

RESOLUTION NO. 21-_____

A RESOLUTION OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE IMPOSITION OF AN ANNUAL SOLID WASTE COLLECTION AND RECYCLING PROGRAM SPECIAL ASSESSMENT, SERVICE FEES, AND CHARGES AGAINST ALL IMPROVED RESIDENTIAL REAL PROPERTY WITHIN THE BREVARD COUNTY SOLID WASTE COLLECTION AND RECYCLING PROGRAM MUNICIPAL SERVICE BENEFIT UNIT FOR COUNTY FISCAL YEAR BEGINNING OCTOBER 1, 2021; AND APPROVING THE SCHEDULE OF SPECIAL RATES AND CHARGES FOR NON-RESIDENTIAL IMPROVED REAL PROPERTY WITHIN THE UNINCORPORATED AREA, AND IMPROVED REAL PROPERTY NOT WITHIN THE SOLID WASTE COLLECTION AND RECYCLING BENEFIT UNIT; AND APPROVING THE SCHEDULE OF COMPENSATION RATES TO BE PAID COLLECTORS FOR CURBSIDE COLLECTION PROVIDED TO ALL IMPROVED RESIDENTIAL REAL PROPERTY WITHIN THE SOLID WASTE COLLECTION AND RECYCLING BENEFIT UNIT FOR COUNTY FISCAL YEAR BEGINNING OCTOBER 1, 2021.

WHEREAS, Florida Statutes, Section 125.01(1)(k) grants the Board of County Commissioners the power to provide and regulate waste collection and disposal; and

WHEREAS, pursuant to Section 403.706, Florida Statutes, Brevard County has the authority and responsibility to provide for the operation of solid waste management facilities to meet the needs of all areas of the county; and

WHEREAS, Chapter 403.706, Florida Statutes, requires that Brevard County plan and implement an efficient and environmentally acceptable solid waste management program to handle solid waste generated within the County and to provide for reduction in the amount of said solid waste disposed of at the County's solid waste management facilities through the implementation of a recycling program; and

WHEREAS, Chapter 67-1146, Laws of Florida, as amended by Chapter 70-594, Laws of Florida, 1970, authorizes the Board of County Commissioners of Brevard County, Florida to construct, operate and maintain a solid waste disposal system for the use and benefit of the inhabitants and municipalities of Brevard County; and

WHEREAS, said statutory authority grants the Board of County Commissioners the authority to prescribe, fix, establish and collect fees, rentals or other charges for the use of said established solid waste disposal system and to pledge such revenues as security for the payment of bonds issued under said statutory authority for the construction of a solid waste disposal facility; and

WHEREAS, Florida Statutes Section 403.7032, establishes a new statewide recycling goal of 75% to be achieved by the year 2020; and

WHEREAS, the act requires counties to develop and implement recycling programs within their jurisdictions to return valuable materials to productive use, to conserve energy and natural resources, and to protect capacity at solid waste management facilities; and

WHEREAS, Section 94-46(a), Code of Ordinances of Brevard County, Florida, authorizes the Board of County Commissioners to impose an annual collection and recycling special assessment, service fee, or charge, against all improved residential real property within the Brevard County Solid Waste Collection and Recycling Program Municipal Service Benefit Unit, "Benefit Unit"; and

WHEREAS, the developed residential properties within the Benefit Unit derive a special benefit above and beyond the general benefit received by all property or the public as a result of the services provided through the Brevard County Solid Waste Collection and Recycling Program; and

WHEREAS, the Board of County Commissioners finds that the collection and disposal of solid waste constitutes a benefit to all developed residential property within the Benefit Unit that is equal to, or in excess of, the cost of providing the services; and

WHEREAS, Section 94-233, Code of Ordinances of Brevard County, Florida, provides that on or before the fifteenth day of September of each year the Board of County Commissioners of Brevard County, Florida, shall hold a public hearing for the purpose of adopting a schedule of annual assessments, fees, rates and charges to be imposed upon the owners of all residential improved real property within the unincorporated areas of Brevard County for solid waste collection and recycling; and

WHEREAS, Chapter 94, Article IV., Division 2., Code of Ordinances of Brevard County, Florida, authorizes the Board of County Commissioners to impose an annual Collection and Recycling special assessment or service fee against all improved residential real property the Brevard County Solid Waste Collection and Recycling Program Municipal Service Benefit Unit, "Benefit Unit"; and

WHEREAS, Chapter 94, Article IV., Division 2., Brevard County Code of Ordinances, provides that on or before the fifteenth day of September of each year the Board of County Commissioners of Brevard County, Florida, shall hold a public hearing for the purpose of adopting a schedule of annual assessments, service fees, rates and charges to be imposed upon the owners of all residential and commercial improved real property within the unincorporated areas of Brevard County for the ensuing County fiscal year, and to establish the rates, assessments, service fees, and charges that shall apply to commercial improved real property within the unincorporated area of the County, and to residential improved real property not within the "Benefit Unit"; and

WHEREAS, Chapter 94, Article IV., Division 2., Code of Ordinances Brevard County, Florida provides each year the Board of County Commissioners of Brevard County, Florida, shall approve the amount and method of payment to the collector for his performance under the collection agreement within the "Benefit Unit"; and

WHEREAS, on January 31, 2008, the Board of County Commissioners approved a resolution authorizing the uniform method of collection of these non-ad valorem assessments by the Brevard County Tax Collector via the Tax Roll for each year this Rate Resolution is in effect; and

WHEREAS, the Board of County Commissioners entered into a new collection services contract, effective on October 1, 2020 and running through September 30, 2027, with an optional three-year extension. The base rate for the collection and recycling non-ad valorem assessments and service fees is shown in Section 3 of Schedule "A"; the Schedule of Special Rates and Charges for containers is shown in Schedule "B"; and the Schedule of Compensation and Rates to be Paid to the Collector for Residential Curbside Collection Services is shown as Schedule "C".

WHEREAS, this Resolution authorizes a stepped rate increase for special assessments and service fees, to be implemented over seven years, beginning in FY 2022. The annual billing unit rate for FY 2022 is \$200.11. Billing unit rate increases for FY 2022 through FY 2024, if such increase is approved by the Board, will not exceed 3% of the previous year and will be adopted annually through a subsequent public hearing process and resolution

WHEREAS, said public hearing was set for August 3, 2021 at 5:00 p.m., in the Brevard County Government Center, Commission Board Room, Building C, First Floor, 2725 Judge Fran Jamieson Way, Viera, Florida; and

WHEREAS, notice of the August 3, 2021 public hearing to adopt this resolution was published in the July 14, 2021 and the July 27, 2021 issues of the Florida Today, a newspaper of general circulation in Brevard. Pursuant to Section 197.3432(3). Florida Statutes, separate notice of the rate increase was mailed, at least 20 days prior to the public hearing, to each person or entity owning property subject to the special assessment.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

Section 1. SCHEDULE ADOPTED. The Board of County Commissioners does hereby adopt a schedule of Annual Solid Waste Collection and Recycling Program Special Assessments and service fees for County Fiscal Year 2022, October 1, 2021 through September 30, 2022, pursuant to the provisions of Chapter 94, Article IV, Division 2, Code of Ordinances of Brevard County, Florida for all improved real

property within the “Benefit Unit”, that is attached hereto as Schedule “A”. (“Code” used hereafter shall mean “Code of Ordinances of Brevard County, Florida”).

Section 2. SPECIAL RATES AND CHARGES. The Board of County Commissioners does hereby adopt a Schedule of Special Rates and Charges for containers for all non-residential improved real property within the unincorporated area of Brevard County and rates for all residential improved real property within said unincorporated areas, but not within the “Benefit Unit,” which Schedule of Special Rates and Charges is attached hereto as Schedule “B”.

Section 3. COMPENSATION RATES. The Board of County Commissioners does hereby adopt compensation rates to be paid to the collector for curbside solid waste and recycling collection services provided to all residential improved real property within the “Benefit Unit” which Schedule of Compensation Rates is attached hereto as Schedule “C”.

Section 4. RATE RESOLUTION DECLARED. This Resolution constitutes the Rate Resolution specified in Chapter 94, Article IV, Division 2 of the Code, as amended.

Section 5. DEFINITIONS. For the purpose of this schedule of Annual Solid Waste Collection and Recycling Program Special Assessments, Service Fees, and charges, the following definitions shall apply:

- (a) Improved Real Property: means any real property located in the unincorporated areas of the county that generates, or is capable of generating, solid waste and that contains a building, structure or other improvements designed or constructed, or capable of use for, or is being used for human habitation, human activity or commercial enterprise. Real property becomes improved real property following construction completion and the initial issuance of a certificate of occupancy.
- (b) Residential Improved Real Property: means all improved real property used for either a multifamily residence, or a single-family residence, including trailer parks.
- (c) Square Feet: refers to the size of the buildings, structures, or other improvements located on such property.
- (d) Governmental Agencies: means all state, federal or local agencies or units of government located within the county, including, but not limited to, the school board of the county, housing authorities, all municipalities within the county, all special districts and municipal service taxing units with all or part of their boundaries within the county and any municipality or special district or other unit of government whose boundaries are not within the county but which is the owner of improved real property within the county.
- (e) Benefit Unit: means the unincorporated areas of Brevard County.
- (f) Billing Units: the number of units established per parcel of improved residential property which, when multiplied by the applicable base, produces the solid waste

collection and recycling program special assessment or service fee.

Section 6. CALCULATION OF COLLECTION AND RECYCLING SPECIAL ASSESSMENTS.

- (a) The property's classification shall be determined by the "use code" established by the Brevard County Property Appraiser in maintaining and classifying real property on the Brevard County real property assessment roll.
- (b) To determine the Solid Waste Collection and Recycling Program Special Assessment for all improved real property within the "Benefit Unit", the number of billing units for the property's corresponding classification set forth in Section 1 and Section 2 of Schedule "A" shall be multiplied by the applicable base billing unit set forth in Section 3 of Schedule "A".

Section 7. CALCULATION OF SERVICE FEES FOR TAX EXEMPT ENTITIES.

For properties owned by government agencies which are not included on the ad valorem property tax roll, but receive collection or recycling services, each unit will be billed annually pursuant to Section 94-232(c), Code of Ordinances of Brevard County, Florida or general law. Services fees are to be calculated in the same manner and at the same base billing unit amount as the adopted special assessment rates in Schedule "A."

Section 8. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

Section 9. EFFECTIVE DATE. This Resolution shall be effective from October 1, 2021 through September 30, 2022.

RESOLVED this 3rd day of August 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

BY: _____
Rachel Sadoff, Clerk

BY: _____
Rita Pritchett, Chair
Brevard County Commission
(As approved by the Board on August 3, 2021)

SCHEDULE "A"

ANNUAL SOLID WASTE COLLECTION AND RECYCLING PROGRAM SPECIAL ASSESSMENTS

OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022

Section 1. RESIDENTIAL IMPROVED REAL PROPERTY:

- (a) Single Family Residence: Any building or structure designed or constructed for and capable of use as a residence for one family regardless of the type of structure. Such term includes a mobile home or a condominium parcel used for a mobile home or trailer or mobile home cooperative or a condominium park home that is erected on a separate parcel of property and not included within the definition of a trailer park.
- (b) Residential Condominium Unit/Cooperative Unit: Any portion of a building or structure designed or constructed for and capable of use as a residence for one family and such unit being owned or offered for sale under the condominium or cooperative concept of ownership.
- (c) Residential Townhouse Unit: Any portion of a building or structure designed or constructed for and capable of use as a residence for one family and such unit being owned or offered for sale under the townhouse concept of ownership.
- (d) Multiple Family Residence/Courts: Any building or structure or portion of any building or structure designed or constructed for and capable of use for one or more permanent residence(s) in which each unit is not individually owned.
- (e) Trailer Park: Any improved real property divided into spaces for the erection and maintenance of trailers and mobile homes.
- (f) Condominium Recreational Vehicle: Any improved real property divided into spaces in which all the spaces are intended for use as, or are offered to the public for use as, spaces for transient or temporary use by recreational vehicles.

Section 2. RESIDENTIAL IMPROVED PROPERTY BILLING UNITS:

- (a) Billing Units of 0.39 Per Unit:
Square Footage: Not Applicable
Condominium unit with Utilities, Condominium – Improved with no Manufactured Home, Condominium Unit with site improvements.
- (b) Billing Units of 0.75 Per Unit:
Square Footage: Not Applicable
Cooperative Unit, Condominium Unit Multiple Family, Garden Apartments – 1 Story – 10 To 49 Units, Garden Apartments – 1 Story – 50 Units & Up, High Rise Apartments – 4 Stories & Up, Low Rise Apartments 10 – 49 units 2/3 Stories, Low Rise Apartments 50 Units & Up 2/3 Stories. Condominium Unit – Time Share Condo, Condominium Unit-Vacant Land or Building not Complete, Quadruplex (each unit), Sixplex (each unit, and each additional unit), Multiple Living Units (5 to 9 units), Multiple Living Units (5-9 units, not attached),

Manufactured Housing – Park Rentals (4 to 9 units), Manufactured Housing – Park Rentals (10 to 25 units), Manufactured Housing – Park Rentals (26 to 50 units), Manufactured Housing – Park Rentals (51 to 100 units), Manufactured Housing – Park Rentals (101 to 150 units), Manufactured Housing – Park Rentals (151 to 200 units), Manufactured Housing – Park Rentals (200 or more units), Vacant Residential Land-Multi-Family Platted, Vacant Residential Land-Multi Family Unplatted-Less than 5 Acres.

(c) Billing Units of 1.00 Per Unit:

Square Footage: Not Applicable

Single Family Residence, Manufactured Housing (single, double, or triple Wide), Condominium Manufactured Home Park, Cooperative, Townhouse, Manufactured Housing Rental Lot Improvements (with manufactured home), Residential Related Amenity on Manufactured Home Site, Manufactured Housing Rental Lot with improvements (no manufactured home), Manufactured Housing Rental Lot Without Improvements (with manufactured home), Condominium Unit – Single Family Residence and RV Cabin Homes, Condominium – Manufactured Housing Rental Lot With Improvements (with manufactured home), Cooperative – Manufactured Home – Improved, Residential Related Amenities, Cooperative Manufactured Housing Rental Lot With Improvements (with manufactured home), Cooperative – Improved (without manufactured home), Single Family - Modular, Cooperative With Site Improvements, Duplex (each unit), Half Duplex Used as Single Family Residence, Triplex (each Unit), House and Improvement Not Suitable for Occupancy, Crop Land – Soil Class I With Residence, Soil Class II With Residence, Soil Class III With Residence, Grazing Land – Soil Class I With Residence, Grazing Land – Soil Class II With Residence, Grazing Land – Soil Class III With Residence, Grazing Land – Soil Class IV With Residence, Grazing Land – Soil Class V With Residence, Grazing Land – Soil Class VI With Residence, Orchard Grove – All Grove With Residence, Orchard Grove – Part Grove & Part not Planted With Residence, Combination – Part Orchard Grove & Part Pasture Land With Residence, Mixed Tropical Fruits With Residence, Townhouse Apartments, Townhouse – Two or More Units, Two Residential Units-Not Attached), Two or More Manufactured Housing Rental Lots (with manufactured home(s)), Two or More Manufactured Housing Rental Lots (without manufactured home(s)), Three or Four Living Units – Not Attached, House and Mobile Home, Two or Three Mobile Homes-Not A Park, Vacant – Less than 5 Acres – Not Covered by Another Code – not Government Owned, Vacant Residential Land – Multi-Family Platted, Vacant Residential Land – Multi-Family Unplatted – Less than 5 Acres, Vacant Residential Land-Single Family Unplatted-Less than 5 Acres, Vacant Residential Land-Single Family Unplatted - Greater than 5 Acres Vacant Residential Land-Single Family Platted, Vacant Mobile Home Site Platted, Vacant Mobile Home Site, Unplatted, Vacant Co-op Land, Vacant Co-op with Utilities.

Section 3. **APPLICABLE BASE RATE.** Pursuant to the provisions of Chapter 94, Article IV, Division 2 of the Code, as amended, and the annual rate increases previously authorized in Resolution 17-151, the base rate for residential improved real property for is \$200.11 per billing unit or a 3.0% increase over the previous year.

Table 1

Fiscal Year	Assessment Rate per Billing Unit	% Increase
2021	\$194.28	39.0%
2022	\$200.11	3.0%
2023	\$206.11	3.0%
2024	\$212.30	3.0%
2025	\$218.66	3.0%
2026	\$225.22	3.0%
2027	\$231.98	3.0%

Board of County Commissioner's Resolution 17-151 authorized a stepped rate increase for special assessments and service fees over seven years, beginning in Fiscal Year (FY) 2021. The annual rate increase for FY 2021 through FY 2027 is equal to the annual rate increase paid to the collector, if such increase is approved by the Board, not to exceed 3% per year. The numbers above are based on the assumption the maximum 3% rate increase is approved in each fiscal year FY 2022 through FY 2027. The Board will adopt an annual rate resolution to verify the percentage rate increase pursuant to Section 94-233, Code of Ordinances of Brevard County, Florida.

SCHEDULE "B"

SCHEDULE OF SPECIAL RATES AND CHARGES OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022

Section 4. NON-RESIDENTIAL IMPROVED REAL PROPERTY:

- (a) Collection Fee Per Cubic Yard (Non-Compacted): \$5.96 per cubic yard
- (b) Collection Fee Per Cubic Yard (Compacted): \$22.51 per cubic yard
- (c) Collection Fee for Individual Containers:
 - i. One 96 Gallon Cart \$ 49.56
 - ii. Each Additional 96 Gallon Cart \$ 7.50
 - iii. One 64 Gallon Cart \$ 37.55
 - iv. Each Additional 64 Gallon Cart \$ 7.50
 - v. One 35 Gallon Cart \$ 17.57
 - vi. Each Additional 35 Gallon Cart \$ 7.50

Section 5. CONTAINER RENTAL/LEASE:

- (a) Dumpster Rental/Lease Fees (Non-Compacted):
 - i. 2 cubic yard \$ 85.46 per month
 - ii. 3 cubic yard \$115.85 per month
 - iii. 4 cubic yard \$146.04 per month
 - iv. 6 cubic yard \$206.82 per month
 - v. 8 cubic yard \$267.36 per month
- (b) Dumpster Rental/Lease Fees (Compacted): 2 through 8 cubic yard \$157.43 per month

Section 6. PULL CHARGES:

- (a) Compactor Charge Per Pull:
 - i. 15 cubic yard \$242.05 per pull
 - ii. 20 cubic yard \$242.05 per pull
 - iii. 30 cubic yard \$272.95 per pull
 - iv. 40 cubic yard \$293.55 per pull
- (b) Compactor Container Rental/Lease Fees: 10 through 40 cubic yard \$157.43 per month

Section 7. LIMITATIONS:

- (a) Rental/lease rates for containers may be negotiated between the customer and the collector, but will not exceed the rates established herein.
- (b) Rental/lease rates for containers includes: Monthly rental/lease fee, and any and all other fees, e.g., drop-off, maintenance, roll-out, casters, etcetera. Only those

fees as set forth herein are allowed to be charged.

SCHEDULE "C"

SCHEDULE OF COMPENSATION RATES TO BE PAID TO COLLECTOR FOR RESIDENTIAL CURBSIDE COLLECTION SERVICES PROVIDED OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022

Section 1. COMPENSATION RATES:

- (a) Single Family Residence, Residential Mobile Home, Condominium Mobile Home, Condominium Park Home, Cooperative Mobile Home, and Residential Townhouse Unit: \$15.93 per month, per unit
- (b) Residential Condominium Unit, Cooperative Unit, Multiple Family Residence, Courts and Trailer Park: \$11.95 per month, per unit
- (c) Condominium Recreational Vehicle Unit: \$6.22 per month, per unit