

ORDINANCE NO. 2025 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA; AMENDING CHAPTER 62, ARTICLE VII, DIVISION 2, SECTION 62-2844, ENTITLED PERFORMANCE SECURITY; SPECIFICALLY AMENDING THE PROCESS FOR THE RELEASE OR REDUCTION OF PERFORMANCE SECURITY TO DELEGATE CERTAIN AUTHORITY TO THE PUBLIC WORKS DIRECTOR; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN AREA ENCOMPASSED; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE BREVARD COUNTY CODE OF ORDINANCES.

WHEREAS, the Board of County Commissioners of Brevard County, Florida, hereinafter the "Board", finds that there is a need to update the County's process for handling the release and reduction of performance security (performance bond) for the construction of improvements associated with subdivisions and plats; and

WHEREAS, currently, when an applicant is seeking to construct such improvements, the Board is tasked with releasing or reducing the amount of the performance security, as appropriate, once a certificate of completion is issued; and

WHEREAS, the Board finds that staff is capable of determining whether performance bonds are to be released or reduced, as appropriate, and that such a process modification will increase overall efficiency; and

WHEREAS, the Building and Construction Advisory Committee, on _____, 2025, has reviewed the proposed ordinance and made a recommendation; and

WHEREAS, the Local Planning Agency, on _____, 2025, has reviewed the proposed ordinance and made a recommendation.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions.

~~Strikethrough indicates deletions.~~

SECTION 1. Recitals. The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

SECTION 2. Chapter 62, Article VII, Division 2, Section 62-2844(b), Brevard County Code, entitled "Performance security", is hereby amended as follows:

(b) *Release or reduction of performance security*: No security shall be released until a certificate of completion has been posted under this article. The ~~board~~ Public Works Director, upon the recommendation of the county development engineer, and upon recommendation from other interested County departments~~the public works department~~, may release or reduce the amount of required security upon the completion and acceptance by the appropriate governmental units of all utility installations for the subdivision or the completion and approval of all the roads and drainage systems. The amount of the reduction of the security shall be relative to the amount of the cost of the utilities or roads and drainage which constitutes the entire subdivision improvement cost estimate used for posting security under this article. Upon the release or reduction of the security after completion of the improvement(s), the applicant shall be required to post security for the maintenance of such improvement.

SECTION 3. Conflicting Provisions. In the case of a direct conflict between any provision of this Ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 5. Area Encompassed. This Ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 6. Effective Date. A certified copy of this Ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This Ordinance shall become effective upon filing as provided by law.

SECTION 7. Inclusion in Code. It is the intention of the Board that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED, AND ADOPTED, in regular session, this ____ day of _____, 2025.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA**

Rachel M. Sadoff, Clerk of Court

By: _____
Rob Feltner, Chairman

As approved by the Board on: _____

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