



BOARD OF COUNTY COMMISSIONERS

County Attorney's Office  
2725 Judge Fran Jamieson  
Way  
Building C, Room 308  
Viera, Florida 32940

## Inter-Office Memo

**TO:** Jim Liesenfelt, Interim County Manager  
**THRU:** Tad Calkins, Assistant County Manager; Morris Richardson, County Attorney  
**FROM:** Marc Bernath, Public Works Director  
**SUBJ:** Citizen Efficiency and Effectiveness Recommendation #2025036

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CEER #2025036, titled Mowing over trash, was received by the County from Suzanne J. Taylor.

### **Citizen Statement:**

The amount of trash in our county is appalling. Worse still, both private persons and county employees just run over trash while mowing, chopping the trash into tinier, harder to remove, bits. Even when the trash is large, I've observed people just running over it with their mower.

### **Citizen Recommendation:**

Pass a county ordinance fining people, or punishing county employees, who run over trash with a mower rather than picking it up. Eventually all trash ends up in our waters. It is impossible to get the small bits of trash out of our environment. However, if it is picked up and thrown away rather than just run over with mowers, the county will be cleaner and its residents (plant, animal and human) safer.

### **Staff Analysis:**

Both the Brevard County Code of Ordinances and Florida Statutes prohibit littering and the improper disposal of waste. Section 403.413, Florida Statutes, known as the *Florida Litter Law* prohibits the dumping of litter along any public land, street and right-of-way. Depending on the quantity of litter being dumped, the penalties range from a noncriminal infraction punishable by a civil penalty, up to a third-degree felony. Brevard County has incorporated the entirety of the Florida Litter Law into Section 94-182 of the Brevard County Code of Ordinances. In addition to this, Brevard County has adopted a prohibition on littering and the unlawful conveyance of waste from a vehicle due to improperly secured materials or debris in Sections 94-183 and 94-184 of the Brevard County Code of Ordinances.

Brevard County does not currently have an ordinance specifically requiring the removal of litter prior to mowing or prohibiting the mowing of litter that has been deposited along roadways. An ordinance may be adopted requiring the removal of all litter prior to mowing. Such an ordinance

may have enforcement issues based upon the short and sporadic nature of mowing. These issues would include whether a person knowingly mowed over litter on their property, who was responsible for the mowing, and the difficult ability of curing the violation after the fact.

Brevard County Public Works performs a large majority of the right-of-way mowing for the County but does contract with private companies to mow certain roadways and County property. These contracts require the contractor to remove any litter prior to mowing and specifically prohibit the mowing of trash and debris. Should the County observe or receive complaints that a contractor is not performing in accordance with this provision, the County may take action to enforce compliance.

CEER #2020012 submitted in 2020 addressed similar concerns of the current CEER. A copy of the Staff response to CEER #2020012 and minutes adopting the request are attached as Exhibit A. In response to CEER#2020012 County staff worked with Keep Brevard Beautiful to use volunteers to implement litter pick-ups prior to mowing. Due to the lack of volunteers and the frequency and large geographic range of County mowing, this program has proved unsuccessful.

Brevard County Public Works has identified five options should the Board of County Commissioners require the removal of all litter and debris prior to County mowing. These options, and their estimated costs for Fiscal Year 2025-26 are as follows:

*Option 1. Utilize Current Staff*

Approximately seventeen employees are required to conduct mowing across the County without litter pickup. Currently the department only has eleven County employees performing these duties. Due to this shortage of employees needed to perform mowing operations as is, staff determined this was not viable. Discipling staff for mowing over litter that may be present is not recommended as this requirement would make it impossible for staff to keep current maintenance schedules and standards.

*Option 2. Increase Staff and Equipment*

Public Works estimates that an additional seventeen employees will be required to perform the litter removal prior to each mowing operation. Additional vehicles and utility trailers will be required in order haul the litter removed to the appropriate solid waste disposal site. This increase in the number of vehicles and the number of trips transporting collected litter will increase maintenance costs. It is estimated that the additional cost for the first year will total approximately \$2,433,947. This total includes \$1,012,000 for the initial purchase of pickup trucks, utility vehicles and utility trailers, and \$1,419,947 in new labor costs, fuel, insurance, maintenance, repairs, taxes, depreciation of the vehicles and replacement costs. As there is currently a shortage of employees performing mowing, there is some concern that these positions may not be filled at the standard starting hourly rate of \$16.52 plus benefits. The upfront and recurring costs of this option exceed the cost of Option 5.

*Option 3. Increase Utilization of Inmates*

Currently the Sheriff's Office provides inmate labor for mowing of County facilities but has not provided labor for right-of-way mowing since 2020. The County would also be required to provide

all equipment and fund the recurring non-labor charges. Staff determined this was not a viable option.

*Option 4. Create a Litter Control Program*

The County has been unsuccessful in partnering with non-profit organizations to remove all litter prior to mowing. Staff has determined this is not a viable option due to the lack of volunteers with the organization and the daily coordination needed between the County and the organizations.

*Option 5. Increase Outsourcing through Private Contracts*

Currently, approximately \$300,000 is spent annually on outsourcing mowing operations to private contractors for certain roads in County Commission Districts 1,2,4, and 5. These mowing operations include the requirement that the contractor removes all litter prior to mowing. Public Works staff estimates contracting out all mowing operations in the County would cost approximately \$1,500,000 year. Based on a standard two month mowing schedule, this option would increase the frequency of mowing from the current standard. Employees who currently focus on mowing operations will likely be directed to vertical mowing and ditch maintenance. This would increase ditch maintenance from approximately once per year to twice per year.

**Staff Recommended Action:**

It is recommended the Board of County Commissioners reject CEER #2025036 as it does not enhance the efficiency and effectiveness of County government as required by Section 2.9.10 of the Brevard County Home Rule Charter and would require new or additional annually recurring costs as provided in the staff analysis.

CC: Frank Abbate, County Manager

## Horst, Rachel

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**From:** CEER@brevardfl.gov  
**Sent:** Saturday, January 25, 2025 9:18 AM  
**To:** Horst, Rachel  
**Subject:** A new CEER Recommendation has been submitted as ID #2025036

### Recommendation # 2025036

Dear CEER Administrator,

Speak Up Brevard Recommendation ID #2025036 has been submitted. Please login to the CEER Application to start the recommendation evaluation workflow.

#### Contact Information:

##### Group/Organization

<b>Name</b>	Suzanne J Taylor
<b>Address</b>	1587 STAFFORD AVE, MERRITT IS FL 32952
<b>Phone</b>	(321) 213-3264
<b>Email</b>	sjtaylor1@yahoo.com
<b>Alternate Email</b>	sjtaylor1@yahoo.com

#### Recommendation Information:

<b>Recommendation ID</b>	2025036
<b>Recommendation Title</b>	Mowing over trash
<b>Areas Affected</b>	
<b>Department Affected</b>	COUNTY ATTORNEY
<b>Current problem</b>	The amount of trash in our county is appalling. Worse still, both private persons and county employees just run over trash while mowing, chopping the trash into tinier, harder to remove, bits. Even when the trash is large, I've observed people just running over it with their mower.
<b>Recommendation</b>	Pass a county ordinance fining people, or punishing county employees, who run over trash with a mower rather than picking it up. Eventually all trash ends up in our waters. It is impossible to get the small bits of trash out of our environment. However, if it is picked up and thrown away rather than just run over with mowers, the county will be cleaner and its residents (plant, animal and human) safer.
<b>Attachments</b>	No Documents were attached.

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