



**Natural Resources Management Department**

2725 Judge Fran Jamieson Way  
Building A, Room 219  
Viera, Florida 32940

**BOARD OF COUNTY COMMISSIONERS**

**TO:** Jim Liesenfelt, Interim County Manager

**THRU:** Tad Calkins, Assistant County Manager

**FROM:** Amanda Elmore, Deputy Director, Natural Resources Management Dept.

*AE*

**SUBJ:** Citizen Efficiency and Effectiveness Recommendation (CEER) #2025041

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CEER #2025041, titled Native Plants, Trees, LID, and Unnecessary Chemicals in Our Communities, was received by the County from Ms. Anastasia Doshna.

**Citizen Statement:**

Brevard county is being overdeveloped by poor building practices. This results in communities flooding and decimation of our ecosystem. Communities are being poisoned by unnecessary pesticides, fertilizers, herbicides, and fungicides resulting in contamination to our water, air, and soil making us sick.

**Citizen Recommendation:**

Make LID mandatory. Require the trees and plants be native with at least 50% keystone species in developments. Ban HOAs from making nonnative grass mandatory. Regulate the companies poisoning our communities with their chemical concoctions. This will make our communities safe and healthy again!

**Staff Analysis:**

*Low Impact Development (LID) + Green Stormwater Infrastructure (GSI) Education & Outreach*

In October 2020, the Natural Resources Management Department (NRM) produced the grant-funded LID Guide for Commercial and Light Industrial Facilities for Brevard County. The guide and other educational materials are available as part of the Lagoon Loyal stormwater outreach program, [www.lagoonloyal.com](http://www.lagoonloyal.com). A link to the guide, which defines LID and identifies principles and practices that can be applied to virtually all development, is also available on the NRM Stormwater Program webpage at [www.brevardfl.gov/NaturalResources/StormwaterProgram](http://www.brevardfl.gov/NaturalResources/StormwaterProgram).

Main Line: (321) 633-2016

Website: [Brevardfl.gov/NaturalResources](http://Brevardfl.gov/NaturalResources)

### *Revised State Stormwater Rule*

On June 28, 2024, Governor Ron DeSantis signed Senate Bill 7040 into law, which updates Florida's stormwater rules and design criteria to protect the state's waterways. Under the new rule, developers and builders have flexibility to choose from a range of LID design options, and other best management practices, when designing systems to meet the performance-based design criteria. The revised Stormwater Quality Nutrient Permitting Requirements, administered by the Florida Department of Environmental Protection (FDEP), apply to individual and general permits, issued after December 28, 2025. To meet the new performance standard nutrient reduction levels, all new development will likely need to incorporate LID tools appropriate for the site. Brevard County already incorporates, requires and encourages aspects of LID in many of the existing local environmental regulations.

### *Existing LID+GSI-Related County Requirements & Continuing Efforts*

NRM continues to implement and refine policies and Land Development Regulations (LDR) that align with Low Impact Development principles and ensure avoidance and minimization of impacts to natural coastal ecosystems, including native vegetation, wetlands, floodplains, aquifer recharge areas, and dunes.

- Chapter 62, Article XIII, Division 2 - Landscaping, Land Clearing & Tree Protection, Section 62-4341 requires at least 50% native preserved or planted trees for new development. Additionally, at least 50% native or water-wise shrubs are required. Trees and shrubs must be maintained on-site in perpetuity. Meeting all principles of Xeriscaping or water-wise landscaping is incentivized through a 50% reduction in the required shrub quantity for new developments.
- Chapter 62, Article XIII, Division 2 - Landscaping, Land Clearing & Tree Protection, Section 62-4344 provides incentives for increased canopy preservation and landscaping above the required thresholds. For example, one preserved specimen tree can offset the requirement for planting up to 16 smaller trees, thereby retaining the environmental benefits of the established preserved tree and offsetting the risk of establishing new, smaller planted trees. Landscaping credit may also be accumulated for the preservation of healthy vegetation of special concern, such as rare, endangered or threatened plant species or hardwood hammock, barrier island scrub, or sand pine scrub.
- Chapter 62, Article XIII, Division 2 - Landscaping, Land Clearing & Tree Protection, Section 62-4346, provides for an administrative waiver of up to 30% of nonresidential parking standards for the preservation or additional planting of native or Florida-Friendly Landscaping. This waiver reduces impervious surfaces while requiring additional planted green space.

- Chapter 62, Article XII - Coastal Setback and Control Lines establishes the Brevard County Coastal Setback Line (CSL), located an additional 25 feet west (landward) of the FDEP Coastal Construction Control Line (CCCL). No development impacts are permitted east of the CSL, with the exception of a minimized elevated dune crossover and maximum of 100 square feet of elevated minor structure. The removal of native vegetation is prohibited east of the CSL.
- Chapter 62, Article X, Division 4 - Wetland Protection establishes specific allowable land uses in wetlands, including residential density of one unit per five acres and the direction of commercial development into established areas of commercial use and prioritizes the protection of higher functioning wetlands. Additionally, there shall be no net loss of wetland function in the County.
- Chapter 62, Article X, Division 5 - Floodplain Protection establishes criteria that exceed state stormwater standards by requiring "no adverse impact" to off-site properties, resources, and infrastructure through compensatory storage of stormwater volume. Brevard County continually advances area-specific flood studies to further refine current modelling and engineering practices. Development is limited or prohibited in the most vulnerable floodplains such as the mean and 10-year riverine floodplains. Riverine floodplains are those areas that have a surface water connection to major freshwater bodies during the 100-year flood.
- Chapter 62, Article X, Division 3 - Surface Water Protection establishes buffers 25 to 200 feet in width, depending on water body classification, between development and the Indian River Lagoon (IRL) and St. Johns River. Native vegetation is required in these buffers as well as stormwater management for all impacts to the buffers. This includes GSI practices such as dense native vegetation, rain gardens, and exfiltration.
- Chapter 62, Article X, Division 5 - Aquifer Protection establishes impervious area restrictions in recharge soils and/or demonstration of preservation of recharge volume to protect water infiltration into the surficial aquifer.
- Chapter 46, Article II, Division 4, Section 46-87, Nitrogen Reduction Overlay, requires enhanced nutrient-reducing on-site sewage treatment and disposal systems (OSTDS) within the Indian River Lagoon septic overlay area.

In February 2022, Brevard County adopted 13 new "Peril of Flood" Policies as Comprehensive Plan, Coastal Element, Objective 14, entitled Coastal Development and Redevelopment. The primary objective is to create procedures to allow consideration of the changing dynamics of flooding, sea level rise, and storm surge in growth management decisions within Brevard County. The Policies also direct the County to:

- Develop mechanisms to evaluate and recommend new design and development standards for public and private infrastructure projects that consider future climate

conditions and amend land development regulations (LDRs) to reduce obstacles that hinder nature-based design standards and/or LID.

- Continually identify strategies and engineering solutions that minimize the loss of flood storage capacity in all floodplains and areas vulnerable to natural hazards such as flooding, storm surge, and sea level rise, and incorporate them into the LDRs.
- Encourage nature-based adaptation strategies design standards and/or LID design for development and redevelopment within areas vulnerable to current and future flooding impacts.

Staff is also currently working on the 2024 Comprehensive Plan Evaluation and Appraisal Report (EAR), further modifying Policies in the Conservation and Coastal Management Elements to better facilitate the implementation of LID practices. Once the EAR is adopted later this year, staff will propose modification of LDR to align with the Comprehensive Plan policies.

Lastly, in July 2023, the county proactively participated in a LID/GSI Code Audit through University of Florida Community Scoping Exercise. That exercise found many Brevard County policies and regulations consistent with LID/GSI and areas where definitions and practices could be better described. Improvements will be proposed as part of the Peril of Flood, EAR, and Barrier Island Area of Critical State Concern LDR updates.

#### *Landscape Contractor Requirements*

Contracted landscapers are required by law to receive training and certification from the Florida Department of Agriculture and Consumer Services (FDACS) for the application of pesticides and fertilizers. Each individual seeking certification must satisfactorily pass an examination. UF/IFAS Extension Brevard County regularly provides the training and continuing education needed to obtain and recertify these required certifications. Examples are listed below.

#### *Pesticide Applicator Trainings and Continuing Education*

Chapter 482 (Structural Pest Control) of the Florida Statute states that all general use and restricted use pesticides applied within 10 feet of any building (i.e., "for-hire" contracted landscapers) must receive certifications and maintain those licenses with continuing education provided by FDACS approved education, such as by UF/IFAS Extension. For Ch. 482-Structural Pest Control, we provide training and continuing education for Commercial Lawn and Ornamental, Limited Commercial Landscape Maintenance, and Special ID Card holders.

#### *Fertilizer Applicator Training and Continuing Education*

Florida law states that all commercial fertilizer applicators must have a Limited Urban Fertilizer (LUF) Certification from FDACS. To get this certification, each commercial applicator must be trained in the Green Industries Best Management Practices Certification

Class (GI-BMPs) and receive a certificate of completion from UF/IFAS and Florida Department of Environmental Protection. We regularly provide this training at UF/IFAS Extension Brevard County.

*Florida-Friendly Landscaping™ Certified Professional*

The Florida-Friendly Landscaping™ Program offers a Florida-Friendly Landscaping™ Certified Professional (FFLCP) designation to individuals who have completed the required training in FFL principles and are familiar with the latest UF/IFAS recommendations. These trained professionals have demonstrated the ability to recognize and address common landscape issues by using environmentally sustainable landscape management practices that help preserve and protect Florida's water and natural resources. UF/IFAS Extension Brevard County provides the required in-person Field Module training, annually, for landscapers pursuing the FFLCP designation.

Additionally, Brevard County Code Chapter 46, Article VIII - Fertilizer Use on Urban Landscape regulates and promotes the proper use of fertilizers by any applicator. This language requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; establishes a prohibited application period; specifies allowable fertilizer application rates and methods; fertilizer-free zones; and low maintenance zones.

Regarding HOA requirements, Florida Statutes 125.568 entitled Conservation of water; Florida-friendly landscaping, prohibits Homeowners Associations and local governments from establishing ordinances, deed restrictions, or covenants, that may prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land.

**Staff Recommended Action:**

It is recommended that the Board of County Commissioners accept CEER #2025041 with revisions, as LID practices are already being implemented as detailed in the staff analysis. Any legislative changes related to LID must be enacted through the ordinance adoption process and may be considered at the request of the Board of County Commissioners.

CC: Frank Abbate, County Manager

## Horst, Rachel

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**From:** CEER@brevardfl.gov  
**Sent:** Sunday, January 26, 2025 11:53 AM  
**To:** Horst, Rachel  
**Subject:** A new CEER Recommendation has been submitted as ID #2025041

### Recommendation # 2025041

Dear CEER Administrator,

Speak Up Brevard Recommendation ID #2025041 has been submitted. Please login to the CEER Application to start the recommendation evaluation workflow.

#### Contact Information:

##### Group/Organization

**Name** Anastasia Doshna  
**Address** 1017 Ashley Ave, Indian Harbour Beach FL 32937  
**Phone** (321) 626-0990  
**Email** adoshna81@yahoo.com  
**Alternate Email**

#### Recommendation Information:

**Recommendation ID** 2025041  
**Recommendation Title** Native Plants, Trees, LID, and Unnecessary Chemicals in Our Communities  
**Areas Affected**  
**Department Affected**  
**Current problem** Brevard county is being overdeveloped by poor building practices. This results in communities flooding and decimation of our ecosystem. Communities are being poisoned by unnecessary pesticides, fertilizers, herbicides, and fungicides resulting in contamination to our water, air, and soil making us sick.  
**Recommendation** Make LID mandatory. Require the trees and plants be native with at least 50% keystone species in developments. Ban HOAs from making nonnative grass mandatory. Regulate the companies poisoning our communities with their chemical concoctions. This will make our communities safe and healthy again!  
**Attachments** No Documents were attached.

Please do not reply to this e-mail, as it will go to an unmonitored mailbox.