



Meeting Agenda
Thursday, August 21, 2025

7:00 PM

REGULAR MEETING

Cocoa Beach City Hall
2 S Orlando Avenue
Cocoa Beach, FL 32931

WELCOME

Meeting re-broadcasts on: Spectrum - Channel 499 and
www.youtube.com/@CityofCocoaBeachFL
Meeting Video Archives: www.cityofcocoa beach.com

Packets: Packets are on the City's website (www.cityofcocoa beach.com)

Rules of Order: Robert's Rules of Order and the Florida Sunshine Law govern the conduct of our meetings.

Speaking Courtesy Rules:

- The Commission accepts relevant comments.
- A time limit of three minutes is imposed on each speaker. If speaking for a group, the Commission may grant an additional three minutes.
- Please direct comments and questions through the Mayor
- Complete speaker cards are required for each of the items you wish to address. Submit the card to the City Clerk prior to the introduction of the item. Speaker Cards are available in the entrance of the Commission Room and in the City Clerk's office prior to the meeting. The purpose of the card is to obtain the spelling of your name, contact information if follow-up is needed, and provide for efficient meeting administration.
- Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone.

Approval Of Order Of Business:

Note: Members of the public, Commission and Staff may remove items from the Consent Agendas, if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting.

Appealing a Decision:

Any person desiring to appeal any decision made by the City Commission, with respect to any matter considered at such a meeting or hearing, will need a record of the proceedings and for such purposes must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense as the City does not provide one

American with Disabilities Act:

ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the City Clerk at (321) 868-3286; Florida Relay Service (800) 955-8771 (TDD); or (800) 955-8770 (Voice) or 711.

THANK YOU for participating in your Cocoa Beach City Government.

A. MEETING CALLED TO ORDER

1. Pledge of Allegiance
2. Invocation by Pastor Keith, Club Zion
3. Roll Call

B. APPROVAL OF THE AGENDA

(Note: Members of the public, Commission and Staff may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting.)

C. SPECIAL PRESENTATIONS

1. Proclamation celebrating the 50-Year Anniversary of the Space Coast Communities Association
Representatives: Terrie Kroger, Mary Kaufold
2. Main Street Cocoa Beach Presentation
Representative: Kenne Wells Executive Director Cocoa Beach Main Street

D. PUBLIC COMMENTS

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the "Public Comment" section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

E. STAFF REPORTS AND ANNOUNCEMENTS

F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

H. CONSENT AGENDA

1. Ratify the wage re-opener for the Laborers' International Union of North America (LIUNA) Local 630 union contract, for wages beginning October 1, 2025, between the City of Cocoa Beach and LIUNA.

Staff Representative: Cindy DePina, Human Resources Director
Recommendation: Approve

2. Approve CRA Special meeting for budget - 9-18-2025 at 6:30 pm- regular commission meeting to follow at 7:00 pm
Staff representative: Devan Taly, Deputy Finance Director
Recommendation: Approve

I. ITEMS REMOVED FROM THE CONSENT AGENDA

J. UNFINISHED BUSINESS

K. NEW BUSINESS

1. Adopt Resolution 2025-25. A resolution of the City Commission of the City of Cocoa Beach, Brevard County, Florida, authorizing the City to make application to the Florida Commerce for a Rebuild Florida Infrastructure Repair Program Grant, for recovery due to damages sustained to the City stormwater infrastructure, in 2024, during Hurricane Milton; providing for an effective date.

Staff Representative: Brad Kalsow, Public Works and Water Reclamation Director, Morgan Zuhlke, Stormwater Utility Manager
Recommendation: Adopt

2. Emergency Ordinance 1701 - An emergency ordinance of the City of Cocoa Beach, Florida, ~~adopting an emergency ordinance~~ regulating tow truck operations within the city; providing for findings of emergency; providing definitions; establishing requirements for towing operations and signage in accordance with state law; providing for enforcement and penalties; providing for conflicts, non-codification, severability, an effective date and an ending date.

Staff representative: David Dickey, Development Services Director
Recommendation: approve

3. Resolution 2025-27 - A resolution of the City Commission of the City of Cocoa Beach, Florida, adopting a fine schedule applicable to violations of Emergency Ordinance 1701 relating to the regulation of non-consent towing of vehicles in the city; making findings; adopting fine schedule for non-consent towing of vehicles; requiring posting of fine amounts on city website and implementation of new fines; and providing an effective date

Staff Representative: David Dickey, Development Services Director
Recommendation: Approve

4. Ordinance 1702, an ordinance of the City of Cocoa Beach, Florida, creating a new article iii, "towing of vehicles from private property", of chapter 13, "licenses and business taxes" of the code of ordinances of the City of Cocoa Beach, regulating tow truck operations within the city; providing for findings and definitions; establishing requirements for towing operations and signage; requiring permits and insurance and providing for revocation of permits; establishing a towing victim reimbursement account; providing for enforcement and penalties; providing for conflicts, codification, severability, and an effective date.

Staff representative: David Dickey, Development Services Director
Recommendation: approve

- L. GENERAL PUBLIC COMMENT
(Only if not accommodated in the 30-minute Public Comment period earlier)
- M. ADJOURNMENT

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

City Manager /
Carrie Lombardo, Executive Assistant

MEETING DATE

August 21, 2025

REQUESTED MOTION/ACTION

Proclamation celebrating the 50-Year Anniversary of the Space Coast Communities Association

Representatives: Terrie Kroger, Mary Kaufold

IS THIS ITEM BUDGETED (IF APPLICABLE)?

n/a

BACKGROUND:

50 Year Anniversary of Space Coast Communities Association -Proclamation

Proclamation

WHEREAS, on June 17, 1975, Richard T. Angle, George E. Harrington, Louis C. Rhode and Leslie E. Shumway founded what is now known as Space Coast Communities Association; and

WHEREAS, The Association established their home in Cocoa Beach, Florida; and

WHEREAS The goals of the organization are to foster and promote the interests of Individuals, partnerships, firms, associations, and corporations who own residential condominium units or residential apartments in a cooperative or individual homeowners.

To cooperate for the improvement of all conditions relating to such interests

To regulate and correct abuses relative thereto

To secure and maintain freedom from unjust and unlawful exactions

To secure and interchange accurate and reliable information for the associations and organizations of the unit owners, as well as, the unit owners, themselves; and

WHEREAS, The organization is currently celebrating their 50th year anniversary; and

WHEREAS, The City of Cocoa Beach wishes to recognize and commemorate the 50th Year Anniversary of Space Coast Communities Association on June 17, 2025; and

NOW, THEREFORE, I, Keith Capizzi, by authority vested in me as Mayor of the City of Cocoa Beach, Florida, do hereby join in the celebration of the 50th Year Anniversary of

SPACE COAST COMMUNITIES ASSOCIATION

And extend best wishes and congratulations to the Board of Directors and their members.

IN WITNESS THEREOF, I have hereto set my hand and caused the seal of the City of Cocoa Beach to so affixed to this 21st day of August 2025.

Keith Capizzi

Karin Grooms

**City of Cocoa Beach City Commission
Agenda Item Summary**

**DEPARTMENT MAKING
REQUEST/NAME:**

City Manager /
Carrie Lombardo, Executive Assistant

MEETING DATE

August 21, 2025

REQUESTED MOTION/ACTION

Main Street Cocoa Beach Presentation

Representative: Kenne Wells Executive Director Cocoa Beach Main Street

IS THIS ITEM BUDGETED (IF APPLICABLE)?

N/A

BACKGROUND:

Main Street Cocoa Beach Presentation.



City of Cocoa Beach

P.O. Box 322430
Cocoa Beach, Florida 32932-2430
www.cityofcocoabeach.com



Kenne Wells

To assist you with your presentation to the City Commission on 8/21/25, we have attached a spreadsheet identifying FY25 In-Kind services provided by the City through July 11, 2025.

Thank you,

AJ Hutson
City Manager

CBMS In Kind

	Date	Police	Public Works	Facility Use	Permit/Inspections	Totals
Friday Fest	10/18/2024	\$ 960.00	\$ 187.50		\$250.00	\$ 1,397.50
Friday Fest	11/15/2024	\$ 991.80	\$ 174.75		\$250.00	\$ 1,416.55
Cookie Crawl	11/27/2024				\$50.00	\$ 50.00
Winterfest	12/7/2024	\$ 1,194.00	\$ 305.95		\$300.00	\$ 1,799.95
Surfin' Mingle	12/24/2024	\$ 847.20			\$250.00	\$ 1,097.20
Brick Installation				\$2,075.00		\$ 2,075.00
Friday Fest	1/17/2025	\$ 664.80	\$ 167.50		\$250.00	\$ 1,082.30
Friday Fest	2/21/2025	\$ 973.20	\$ 194.30		\$250.00	\$ 1,417.50
Sip n Stroll	3/8/2025				\$50.00	\$ 50.00
Pet Fest	3/15/2025	\$ 601.80			\$250.00	\$ 851.80
Friday Fest	3/21/2025	\$ 937.80	\$ 187.50		\$250.00	\$ 1,375.30
Art Wave	3/22/2025	\$ 2,206.20			\$300.00	\$ 2,506.20
Bingo - 19th Hole	4/9/2025			\$350.00		\$ 350.00
Friday Fest	4/18/2025	\$ 973.20	\$ 186.65		\$250.00	\$ 1,409.85
Friday Fest	5/9/2025	\$ 963.00	\$ 180.70		\$250.00	\$ 1,393.70
Bingo - 19th Hole	5/14/2025			\$175.00		\$ 175.00
Bingo - 19th Hole	6/11/2025			\$175.00		\$ 175.00
Friday Fest	6/20/2025	\$ 973.20	\$ 187.50		\$250.00	\$ 1,410.70
Centennial	7/5/2025	\$ 2,862.00	\$ 1,072.50		\$300.00	\$ 4,234.50
Friday Fest	7/11/2025	\$ 1,320.60	\$ 187.50		\$450.00	\$ 1,958.10
Bingo - 19th Hole	8/13/2025			\$200.00		\$ 200.00
Totals		\$ 16,468.80	\$ 3,032.35	\$2,975.00	\$3,950.00	\$ 26,426.15

no fees were
charged on 4/9/2025



Mid Year Report

Jan-June 2025





MISSION, VISION, AND VALUES



- **Mission:** To preserve and revitalize the heritage of Downtown Cocoa Beach, fostering a thriving local economy, enhancing a sense of community, and ensuring a vibrant future for our unique coastal town.
- **Vision:** A Downtown Cocoa Beach that is a cherished destination for residents and visitors, celebrated for its unique surf culture, local businesses, artistic expression, and welcoming atmosphere.
- **Core Values:**
 - **Community:** We believe in collaboration and shared ownership of our downtown's future.
 - **Authenticity:** We are committed to preserving the unique, laid-back surf culture and local charm of Cocoa Beach.
 - **Progress:** We embrace innovative and sustainable strategies for economic growth and revitalization.



CBMS & the City of Cocoa Beach



CBMS's mission aligns with the City's Community Redevelopment Agency (CRA) goals, fostering a dynamic partnership that benefits the entire community.

CBMS's Role

Mirror Goals of CRA:

- Organizes community-centric events that attract residents and visitors to the downtown district
- Stimulates public and private investments by enhancing downtown's appeal and vibrancy
- Drives economic growth by increasing foot traffic to local businesses, aligning with CRA's goal of improving the tax base

Volunteer-Driven Impact:

- Mobilizes community volunteers to support events and initiatives, reinforcing a sense of local pride and ownership in downtown Cocoa Beach
- Ensures sustainability and consistent value to the downtown area through grassroots efforts

Partnership Benefits

For the Community:

- Opportunities for social interaction, cultural enrichment, and economic activity
- Strengthens downtown as a destination and enhancing visitor and resident experiences

For the City:

- CBMS initiatives directly support CRA objectives, making Cocoa Beach more attractive
- The partnership exemplifies how collaboration can amplify the impact of revitalization efforts
- Through the CBMS network and expertise, the city benefits from impactful programs without needing significant additional resources



City Money

How it is used.



Friday Fest In-Kind City Services

$$\text{\$1,957} \times 6 = \text{\$11,742}$$

Application Fee	\\$300
Building Reinspection Fee	\\$150
Law Enforcement	\\$1,320
Public Works	\\$187

City Budget \\$15,000

CRA Grant \\$25,000

The average cost of a Friday Fest
 $\text{\$4,130} \times 6 = \text{\$21,330}$

The average net profit of a Friday Fest
 $\text{\$4,238} \times 6 = \text{\$25,428}$

*figures are based on Jan-June 2025 events



Our Community Impact

89%

reported they would be affected if there were no more CBMS events

79%

reported an increase in foot traffic as a result of CBMS marketing and promotions

CBMS Event Impact on Business' Sales

Pet Fest

+42%

compared to sales during other Saturdays in March

Friday Fest

+29%

compared to sales during other Fridays

Sip n' Stroll

+55%

compared to sales during other Saturdays

Community Impacts based on fifteen survey responses from diverse businesses located in downtown Cocoa Beach

"We will be celebrating our 1 year anniversary soon, and due to the marketing, events and efforts of Cocoa Beach Main Street our sales and traffic continue to rise."

Anthony & Erin Pierce, owners of Beachside Candy located at 73 N. Orlando Ave. Downtown Cocoa Beach

"We are a proud part of the growing arts community in downtown Cocoa Beach. With signature events and introductions for our curated art displays in local businesses, Cocoa Beach Main Street strengthens our connection to the community."

Dawn Peck, owner and curator of Breakers Art Gallery located at 142 N. Orlando Ave. Downtown Cocoa Beach

"Cocoa Beach Main Street has been supportive of our vision from day one! The marketing and events bringing recognition to Cosmik Tiki and all of our downtown area is felt with an increase of customers. And is very much appreciated."

Noel Heiks Key, owner of Cosmik Tiki located at 101 N. Atlantic Ave. Downtown Cocoa Beach

To our schools & kids



Each Friday Fest we offer a fundraiser to any school organization that wants to participate. It’s called “Beverage Bucks”. All monies raised goes back to the organization. An opportunity to raise \$1,000+/-

Giving Back....



5k Runs by Marlene White

A vendor space is provided at “No Charge”. This enables Marlene and her crew a convenient space to promote, get sign-ups and sell merchandise for upcoming events.



Drown Zero

Helping promote safety for our community and tourists.



Surfside Playhouse

Bringing two local businesses together and providing a platform for fundraising to make this beautiful mural a reality. Thank you Breakers Art Gallery.

....to OUR Community in many different ways.

Cocoa Beach Police Department

Providing a free space to CBPD at Friday Fest. This allows CBPD to showcase their new initiatives while bringing community awareness to our officers.



Students and Young Entrepreneurs

The Pink Team

Providing a free space at Friday Fest to encourage community recognition.



Current Projects

Enhance Downtown Design and Public Spaces.

- Repaint pots and refresh plants.
- Complete and install a new wayfinding signage system throughout the downtown district
- Secure funding and implement one major public art or beautification project (e.g., new murals, City Hall park improvements) per year.
- Partner with the City to develop a plan for increasing public parking and improving pedestrian accessibility by Q2 2027.



Strengthen Economic Vitality.

- Mural Walk and Map
- Increase net new businesses in the downtown district by 10% over the next three years.
- Increase annual member revenue and sponsorships by 15% each year.
- Launch a new "shop local" campaign focused on digital marketing and social media engagement

Increase Community Engagement and Event Promotion.

- Increase attendance at core events (e.g., Friday Fest, WinterFest, Bingo, Surfin' Mingle)
- Expand our volunteer database by 25% to support events and initiatives.
- Launch one new, signature event by 2026 to attract a broader audience and media attention.





Strengths:

- Strong brand recognition tied to the "Space Coast" and surfing history.
- Existing series of successful events
- (e.g., Friday Fest, Winter Fest).
- Dedicated volunteer base and supportive business community.
- Location on a barrier island with direct beach access.

Weaknesses:

- Reliance on seasonal tourism, creating economic fluctuations.
- Limited physical space and parking challenges in the downtown core.
- Need to diversify funding sources beyond events and memberships.

Opportunities:

- Growing interest in eco-tourism and outdoor activities (e.g., paddle boarding, surfing).
- Potential for new public-private partnerships to fund capital improvement projects.
- Leveraging the "America 250" anniversary to highlight local history and heritage.
- Grant Opportunities

Threats:

- Competition from larger retail centers and other regional downtowns.
- Environmental concerns and climate change impacts (e.g., hurricane impact, rise, lagoon health).
- Economic downturns that could affect tourism and local business revenue.

GRANTS

Through Space Coast Office of Tourism a Marketing Support Grant is available. The purpose of the Grant is to encourage out-of-county attendance to events. Grant opportunity

Awarded \$12,500



Through Main Street America, Cocoa Beach Main Street has access to a broad base of Grant opportunities. Currently working on a Historical Survey Grant \$50,000, “Historical Cocoa Beach”. Along with recognition on the Historic National Registry, markers and signage will be available through this grant. *in process



Available through Florida Humanities the Museum on Main Street program, Smithsonian “Americans” is a traveling historical educational Grant. Cocoa Beach has strong historic connection to Native Americans. Good opportunity to provide an educational experience for America 250. *in process



Through Florida Department of State, America 250 Florida Grants. Planning a celebration for America’s 250 Anniversary in 2026.

A Memorial Day weekend event and activities. Grant opportunity \$22,800 *submitted





Meet our Team

Executive Board



Kenne Wells
Executive Director



Bret Glas
President



Joanie Iaco
Vice President



Layne Alvarez
Treasurer

Board Members

Dan Woeheide

Dave Noel

Debi Roth

Jacob Oleson

Jonathan Honeycutt

Marge Schneider

Pamela Durkin

Willaim Brightmon

Thank You to our Kahuna Partners!

Big Kahuna



Breezy Kahuna



Coastal Kahuna



Our Kahuna Partners go above and beyond with continued support.

Thank You to our Partners!



We appreciate your continued
Partnership with
Cocoa Beach Main Street.



For the Love of Downtown Cocoa Beach

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Human Resources /
Cindy DePina, Human Resources Director

MEETING DATE

August 21, 2025

REQUESTED MOTION/ACTION

Ratify the wage re-opener for the Laborers' International Union of North America (LIUNA) Local 630 union contract, for wages beginning October 1, 2025, between the City of Cocoa Beach and LIUNA.

Staff Representative: Cindy DePina, Human Resources Director
Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

This is budgeted for FY26

BACKGROUND:

LIUNA has voted to ratify the wage re-opener for a COLA of 4% for members of LIUNA 630 union effective October 1, 2025 and settles the wage re-opener for FY26

**City of Cocoa Beach City Commission
Agenda Item Summary**

**DEPARTMENT MAKING
REQUEST/NAME:**

Finance /
Devan Taly, CRA Administrator

MEETING DATE

August 21, 2025

REQUESTED MOTION/ACTION

Approve CRA Special meeting for budget - 9-18-2025 at 6:30 pm- regular commission meeting to follow at 7:00 pm

Staff representative: Devan Taly, Deputy Finance Director

Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

NA

BACKGROUND:

NA

City of Cocoa Beach City Commission Agenda Item Summary

DEPARTMENT MAKING REQUEST/NAME:

Stormwater /
Brad Kalsow, Director of Water Reclamation
Morgan Zuhlke, Stormwater Manager

MEETING DATE

August 21, 2025

REQUESTED MOTION/ACTION

Adopt Resolution 2025-25. A resolution of the City Commission of the City of Cocoa Beach, Brevard County, Florida, authorizing the City to make application to the Florida Commerce for a Rebuild Florida Infrastructure Repair Program Grant, for recovery due to damages sustained to the City stormwater infrastructure, in 2024, during Hurricane Milton; providing for an effective date.

Staff Representative: Brad Kalsow, Public Works and Water Reclamation Director,
Morgan Zuhlke, Stormwater Utility Manager

Recommendation: Adopt

IS THIS ITEM BUDGETED (IF APPLICABLE)?

NA

BACKGROUND:

The City of Cocoa Beach is considering applying for a grant to the Florida Commerce for a Rebuild Florida Infrastructure Repair Program for Disaster Recovery (DR) from Hurricane Milton, through the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG). A total of \$400,000,000 is being made available through a competitive application process to local governments located within the forty- seven (47) counties impacted by the 2023 and 2024 Storms. Eligible applicants can submit project applications for a minimum of \$750,000 per application.

These funds must be used for potential projects that meet the following threshold criteria:

1. Projects or programs must meet a CDBG-DR National Objective such as:
Benefit to low-moderate-income individuals, Benefit to low-moderate-income areas, and address an urgent need.
2. Projects or programs must meet CDBG-DR Infrastructure Eligible Activities such as:
Restoration or improvements of infrastructure damaged by a qualifying 2023 and/or 2024 storm. Repairs to drainage and flood mitigation systems.
3. Projects or programs must address a clear unmet need:
Tied to a qualifying 2023 and/or 2024 storm event, primarily serving low-to moderate-income (LMI) residential neighborhoods.

Project to be Undertaken by the City of Cocoa Beach: Cedar, Woodland, Brevard, 2nd Street N Stormwater Improvements project. The project is located at the intersections between Cedar Avenue, Woodland Avenue, N Brevard Avenue, 2nd Street N, 1st Street N, and Indian Creek Drive between Oak Avenue and N Orlando Avenue.

Source of Funding Available to Activities: The project cost and grant funding is estimated between \$8.6M and \$9M and would be budgeted in the Stormwater Utility Fund over three fiscal years.

Public Comment: A public comment period will be from August 8, 2025 to August 22, 2025. The City Commissioners will discuss Resolution 2025-25 on August 21, 2025. Visit <https://www.cityofcocoabeach.com/PublicNotice>

RESOLUTION NO. 2025-25

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH, BREVARD COUNTY, FLORIDA, AUTHORIZING THE CITY TO MAKE APPLICATION TO THE FLORIDA COMMERCE FOR A REBUILD FLORIDA INFRASTRUCTURE REPAIR PROGRAM GRANT, FOR RECOVERY DUE TO DAMAGES SUSTAINED TO THE CITY STORMWATER INFRASTRUCTURE, IN 2024, DURING HURRICANE MILTON; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2024, due to Hurricane Milton, in the Atlantic Hurricane Season, the City of Cocoa Beach incurred major impairment to the Cedar, Woodland, Brevard Stormwater Infrastructure System due to severe rainfall, sustained high tides and elevated groundwater conditions throughout the City; and

WHEREAS, due to the major impairments to the Cedar, Woodland, Brevard Stormwater Infrastructure System, overwhelming environmental conditions created insufficient capacity to convey stormwater to the Indian River Lagoon (IRL); and

WHEREAS, U.S. Environmental Protection Agency (EPA) Storm Water Management Model (SWMM) was used to determine the maximum flood elevations within the project area under existing and proposed conditions; and

WHEREAS, the data derived from the modelling were used to create floodplain mapping for 2.33-year, 10-year, 25-year, and 100-year/ 24-hour storm events to determine impacts on the system; and

WHEREAS, a component to applying for this grant is that projects must benefit low to moderate income individuals, benefit low to moderate income areas, and address an urgent need; and

WHEREAS, the project service areas is comprised of 53% low to moderate income, as determined by Department of Housing and Urban Development (HUD) Geographic Information System (GIS) Maps using Low Moderate Income Summary Data (LMISD) Block Group and census tract data, and

WHEREAS, the Cocoa Beach City Commission desires to repair the City's Cedar, Woodland, Brevard Stormwater Infrastructure System, and apply for grant funding to improve and maintain water quality in the Banana River Lagoon, a high level of flood protection and maintain infrastructure integrity thereby promoting the health, safety and welfare of the City and residents; and

WHEREAS, City Staff is directed to apply to the Florida Commerce, for a Rebuild Florida Infrastructure Repair Program Grant, to make repairs to the Cedar, Woodland, Brevard Stormwater Infrastructure System to deal with disaster recovery, caused by impairments sustained during Hurricane Milton, in the 2025 Atlantic Hurricane Season.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Cocoa Beach, Florida, at regular meeting held this 21st day of August 2025, declare the following:

SECTION 1. The Infrastructure Repair Program Grant funding, through the Community Development Block Grant (CDBG) program, is declared to be a workable program for providing needed physical improvements that benefit low to moderate income residents, when damages occur to public infrastructure and businesses.

SECTION 2. The City Commission of the City of Cocoa Beach, Florida, hereby directs Staff to submit an application for a Rebuild Florida Infrastructure Repair Community Development Block Grant - Disaster Recovery, Hurricane Milton, for damages incurred to the Cedar, Woodland, Brevard Stormwater Infrastructure System during Hurricane Milton.

RESOLUTION NO. 2025-25

SECTION 3: The City Manager, or designee, is hereby authorized to submit an application on or before September 29, 2025, and execute all documents, certifications, and any additional information as may be required by the Florida Commerce.

SECTION 4: Effective Date: The resolution shall become in full force and effect upon adoption.

Upon Motion by Commissioner _____ and Seconded by Commissioner _____, this Resolution was duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the _____ day of _____, 2025.

Ayes: _____ Nays: _____ Absent or Abstaining: _____

Keith Capizzi Mayor-Commissioner

ATTEST:

Karin Grooms, City Clerk

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Development Services /
David Dickey, Director of Development
Services

MEETING DATE

August 21, 2025

REQUESTED MOTION/ACTION

Emergency Ordinance 1701 - An emergency ordinance of the City of Cocoa Beach, Florida, ~~adopting an emergency ordinance~~ regulating tow truck operations within the city; providing for findings of emergency; providing definitions; establishing requirements for towing operations and signage in accordance with state law; providing for enforcement and penalties; providing for conflicts, non-codification, severability, an effective date and an ending date.

Staff representative: David Dickey, Development Services Director

Recommendation: approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

N.A.

BACKGROUND:

Emergency Ordinance 1701 has been prepared to provide immediate regulations related to non-consent towing from private property in the city prior to the effective date of Ordinance 1702, which will take effect 60 days after its adoption. Ordinance 1701 takes effect immediately (August 21, 2025).

In general, Ordinance 1701 will require no specific actions by the tow operators other than changing their towing procedures. New signage and permitting requirements are tied to the adoption of Ordinance 1702. Highlights of Ordinance 1701 include:

- A tow truck operator shall not connect, tow or remove a vehicle and shall not charge any fee if the owner or person in custody or control of the vehicle returns to the vehicle prior to the tow truck operator having connected the vehicle to the tow truck.
- A tow truck operator shall call the non-emergency phone number for the police department and provide the make, model, color, and license plate number of the vehicle to be towed, the location of the planned tow, and the identity of the tow truck driver and tow truck operator. The tow truck driver shall not begin hooking up the vehicle to be towed until no less than fifteen (15) minutes have passed since the phone call with the police department notifying of the tow.
- A tow truck operator shall staff or monitor its telephone 24 hours per day and seven days per week, and immediately advise any vehicle owner or authorized representative who calls by telephone prior to arriving at the storage site of the following:

- (1) Each and every document or other item which must be produced to retrieve the vehicle;
- (2) The exact charges as of the time of the telephone call, and the rate at which charges will accumulate thereafter;
- (3) The acceptable method of payment; and,
- (4) That the vehicle can be picked up within one (1) hour of request.

Emergency Ordinance 1701 will be repealed upon the effective date of Ordinance 1702.

Resolution 2025-27, which is being presented as a separate agenda item, establishes fines for violations of the emergency ordinance.

ORDINANCE 1701

AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, ADOPTING AN EMERGENCY ORDINANCE REGULATING TOW TRUCK OPERATIONS WITHIN THE CITY; PROVIDING FOR FINDINGS OF EMERGENCY; PROVIDING DEFINITIONS; ESTABLISHING REQUIREMENTS FOR TOWING OPERATIONS AND SIGNAGE IN ACCORDANCE WITH STATE LAW; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICTS, NON-CODIFICATION, SEVERABILITY, AN EFFECTIVE DATE AND AN ENDING DATE.

WHEREAS, the City of Cocoa Beach ("City") is a municipality with municipal home rule powers established pursuant to Chapter 166 Florida Statutes; and

WHEREAS, the City Commission of the City of Cocoa Beach, Florida, finds it in the public interest to regulate the non-consensual towing of vehicles from private property to protect the residents of the city, visitors to the city, property owners, vehicle owners, and towing operators; and

WHEREAS, the City Commission finds that the non-consent towing of vehicles from properties in the city can cause hardship to vehicle owners and unnecessary disputes between property owners, towing companies, businesses and law enforcement;

WHEREAS, the City Commission of the City of Cocoa Beach has genuine safety concerns concerning the non-consent towing of vehicles in the City and find that such safety concerns justify the enactment of this ordinance; and

WHEREAS, Chapter 715.07, Florida Statutes, authorizes municipalities to adopt ordinances imposing additional requirements on towing companies operating within their jurisdiction; and

WHEREAS, the City of Cocoa Beach has recently received voluminous complaints about predatory non-consent towing of vehicles in the city which has already damaged the reputation of the city as a family-friendly tourist venue;

WHEREAS, the City Commission of the City of Cocoa Beach makes a legislative determination that there exists an emergency situation which necessitates the adoption of this emergency ordinance; and

WHEREAS, the City Commission finds it in the best interests of its citizens to enact an emergency ordinance addressing non-consent towing of vehicles in the city while at the same time adopting as a regular ordinance a more all-encompassing non-emergency ordinance requiring permitting of tow operators operating in the city; and

WHEREAS, the City Commission anticipates the adoption of the non-emergency ordinance on this same subject to replace this emergency ordinance; and

WHEREAS, the City Commission hereby finds and declares that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA

SECTION 1. Legislative Intent and Finding of Emergency. The above Whereas clauses are true and correct and form the legislative intent of this ordinance, and set forth the justification for the adoption of this ordinance as an emergency ordinance.

SECTION 2. Enactment. A new Emergency Ordinance in the City of Cocoa Beach is hereby created to read as set forth in the attached Exhibit "A". with underlined text added, and ~~stricken~~ text deleted.

SECTION 3. Conflicts. All ordinances, resolutions, official determinations, or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 4. Non-codification. The provisions of this Ordinance shall not be codified as a part of the City Code of the City of Cocoa Beach.

SECTION 5. Severability. If any section, sentence, clause, or other provision of this Ordinance, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding of invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance, which shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall take effect upon adoption.

SECTION 7. Ending Date. This ordinance shall end upon the effective date of a non-emergency ordinance specifically regulating non-consent towing in the city.

Adopted by the City Commission on this _____ day of _____, 2025.

ATTEST

CITY OF COCOA BEACH

Karin Grooms, City Clerk

Keith Capizzi, Mayor-Commissioner

TOWING OF VEHICLES FROM PRIVATE PROPERTY

Sec. 1. Definitions.

For the purposes of this article, the following definitions shall apply:

Non-consent towing means the recovery, towing, removal or storage of a vehicle from private property and without the authorization of the vehicle owner.

Tow means to haul, carry, pull along or otherwise transport or remove a motor vehicle from real property without the consent of the vehicle's owner or other legally authorized person in control of the vehicle.

Tow truck means any truck or other vehicle which is used to carry, tow or otherwise transport another vehicle and which is equipped for that purpose with a boom, winch, car carrier, or similar equipment.

Tow truck operator means any person or business owning, operating, driving or controlling a tow truck.

Sec. 2. Compliance required.

No person shall tow or otherwise remove a vehicle from private property without the consent of the registered owner, authorized agent, operator or person in control of that vehicle without complying with the provisions of this article, the Brevard County Code, and F.S. § 715.07.

Sec. 3. Exemptions.

This article shall not apply to the towing of vehicles which occurs by or at the direction of a law enforcement officer or code enforcement officer pursuant to ordinance or state law, or pursuant to an agreement with a public body or political subdivision.

Sec. 4. Rebates prohibited.

No person towing or removing a vehicle from private property shall rebate, pay, or otherwise transfer money or any valuable consideration to a property owner for the privilege of towing a vehicle.

Sec. 5. "No Parking" signs and notices on private property; specifications.

The specifications for "No Parking" signage and notices for towing contained in F.S. § 715.07, are incorporated herein by reference and each property owner shall comply with the requirements of said statute prior to requesting or causing a vehicle to be towed or removed from private property without the consent of the owner or person in control of the vehicle.

Sec. 6. Vehicle not to be towed upon owner returning.

A tow truck operator shall not connect, tow or remove a vehicle and shall not charge any fee if the owner or person in custody or control of the vehicle returns to the vehicle prior to the tow truck operator having connected the vehicle to the tow truck. The term "connected" means one-half (½) of the wheel lift apparatus surrounding a tire or the winch hook being properly hooked to the vehicle in an appropriate place on the vehicle where it can safely be towed or winched. If the vehicle is already connected but not towed away, the tow truck operator may charge up to one-half (½) of the fee allowable under the law. If the owner or person in custody or control of the vehicle arrives at the scene prior to the removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck, and that person shall be allowed to remove the vehicle without interference upon payment of a reasonable service fee

of not more than one-half (½) of the posted rate, for which a receipt shall be given, unless that person refuses to remove the vehicle which is otherwise unlawfully parked.

Sec. 6. Calls required before towing.

Once a tow truck operator becomes aware of a vehicle to be towed, the tow truck operator shall promptly call the non-emergency phone number for the police department and provide the make, model, color, and license plate number of the vehicle to be towed, the location of the planned tow, and the identity of the tow truck driver and tow truck operator. The tow truck driver shall not begin hooking up the vehicle to be towed until no less than fifteen (15) minutes have passed since the phone call with the police department notifying of the tow. Prior to begin hooking up the car to be towed, the tow truck driver shall again call the non-emergency phone number of the police department to inform them that a towing is about to commence. If the owner or driver of the vehicle returns to the vehicle before the fifteen (15) minutes has fully run, and is willing to remove the vehicle from the parking area, the vehicle shall not be towed and no charges shall be assessed against such vehicle and/or its owner or driver.

Sec. 6. Requirements after towing.

- (a) Each tow truck operator shall staff or monitor its telephone at all times, 24 hours per day and seven days per week, and immediately advise any vehicle owner or authorized representative who calls by telephone prior to arriving at the storage site of the following:
 - (1) Each and every document or other item which must be produced to retrieve the vehicle;
 - (2) The exact charges as of the time of the telephone call, and the rate at which charges will accumulate thereafter;
 - (3) The acceptable method of payment; and,
 - (4) That the vehicle can be picked up within one (1) hour of request.
- (b) Prior to demanding payment, the tow truck operator shall provide a written bill to the owner or operator of the vehicle detailing the charges to date.
- (c) The tow truck operator shall provide, at the time of payment, a written receipt of all charges imposed and received from the owner or operator of a vehicle resulting from the towing of a vehicle. Said receipt shall include at a minimum:
 - (1) The date, time, and location of the tow;
 - (2) The total charges listed individually and specifically; and,
 - (3) The date and time of payment of the charges.
- (d) The tow truck operator shall prepare and maintain a tow data sheet which shall include, but not be limited to, the following information:
 - (1) The name and phone number of the person who authorized the tow;
 - (2) The name of the tow truck operator and driver performing the towing service;
 - (3) The location from which the vehicle was towed;
 - (4) The date and time the tow was initiated;
 - (5) The destination to which the vehicle was taken;
 - (6) The description of the vehicle including the make, model, year, color, vehicle identification number (VIN), and license plate number;
 - (7) The time and date the city police department was contacted by the tow truck operator;
 - (8) The description of the services rendered, including an itemized list of all charges; and,

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- (9) The date and time the vehicle was returned to the owner and the identity of that owner.
- (e) All tow truck operators shall keep all such tow sheets on file for a period of one (1) year and shall make them available to any city police officer or code enforcement officer upon request during normal business hours.
- (f) No tow truck operator shall tow a vehicle when there is a person occupying the vehicle.
- (g) The tow truck operator shall take photographs of the front, back and sides of the vehicle to be towed prior to any connection to the tow truck. The photographs shall be of sufficient detail and quality to demonstrate the condition of the vehicle and any preexisting damage to the vehicle. The photographs shall be date and time stamped and shall be maintained by the tow truck operator for a minimum period of one (1) year. Photographs shall be available for viewing the following business day. There shall be no charge for viewing the photographs. Vehicle owners shall be permitted to inspect the vehicle and take photographs of the vehicle prior to the vehicle's release from the storage site.

Sec. 7. Types of payment to be accepted.

The tow truck operator shall accept at a minimum: cash, credit card and debit card. If payment is made with cash, the tow truck operator shall provide change to the closest whole dollar and may not condition payment on the owner having exact change. A person paying by check shall not be required to present more than one (1) form of picture identification. A tow truck operator may accept any other form of financial payment offered.

Sec. 8. Enforcement and penalties.

- (a) This article shall be enforced by the city's code enforcement procedures as set forth in Chapter 30 of the City Code, as may be amended from time to time, and fines shall be assessed for violations and repeat violations pursuant to resolutions adopted by the city commission or as ordered by the special magistrate, as appropriate, unless otherwise specified herein. The city commission finds that the results of violations of this article can be considered to be irreparable and irreversible and such violations have the potential of causing severe damage to the reputation of the city and causing loss of tourist trade and damages to the businesses of the city.
- (b) A violation of this article shall be presumed to be irreparable or irreversible once the subject vehicle has been towed, unless the owner of the vehicle was physically present at the time of the towing and refused to remove an unlawfully parked vehicle prior to the towing.
- (c) Any violation found to be irreparable or irreversible shall be punishable by a fine not to exceed five thousand dollars (\$5,000.00) per violation, or as other provided by resolution of the city commission.

Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City of Cocoa Beach has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City of Cocoa Beach may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

Proposed ordinance’s title/reference:

AN EMERGENCY ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, REGULATING TOW TRUCK OPERATIONS WITHIN THE CITY; PROVIDING FOR FINDINGS OF EMERGENCY; PROVIDING DEFINITIONS; ESTABLISHING REQUIREMENTS FOR TOWING OPERATIONS AND SIGNAGE IN ACCORDANCE WITH STATE LAW; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICTS, NON-CODIFICATION, SEVERABILITY, AN EFFECTIVE DATE AND AN ENDING DATE.

Applicable Exemptions:

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- ☒ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - ☐ Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or

- ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Business Impact Estimate:

The City of Cocoa Beach hereby publishes the following information:

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

This proposed ordinance serves to protect the public health, safety, and welfare by regulating the non-consensual towing of vehicles from private property to protect the residents of the city, visitors to the city, property owners, vehicle owners, and towing operators. The city of Cocoa Beach finds it in the best interests of its citizens to enact an emergency ordinance addressing non-consent towing.

- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

None.

- (b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

None.

- (c) An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

None.

- 3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

Unknown number, but it will likely impact tow companies that currently do non-consent towing.

4. Additional information the governing body determines may be useful (if any):

Not applicable.

Note: *The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.*

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Development Services /
David Dickey, Director of Development
Services

MEETING DATE

August 21, 2025

REQUESTED MOTION/ACTION

Resolution 2025-27 - A resolution of the City Commission of the City of Cocoa Beach, Florida, adopting a fine schedule applicable to violations of Emergency Ordinance 1701 relating to the regulation of non-consent towing of vehicles in the city; making findings; adopting fine schedule for non-consent towing of vehicles; requiring posting of fine amounts on city website and implementation of new fines; and providing an effective date

Staff Representative: David Dickey, Development Services Director

Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

N.A.

BACKGROUND:

Resolution 2025-27 is presented in conjunction with the adoption of Emergency Ordinance 1701, which regulates the non-consensual towing of vehicles from private property. The fine amounts, as contained in the resolution, are appropriate, considering illegal towing can cause severe damage to the reputation of the city by causing loss of tourist trade and damage to the city's businesses.

RESOLUTION NO. 2025-27

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA,
ADOPTING A FINE SCHEDULE APPLICABLE TO VIOLATIONS OF EMERGENCY ORDINANCE
1701 RELATING TO THE REGULATION OF NON-CONSENT TOWING OF VEHICLES IN THE
CITY; MAKING FINDINGS; ADOPTING FINE SCHEDULE FOR NON-CONSENT TOWING OF
VEHICLES; REQUIRING POSTING OF FINE AMOUNTS ON CITY WEBSITE AND
IMPLEMENTATION OF NEW FINES; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City Commission of the City of Cocoa Beach has authorized the adoption of fines by Resolution in Emergency Ordinance 1701; and

WHEREAS, the City Commission of the City of Cocoa Beach, Florida, finds it in the public interest to provide for fines for violations of Emergency Ordinance 1701 which regulates the non-consensual towing of vehicles from private property to protect the residents of the city, visitors to the city, property owners, vehicle owners, and towing operators; and

WHEREAS, the City Commission finds that the non-consent towing of vehicles from properties in the city can cause hardship to vehicle owners and unnecessary disputes between property owners, towing companies, businesses and law enforcement;

WHEREAS, the City Commission of the City of Cocoa Beach has genuine safety concerns concerning the non-consent towing of vehicles in the City and find that such safety concerns justify the enactment of this fine resolution; and

WHEREAS, the City of Cocoa Beach has recently received voluminous complaints about predatory non-consent towing of vehicles in the city which has already damaged the reputation of the city as a family-friendly tourist venue, and the imposition of significant fines for violation of Emergency Ordinance 1701 is appropriate;

WHEREAS, the city commission finds that the results of violations of Emergency Ordinance 1701, particularly when a towing actually occurs in conjunction with a violation of this Emergency Ordinance, can be considered to be irreparable and irreversible and such violations have the potential of causing severe damage to the reputation of the city and causing loss of tourist trade and damages to the businesses of the city; and

WHEREAS, the City Commission hereby finds and declares that this fine schedule is in the best interest of the public health, safety, and welfare, and that the fines are justified considering the importance of this subject matter and the potential of damages to the city as a whole, individuals, and businesses that is likely to result if violations of this Emergency Ordinance 1701 occur.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Cocoa Beach, Florida, as follows:

SECTION 1: INCORPORATION OF RECITALS - The above recitals are true and correct and by reference are hereby incorporated and made an integral part hereof as though fully set forth herein.

SECTION 2: FINES. The fines in Exhibit 1 – Fines for Violation of Emergency Ordinance 1701 are hereby adopted, as reflected in the Exhibit.

SECTION 3: CONFLICTS. The fines established in this Resolution supersede any fines that would otherwise be assessed for violation of Emergency Ordinance 1701.

SECTION 4: POSTING OF THE SCHEDULE OF FEES AND CHARGES. The fines reflected on Exhibit 1 shall be posted on the City website.

SECTION 5: DIRECTING THE IMPLEMENTATION OF THE ESTABLISHED FINES. The City Manager, or designee, is authorized and directed to implement this Resolution.

RESOLUTION NO. 2025-27

SECTION 6: EFFECTIVE DATE: This Resolution shall become effective upon adoption.

Ayes: _____
Nays: _____
Absent or Abstaining: _____

Keith Capizzi,
Mayor-Commissioner

ATTEST:

Karin Grooms, City Clerk

RESOLUTION NO. 2025-27

**EXHIBIT 1
TOWING FINES**

Each violation of Emergency Ordinance 1701 shall be punished through fines imposed by Citation as follows:

For each individual violation that does *not* involve the actual towing of a vehicle there shall be a FIVE HUNDRED DOLLAR (\$500.00) fine.

For each individual violation that *does* involve the actual towing of a vehicle there shall be a FIFTEEN HUNDRED DOLLAR (\$1500.00) fine.

If multiple violations occur relating to a single incident, multiple Citations can be issued up to a maximum of FIVE THOUSAND DOLLARS (\$5,000.00) in total fines for a single incident involving multiple violations.

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Development Services /
David Dickey, Director of Development
Services

MEETING DATE

August 21, 2025

REQUESTED MOTION/ACTION

Ordinance 1702, an ordinance of the City of Cocoa Beach, Florida, creating a new article iii, "towing of vehicles from private property", of chapter 13, "licenses and business taxes" of the code of ordinances of the City of Cocoa Beach, regulating tow truck operations within the city; providing for findings and definitions; establishing requirements for towing operations and signage; requiring permits and insurance and providing for revocation of permits; establishing a towing victim reimbursement account; providing for enforcement and penalties; providing for conflicts, codification, severability, and an effective date.

Staff representative: David Dickey, Development Services Director

Recommendation: approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

N.A.

BACKGROUND:

Consider Ordinance 1702 on first reading for the regulation of tow truck operations on private parking lots. The current city code is silent on the regulation of towing from private parking lots.

For this reason, staff - in conjunction with the City Attorney - have prepared the proposed ordinance for Commission consideration. The proposed language is partly based on F.S. 715.07, which was amended by the legislature in 2024 to provide additional safeguards for vehicle owners. The statute allows municipalities to adopt local regulations above and beyond the regulations contained in the statute. As there have been recent reports in the city of predatory towing companies charging exorbitant fees for removing (and storing) private vehicles from downtown businesses, the proposed language includes:

- Requires a tow company to acquire a city permit for non-consent towing from private property in the city
- Establishes signage requirements in addition to those promulgated in FS 715.07 to include the placement of a QR on all signage which leads to a website for the tow company where information can be found
- Requires a property owner and the tow truck operator to execute a written agreement containing minimum provisions

- A tow truck operator shall not begin hooking up a vehicle no less than 15 minutes after he/she has called the police department notifying them of the tow.
- Vehicles cannot be towed further than a seven mile radius from the city
- Vehicle owners can pay tow fees with check/cash/debit or credit card
- A tow truck driver shall take photographs of all sides of the vehicle prior to being towed

As written, Ordinance 1702 will take effect 60 days after its adoption to provide time for the city, property owners, and tow operators to meet the new requirements.

A resolution to establish towing-related fees associated with Ordinance 1702 will be presented at second reading of the ordinance.

ORDINANCE 1702

AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, CREATING A NEW ARTICLE III, "TOWING OF VEHICLES FROM PRIVATE PROPERTY", OF CHAPTER 13, "LICENSES AND BUSINESS TAXES" OF THE CODE OF ORDINANCES OF THE CITY OF COCOA BEACH, REGULATING TOW TRUCK OPERATIONS WITHIN THE CITY; PROVIDING FOR FINDINGS AND DEFINITIONS; ESTABLISHING REQUIREMENTS FOR TOWING OPERATIONS AND SIGNAGE; REQUIRING PERMITS AND INSURANCE AND PROVIDING FOR REVOCATION OF PERMITS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Cocoa Beach, Florida, finds it in the public interest to regulate the non-consensual towing of vehicles from private property to protect the residents of the city, visitors to the city, property owners, vehicle owners, and towing operators; and

WHEREAS, the City Commission finds that the non-consent towing of vehicles from properties in the city can cause hardship to vehicle owners and unnecessary disputes between property owners, towing companies, businesses and law enforcement;

WHEREAS, the City Commission of the City of Cocoa Beach has genuine safety concerns concerning the non-consent towing of vehicles in the City and find that such safety concerns justify the enactment of this ordinance; and

WHEREAS, Chapter 715.07, Florida Statutes, authorizes municipalities to adopt ordinances imposing additional requirements on towing companies operating within their jurisdiction;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CITY OF COCOA BEACH, FLORIDA

SECTION 1. Legislative Intent. The above Whereas clauses are true and correct and form the legislative intent of this ordinance.

SECTION 2. Enactment. A new Article III, "Towing of vehicles from private property", of Chapter 13, "Licenses and business taxes", of the Code of Ordinances of the City of Cocoa Beach is hereby created to read as set forth in the attached Exhibit "A". with underlined text added, and ~~stricken~~ text deleted.

SECTION 3. Conflicts. All ordinances, resolutions, official determinations, or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 4. Codification. The provisions of this Ordinance shall be codified as and become and be made a part of the City Code of the City of Cocoa Beach.

SECTION 5. Severability. If any section, sentence, clause, or other provision of this Ordinance, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding of invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance, which shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall take effect upon adoption, except that Sections 13-57 through 13-62 shall become effective on the sixtieth day after the final adoption of this ordinance.

Adopted by the City Commission on this _____ day of _____, 2025.

ATTEST

Karin Grooms, City Clerk

CITY OF COCOA BEACH

Keith Capizzi, Mayor-Commissioner