its 3 committees of reference with votes of 12 – 5 and 12 – 6 respectively. HB 55 will be heard on the Commerce Committee agenda on 3/9. Also of note, the Senate companion bill, SB 284 has not yet been heard.

**Sales and Use Tax:** SB 50 sponsored by Senator Gruters and HB 15 sponsored by Representatives Clemmons and LaMarca. The Senate version of this bill would require out-of-state retailers and marketplace providers with no physical presence in Florida to collect Florida’s sales tax on sales of taxable items delivered to purchasers in Florida if the out-of-state retailer or marketplace provider makes a substantial number of sales into Florida.

SB 50 has passed its three committees of reference and is ready for the full Senate. HB 15 has not yet been heard.

**State Preemption of Transportation Energy Infrastructure Regulation:** HB 839 by Representative Fabricio and SB 856 by Senator Hutson. The bill preempts transportation energy infrastructure regulation to the state. The bill prohibits local governments from:

- Adopting or implementing any law, ordinance, regulation, policy, or resolution that has the effect of prohibiting, restricting, or requiring, the construction of new transportation energy infrastructure or the expansion, upgrading, or repair of existing transportation energy infrastructure, or imposing any requirement regulating transportation energy infrastructure that is more stringent than state law or DEP



rule, except for certain county ordinances regulating underground petroleum storage tanks enacted before Sept. 1, 1984.

- Amending its comprehensive plan, land use map, zoning districts, or land development regulations in a manner that would conflict with an existing transportation energy infrastructure classification as a permitted and allowable use including, but not limited to, an amendment that causes an existing transportation energy infrastructure to be a nonconforming use, structure, or development.
- Imposing transportation energy infrastructure requirements that are more stringent than state law or DEP rule.

The bill does not limit the authority of a local government to adopt, implement, modify, and enforce applicable federal and state requirements for transportation energy infrastructure, including safety and building standards.

The bill defines the term transportation energy infrastructure as infrastructure supporting the production, import, storage, and distribution of fuels used for transportation including, but not limited to, petroleum, petroleum products, gasoline, diesel fuel, motor fuel, alternative fuel, marine fuel, aviation fuel, renewable fuel, natural gas, hydrogen, and electricity.

HB 839 will be heard in its first committee on 3/9. The Senate bill, SB 856 will also be heard in its first committee, Regulated Industries, on 3/9.

**Home Based Businesses/Local Regulation:** SB 268 by Senator Perry and HB 735 by Representative Harding. The bill provides that local governments would not be able to enact or enforce any ordinance, regulation, or policy, or take any action to license or otherwise regulate a home-based business in a manner that is different from other businesses in a local government's jurisdiction.

In order to be considered a home-based business, the bill requires that:

- The business operates, in whole or in part, from a residential property
- The employees of the home-based business reside in the residence, except for up to two employees that do not reside at the residence. However, employees of the home-based business that do not primarily work at the residential dwelling are not required to reside in the dwelling
- Parking for the business activities of the home-based business complies with local zoning requirements
- As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property, but incidental and short term business uses and activities are permitted
- The activities of the home-based business are secondary to the property's use as a residential dwelling

SB 268 has not yet been heard. HB 735 has been heard in 1 of its 2 committees of reference.

**Preemption Over Restriction of Utility Services:** SB 1128 by Senator Hutson and HB 919 by Representative Tomkow. A proposed strike all amendment has been filed in anticipation of the committee hearing this week, that would provide the following:

- A municipality, a county, a special district, or another political subdivision of the state may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits, or that has the effect of restricting or prohibiting, the types or the fuel sources of energy production which may be used, delivered, converted, or supplied by a public utility as defined in this

chapter, a municipal electric utility, a natural gas utility as defined in s. 366.04(3)(c), a natural gas transmission company as defined in s. 368.103, or a category I liquefied petroleum gas dealer or a category II liquefied petroleum gas dispenser as defined in chapter 527 to customers that such entities are authorized to serve.

- Any municipality, county, special district, or political subdivision charter, resolution, ordinance, rule, code, policy, or action that is preempted by this act and that existed before or on July 1, 2021, is void.

SB 1128 will be heard in the Senate Regulated Industries Committee on 3/9.

**Public Works Projects:** SB 1076 by Senator Brodeur and HB 53 by Representative DiCeglie

Revising a prohibition relating to any solicitation for construction services paid for with state or locally appropriated funds, or any combination thereof; revising the definition of the term “public works project”; prohibiting the state or any political subdivision that contracts for a public works project from taking specified action against certain persons that are engaged in a public works project or have submitted a bid for such a project, etc. Effective Date: 7/1/2021

SB 1076 will be heard in the Governmental Oversight and Accountability committee on 3/10. HB 53 has passed its first committee, 10 – 6.

**Red Light Cameras/Traffic Infraction Detectors:** HB 6009 by Representative Sabatini would repeal the ability of local governments to use red light cameras.

Provisions of this bill are also included in HB 1531 sponsored by Representative Hardy. We continue to monitor these bills.

**Repeal of Preemption of Recyclable and Polystyrene Materials:** SB 594 by Senator Stewart and HB 6027 by Representative Grieco would repeal preemption of local regulation enabling municipal and local governments to regulate various polystyrene products. Neither bill has been heard to date.

**Repeal of Preemption of Tree Pruning, Trimming, and Removal:** SB 596 by Senator Stewart and HB 6023 by Representative Eskamani would repeal a law passed in 2019 that preempts local regulation of tree pruning, trimming, or removal on residential property. Neither bill has been heard to date.

**Repeal of Preemption of Over-the-counter Drugs and Cosmetics (Sunscreen):** SB 1174 by Senator Stewart and HB 6041 by Representative Eskamani would repeal preemptions of local regulation regarding the ban of certain sunscreens. Neither bill has been heard to date.

➤ Session Dates: March 2, 2021 through April 30, 2021.