



Meeting Agenda
Thursday, October 2, 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 Keith Capizzi, Pastor, Club Zion Community Church
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. 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.

D. STAFF REPORTS AND ANNOUNCEMENTS

E. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

F. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

G. CONSENT AGENDA

1. Approve the 09/18/2025, Commission Meeting Minutes
Staff Representative: City Clerk Department
Recommendation: Approve

2. Approve Resolution 2025-23 appropriating funds for projects and purchases not completed during the prior fiscal year. This is a budgeted item.
Staff Representative: Hana Juman, Finance Director, A.J. Hutson, City Manager
Recommendation: Approve

H. ITEMS REMOVED FROM THE CONSENT AGENDA

I. NEW BUSINESS

1. Adopt Ordinance 1704 on first reading — An ordinance of the City of Cocoa Beach, Florida, prohibiting the immobilization (“Booting”) of vehicles by the use of an impoundment device on private property within the city; Providing for findings; providing definitions; providing exceptions; providing for enforcement and penalties; providing for conflicts, severability, an effective date.
Staff Representative: David Dickey, Development Services Director
Recommendation: Approve
2. Adopt Ordinance 1705 on first reading — An ordinance of the City of Cocoa Beach, Florida, creating a new article III, “street performers and buskers”, of chapter 8, “amusements and entertainment” of the code of ordinances of the city of Cocoa Beach, regulating street performers within the city; providing for findings and definitions; providing for prohibitions and conditions of performance; providing for enforcement and penalties; providing for conflicts, codification, severability, and an effective date.
Staff representative: David Dickey, Development Services Director
Recommendation: Approve
3. Resolution 2025-29 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, regulating street performers within the City; establishing prohibited public areas relating to the regulation of street performers in the city; making findings; and providing an effective date.
Staff Representative: David Dickey, Development Services Director
Recommendation: Approve
4. Accept the City's Selection Committee Recommendation of Award for the bids submitted by US Lawns, W&G Maintenance Corp, Rob Potts, Lawns by Scott and Marlowe Landscaping under bid #CB25-009, to provide Grounds Maintenance Services for 34 service areas across the City. Allow staff to enter into a contract with all five companies. This is a budgeted operating expense for FY26.
Staff Representative: Brad Kalsow, Water Reclamation and Public Works Director
Recommendation: Approve
5. Resolution 2025-30 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, adopting a fine schedule applicable to violations of Ordinance 1700 relating to the regulation of electric bikes and similar devices

in the City; making findings; adopting fine schedule for violations related to the use of electric bicycles; requiring posting of fine amounts on the City website and implementation of new fines; and providing an effective date.
Staff Representative: David Dickey, Development Services Director
Recommendation: Approve

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

CITY OF COCOA BEACH
CITY COMMISSION
MINUTES
September 18, 2025

A. MEETING CALLED TO ORDER

Mayor Capizzi called the meeting to order at 7:00 PM.

1. Pledge of Allegiance
2. Invocation by Pastor Greg LeSieur, Christ Lutheran Church
3. Roll Call

Commission Members Present:

Mayor Keith Capizzi
Vice-Mayor Skip Williams
Commissioner Joshua Jackson
Commissioner Tim Tumulty
Commissioner Jeremy Hutcherson

Administrative Members Present:

City Attorney Becky Vose
City Manager A.J. Hutson
City Clerk Karin Grooms
Development Services Dave Dickey
Development Deputy Services Director Brian Palmer
Executive Assistant City Manager Carrie Lombardo
Finance Director Hana Juman
Finance Deputy Director Devan Taly
Fire Chief Justin Grimes
Fire Deputy Chief, Steve Lea
Fleet Director Jonathan Mickler
General Manager, CBCC Ed Thinger
Human Resources Cindy DePina
Information Technology Director Kevin Perez
Information Technology Deputy Director, Ron Munns
Information Technology, Nate Guruwaffe
Leisure Services Andi Segarra
Police Chief Wes Mullins
Police, Deputy Chief Kris Kuehn
Stormwater Manager, Morgan Zuhlke
Water Rec/ Public Works Director Brad Kalsow

CITY COMMISSION MINUTES

September 18, 2025

B. BUDGET HEARING

1. Adopt Resolution No. 2025-16 - A Resolution of the City Commission of the City of Cocoa Beach of Brevard County, Florida, adopting the final levying of Ad Valorem Taxes for the appropriations to be paid out of the General Fund during the Fiscal Year 2026 of the City of Cocoa Beach, Florida; providing for an effective date. Resolution 2025-16 adopts a millage rate of 6.0000 mills. Staff has prepared the budget based on a millage rate of 6.0000 mills. The legislatively prescribed tax rate that gives local government the same tax revenue as the year before (i.e. rollback rate) is 5.9610 mills. The final millage rate of 6.0000 mills is 0.65% higher than the rollback rate of 5.9610 mills. Staff Representative: Hana Juman, Finance Director; A.J. Hutson, City Manager
Recommendation: Approve

MOTION BY WILLIAMS/TUMULTY

I MOVE TO APPROVE

ROLL CALL VOTE 4:1, COMMISSIONER HUTCHERSON NAY

Commissioner Jackson inquired about information presented by Commissioner Hutcherson on a slide. Commissioner Hutcherson addressed the operational side of the budget and emphasized the need for a deeper understanding of City operations. Vice-Mayor Williams commented on the bar graph design and spoke about revenues versus expenditures, including related statistics and ARPA funding. The Commission reviewed the financial figures, noting the increase in expenditures and acknowledging that the funds included grants and large projects such as the new City Hall.

Commissioner Tumulty inquired about the Commission's expectation of reaching zero debt and suggested that the City Hall construction and irrigation system should have been financed through debt service rather than reserves. He further stated that lowering the millage could be considered, but discussion would be needed on how to fund and sustain the City moving forward. The Commission discussed ways to generate additional revenue from tourism and how to make the most significant long-term impact with financial planning.

A hypothetical discussion followed regarding the implications of reducing the millage rate to zero, with the observation that such a change would eliminate property tax contributions from citizens. Commissioner Hutcherson mentioned the general fund, and the Commission continued its discussion regarding millage rates and revenue generation. Commissioner Jackson noted pending legislation that could potentially eliminate property taxes and emphasized the importance of preparing for the potential loss of revenue. He added that he would like to see all millage directed to reserves, and if reserve funds were used, any millage increase should be limited to replacing those expended funds.

CITY COMMISSION MINUTES

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Mayor Capizzi did note on record his plans for voting for the rollback rate in the upcoming year. Requesting staff to make a note of that.

Commissioner Hutcherson mentioned operating on rollback. He requested that the commission consider rollback. Commissioner Hutcherson commended Ms. Hana Juman, Finance Director, and he noted his commitment going forward will be the roll back. Vice-Mayor Williams discussed the rate and rollback difference. The commission discussed the difference of the 6.0000 and the 5.9610 mils.

2. Adopt Resolution No. 2025-17 - A Resolution of the City Commission of the City of Cocoa Beach, Brevard County Florida, adopting the final budget for the Fiscal Year 2026 of the City of Cocoa Beach; Florida; providing for an effective date. Resolution No. 2025-17 adopts the budget for FY 2026. Staff Representative: Hana Juman, Finance Director; A.J. Hutson, City Manager
Recommendation: Approve

MOTION BY WILLIAMS/TUMULTY

I MOVE TO APPROVE

ROLL CALL VOTE 4:1, COMMISSIONER HUTCHERSON NAY

3. Adopt Resolution No. 2025-18 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, adopting a Five-Year Capital Improvements Program, to include the Fiscal Year 2026 Capital Improvements Budget and adopting a Proposed Capital Improvements Program for the next four Fiscal Years 2026-2030 which may be revised and extended each year with regard to capital improvements. Staff Representative: Hana Juman, Finance Director; A.J. Hutson, City Manager
Recommendation: Approve

MOTION BY WILLIAMS/TUMULTY

I MOVE TO APPROVE

ROLL CALL VOTE 5:0 AYE

C. 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.)

MOTION BY WILLIAMS/HUTCHERSON

I MOVE TO APPROVE THE AGENDA

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

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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.

Mr. Kevin Key, owner of Comic Tiki, provided an overview of his business and its impact on the community. He explained his business model and requested that the City Commission allow his business to expand onto the beach by obtaining a beach vendor permit. He outlined how this expansion would benefit both the community and his business.

Vice Mayor Williams discussed the history of beach vendors within the city and noted the expansion to 15 vendors along with the waiting list. He stated he was not in favor of adding to the current list of beach vendors.

The Commission discussed the current issues related to beach vendors and the challenges occurring with existing operations.

Mayor Capizzi noted that having more than one vendor at a beach entrance should not be permitted as it causes problems.

Commissioner Tumulty expressed concern that further expansion would lead to full commercialization of the beach, which is not supported by the Commission or the residents.

E. STAFF REPORTS AND ANNOUNCEMENTS

City Manager Hutson reported on the Waste Management contract and the annual rate adjustment, noting that the increase is tied to the CPI. The increase will be 5.39% effective January 1, 2026. He stated he is in discussions with Waste Management to attempt to lower the percentage increase.

Vice Mayor Williams inquired about the contract terms, the CPI used for services, and the total dollar impact of the increase. He requested City Attorney Vose review the contract to confirm the CPI provisions. Ms. Vose agreed to review the agreement.

Commissioner Hutcherson noted that the operating CPI applies and cannot be selectively applied.

Vice Mayor Williams further inquired about the contract's renewal date, and Mr. Hutson confirmed it is up in December.

Mr. Hutson continued his report with the following updates:

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- A new streetsweeper is under contract. Most areas will receive service once a month, with some areas receiving service twice a month.
- Appropriation requests are being prepared for submission to the Florida House and Senate through Jason Steele for: Gravity sewer line upgrades; and Fire Station 2 at Mobley Park.
- The Commission inquired about the use of Mobley Park for the fire station. Ms. Vose advised that the statute of limitations for restricting the change of use has expired, and the City may proceed.
- A muck capping pre-bid conference was attended by 7–8 companies. Bids will be received in November. The project has been deferred to FY 2027, pending financial feasibility.
- The retrofit of the garage elevator will begin in November.
- The City expects a response from the National Park Service on the Ocean Beach Blvd. ADA Park by the end of the month.
- Preliminary work on the tennis courts will begin early next month with fence removal.
- The Ramp Road project has been delayed a few weeks due to issues with engineers and contractors.
- City health insurance costs increased 5%, which is below state and national averages.
- Agreements were reached with Surfin' Santas and Surfin' Mingle to allow both events to take place.

F. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

No comment from the city attorney.

G. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

Commissioner Tumulty recognized the golf course and country club staff, noting their efforts in turning the facility around, and encouraged the Commission and residents to support the club by having lunch there.

Commissioner Jackson highlighted the fish fry event at the country club.

Vice Mayor Williams inquired about a golfer who had suffered cardiac arrest. Chief Grimes reported on the incident, noting that the golfer was with a City employee at the furthest hole when the employee-initiated CPR, ultimately saving the golfer's life. It was

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requested that the employee be formally recognized. Commissioner Jackson thanked Chief Grimes and Ms. Segarra for their work with City employees.

Commissioner Hutcherson commented on a recent violent event and mentioned there is no need for violence.

Mayor Capizzi thanked Mr. Brad Kalsow, Public Works/Water Reclamation Director, for his “see something, say something” approach, noting it helps the City operate more efficiently and recognizing him for stepping up.

H. CONSENT AGENDA

MOTION BY JACKSON/TUMULTY

I MOVE TO APPROVE

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

1. Approve the August 29th, 2025 and the September 4th, 2025, Commission Meeting Minutes
Staff Representative: City Clerk Department
Recommendation: Approve
2. Adopt Resolution No. 2025-19, A Resolution of the City of Cocoa Beach, Brevard County, Florida amending Resolution 2024-25, affirming updated financial policies and practices; providing for an effective date; and providing for adoption. Resolution No. 2025-19 adopts amended financial policies and practices.
Staff Representative: Hana Juman, Finance Director, A.J. Hutson, City Manager
Recommendation: Approve
3. Adopt Resolution No. 2025 – 21, A Resolution of the City Commission of the City of Cocoa Beach, Brevard County, Florida, rescinding Resolution 2019-15, inactivating the Capital Improvement Projects Fund and authorizing the inclusion of the Capital Improvement Projects Fund and revenue budget and all accounting activity into the General Fund providing for an effective date.
Staff Representative: Hana Juman, Finance Director, A.J. Hutson, City Manager
Recommendation: Approve
4. Approve the Employee Agreement with A.J. Hutson, as Cocoa Beach City Manager, to be effective August 29, 2025.
Staff Representative: Becky Vose, City Attorney
Recommendation: Approve

I. ITEMS REMOVED FROM THE CONSENT AGENDA

J. UNFINISHED BUSINESS

CITY COMMISSION MINUTES

September 18, 2025

1. Adopt Ordinance 1702 on second reading. 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

MOTION BY WILLIAMS/TUMULTY

I MOVE TO APPROVE

ROLL CALL VOTE 5:0 AYE

2. Adopt Resolution No. 2025-28, A resolution of the City Commission of the City of Cocoa Beach, Florida, adopting a fine schedule applicable to violations of Ordinance 1702 relating to the regulation on 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

MOTION BY WILLIAMS/TUMULTY

I MOVE TO APPROVE

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

K. NEW BUSINESS

1. Adopt Resolution 2025-26 - A resolution of the City Commission of the City of Cocoa Beach, Florida, Relating to the Florida Department of Environmental Protection (FDEP) Clean Water State Revolving Fund (CWSRF), adoption of the City of Cocoa Beach SRF Stormwater Facility Plan Update, effective this 18 day of September, 2025.

Staff Representative: Morgan Zuhlke

Recommendation: Adopt

MOTION BY WILLIAMS/HUTCHERSON

I MOVE TO APPROVE

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Commissioner Hutcherson requested a summary of what the item is for understanding. Ms. Morgan Zuhlke spoke on the item, explaining the eligibility for SRF loans and the ability to apply for future grants.

CITY COMMISSION MINUTES

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2. Approve Cocoa Beach Main Street Agreement with City of Cocoa Beach. This agreement is from October 1, 2025 and expire on September 30, 2027. The agreement has 12 listed events per year.
Representative: A.J. Hutson, City Manager,
Recommendation: Approve

MOTION BY TUMULTY/JACKSON

I MOVE TO APPROVE

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Commissioner Hutcherson referenced a section of financial reporting in the agreement and requested that Main Street provide reports in the same format as the City, or at least a snapshot of performance.

Commissioner Tumulty clarified the request from Commissioner Hutcherson, and Commissioner Hutcherson reiterated that Main Street should provide reports on the same cadence as the City.

Commissioner Tumulty also noted the in-kind services provided by the City and spoke of the professionalism of said events.

Commissioner Hutcherson stated Main Street is funded by taxpayers, and it is for transparency.

Mayor Capizzi inquired about grants and mentioned the in-kind services provided to the organization.

Vice-Mayor Williams spoke about the funding and provided the balance sheet. He mentioned reducing funding as the sheet shows.

Mr. Hutson mentioned that for the Fiscal Year 2026 no funding was budgeted for Main Street.

Vice-Mayor Williams noted the 12 Friday Fests events and anything above that would be considered a special event and would be billed. He spoke in the Centennial Square space with the fees and spoke about the agreement.

3. Discuss the Holiday Lane Boat Ramp Repair estimate provided by Pelican Coast Marine Dock and Seawall in the amount of \$65,580. This is a budgeted Capital Item for FY26.
Staff Representative: Brad Kalsow, Public Works/Water Rec Director

MOTION BY WILLIAMS/TUMULTY

I MOVE TO APPROVE PELICAN COAST MARINE

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

The Commission discussed the Holiday Lane Boat Ramp project, noting it had previously been addressed as a special agenda item. It was reported that the project came in under the amount originally approved by the Commission. However, the contract exceeded \$50,000 and was therefore beyond the City Manager's approval. Mr.

CITY COMMISSION MINUTES

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Hutson clarified this requirement and brought the item forward for Commission decision.

4. Approve the Cocoa Beach Raquet Club Fence Installation estimate provided by All-Rite Fence Services in the amount of \$80,321.84. This is a budgeted item.
Staff Representative: Brad Kalsow, Public Works/Water Rec Director
Recommendation: Approve

MOTION BY HUTCHERSON/TUMULTY

I MOVE TO APPROVE

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

L. GENERAL PUBLIC COMMENT

(Only if not accommodated in the 30-minute Public Comment period earlier)

M. ADJOURNMENT

The meeting was adjourned at 7:58 pm.

X

Karin Grooms
City Clerk

X

Keith Capizzi
Mayor

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Finance /
Hana Juman, Finance Director

MEETING DATE

October 2, 2025

REQUESTED MOTION/ACTION

Approve Resolution 2025-23 appropriating funds for projects and purchases not completed during the prior fiscal year. This is a budgeted item.

Staff Representative: Hana Juman, Finance Director, A.J. Hutson, City Manager

Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

These funds were anticipated to be spent and assumed in our budget forecast, so approval to add these to the FY2026 budget does not have any further financial impact.

BACKGROUND:

The attached resolution will amend the budget for unfinished projects or purchases that were not completed prior to the end of last fiscal year. They need to be added to the FY2026 budget so they can be finished and properly processed.

This procedure is used each year to keep our expenditures properly matched to the corresponding budget for the items. We typically have projects that do not get completed within a given fiscal year. Projects crossing fiscal years are not unusual and this may occur for several reasons:

- It is not physically possible to complete a project within one year.
- Shifting priorities and limited personnel extend completion times.
- Projects are delayed by factors outside our control (hurricanes/delays by contractor/permitting).

RESOLUTION NO. 2025 - 23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING THE 2026 BUDGET FOR PROJECTS NOT COMPLETED THE PRIOR FISCAL YEAR.

BE IT RESOLVED by the City Commission of the City of Cocoa Beach, Florida, that: The Annual Budget for fiscal year ending September 30, 2026 of the City of Cocoa Beach, Florida is hereby amended to appropriate funds for projects that were not completed before the end of the prior fiscal year.

<u>Fund/Department</u>	<u>Item Description</u>	<u>Amount</u>
GENERAL FUND:		
Public Works:		
Capital Improvements	Geosyntec Consulting Services- CBGOLF Muck Capping Project 001.3170.519.63.10	50,000
TOTAL GENERAL FUND		\$50,000

<u>Fund/Department</u>	<u>Item Description</u>	<u>Amount</u>
Community Redevelopment Agency Fund		
	Parking Garage Elevator 125.9320.559.63.21	142,335
TOTAL CRA FUND		\$142,335

UTILITIES FUND	A1ASWR- Gravity Sewer Pipe Replacement 431.4320.535.31.00	72,783
	A1ASWR- Gravity Sewer Pipe Replacement 431.4320.535.31.00	71,111
	WRDCLR- E&D Clarifier Rehab 431.4320.535.31.00	164,114
	LIFT08,LIFT14,LIFT16, Port Forcemain- E&D Lift Station Rehab & Port ARV 431.4320.535.31.00	169,176
	Utility Rate Study 431.4320.535.31.00	36,300
	WRDBIP- Biosolids Project 431.4322.536.64.20	50,517
	WRPORT- Port Wastewater Agreement 431.4320.535.31.00	35,839
	A1ASWR- A1A Gravity Sewer Replacement 431.4314.537.63.20	2,200,000
	TOTAL UTILITIES FUND	
		\$2,799,840
	TOTAL ALL FUNDS	
		\$2,992,175

RESOLUTION NO. 2025 - 23

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

ATTEST:

Ayes: _____
Nays: _____
Absent or Abstaining: _____

Karin Grooms
City Clerk

Keith Capizzi
Mayor-Commissioner

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Development Services /
David Dickey, Director of Development
Services

MEETING DATE

October 2, 2025

REQUESTED MOTION/ACTION

Adopt Ordinance 1704 on first reading — An ordinance of the City of Cocoa Beach, Florida, prohibiting the immobilization (“Booting”) of vehicles by the use of an impoundment device on private property within the city; Providing for findings; providing definitions; providing exceptions; providing for enforcement and penalties; providing for conflicts, severability, an effective date.

Staff Representative: David Dickey, Development Services Director

Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

n.a.

BACKGROUND:

At its September 4, 2025, Regular Meeting, the Commission adopted Emergency Ordinance 1703 to address predatory out-of-town towing companies using impoundment devices (aka booting) on vehicles in private parking lots in the downtown area.

The emergency ordinance prohibits non-consent booting of vehicles in the city and is effective until the adoption of a non-emergency booting ordinance.

This ordinance (Ordinance 1704) prohibits the booting of a vehicle on private property without the consent of the owner or operator of the vehicle.

However, this ordinance shall not apply to booting of vehicles which occurs by or at the direction of a law enforcement or code officer.

A companion resolution, establishing fees for violations, will be presented at 2nd reading of the ordinance.

Exhibit "A"
ORDINANCE 1704
BOOTING OF VEHICLES ON PRIVATE PROPERTY

ARTICLE IV. BOOTING OF VEHICLES ON PRIVATE PROPERTY

Sec. 13-70 Definitions.

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

Boot means to place an impoundment device (a tire lock or wheel clamp, ie. "boot", or other device meant for the non-consensual disabling of a vehicle on private property without the authorization of the vehicle owner or other legally authorized person in control of the vehicle, also known as "booting").

Booting operator means any person or business that supplies booting services.

Booting technician means the actual person who performs the booting services for the booting operator.

Booting services means providing a service of placing an impoundment device on a vehicle on private property without the authorization of the vehicle owner.

Permit means the document, license or certificate issued pursuant to this article which allows a booting operator to engage in non-consent booting on private property within the city.

Property owner means that person who exercises dominion and control over the real property, including but not limited to the legal title holder, lessee, resident manager, property manager, or other agent who has legal authority to bind the owner.

Sec. 13-71. Compliance required.

No person shall boot or otherwise disable a vehicle on private property without the consent of the registered owner, authorized agent, operator or person in control of that vehicle without complying with this article.

Sec. 13-72. Exemptions.

This ordinance shall not apply to the booting 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. 13-73. Rebates prohibited.

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

Sec. 13-74. Vehicle not to be booted upon owner returning.

No person shall boot a vehicle and no fee shall not be charged if the owner or person in custody or control of the vehicle returns to the vehicle prior to the booting being completed. If the vehicle is already booted, but the booting technician has not left the parking area, the booting operator may only charge up to one-half (½) of the fee allowable under this ordinance as set by resolution for the removal of the boot. If the owner or person in custody or control of the vehicle arrives at the scene prior to the completion of the booting of the vehicle, the booting technician shall remove the boot and that operator of the vehicle 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. 13-75. Requirements for booting on private property.

- (a) Prior to the booting of any vehicle, the property owner and the booting operator shall have executed a written agreement which shall, at a minimum, contain the following provisions:

 - (1) The name and address of the property owner requesting boots;
 - (2) The location and description of the property on which the vehicle(s) will be booted;
 - (3) The duration of the agreement;
 - (4) The time of day that such booting is authorized.
 - (5) The days of the week that such booting is authorized;
 - (6) An enumerated list of all fees to be charged to both the property owner and vehicle owner; and
 - (8) The signature of both the property owner and the booting operator, certifying that each has read and is in compliance with the provisions of this article.
- (b) A copy of the executed agreement described in paragraph (a) above shall be filed by the booting operator with the city police department. Said agreement shall be nontransferable. The booting operator shall be responsible for advising the city police department within two (2) business days of any changes, amendments, or modifications to, or rescissions of, the agreement.
- (c) No booting operator shall boot a vehicle located within the city unless the booting operator shall file and keep on record with the city police department a complete copy of the current rates charged for the booting and removal of the booting of a vehicle.
- (d) Any booting technician, on behalf of the booting operator, booting within the city shall, within thirty (30) minutes of the completion of any booting, notify the city police department of the booting; the time the vehicle was booted; the make, model, year, color, vehicle identification number (VIN) and license plate number of the vehicle.
- (e) The booting operator shall accept at a minimum: **check**, cash, credit card and debit card. If payment is made with cash, the booting 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 booting operator may accept any other form of financial payment offered.
- (g) A booting operator shall not contract or sub-contract with another booting operator to boot a vehicle. The booting operator listed on the materials filed with the city must be the booting operator that actually performs the booting of the vehicle.
- (h) Once a booting operator becomes aware of a vehicle to be booted, the booting technician, or behalf of the booting 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 booted, the location of the planned boot, and the identity of the booting operator and booting technician. The booting technician shall not begin booting the vehicle to be booted until no less than fifteen (15) minutes have passed since the phone call with the police department notifying of the upcoming booting. Prior to beginning the booting of the car, the booting operator shall again call the non-emergency phone number of the police department to inform them that a booting 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 booted, and no charges shall be assessed against such vehicle and/or its owner or driver.
- (i) Each booting 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:

 - (1) Each and every document or other item which must be produced to have the boot removed from the vehicle;

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- (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 boot will be removed from the vehicle within one (1) hour of request.
 - (j) Prior to demanding payment, the booting operator shall provide a written bill to the owner or operator of the vehicle detailing the charges to date.
 - (k) The booting 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 booting of a vehicle. Said receipt shall include at a minimum:
 - (1) The date, time, and location of the booting;
 - (2) The total charges listed individually and specifically; and,
 - (3) The date and time of payment of the charges.
 - (l) The booting operator shall prepare and maintain a booting 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 booting;
 - (2) The name of the booting operator and booting technician performing the booting;
 - (3) The location at which the vehicle was booted;
 - (4) The date and time the boot was initiated;
 - (5) The description of the vehicle including the make, model, year, color, vehicle identification number (VIN), and license plate number;
 - (6) The time and date the city police department was contacted by the booting technician;
 - (7) The description of the services rendered, including an itemized list of all charges; and,
 - (8) The date and time the boot was removed and the identity of the vehicle owner.
 - (m) All booting operators shall keep all such booting 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.
 - (n) No booting operator will boot a vehicle when there is a person occupying the vehicle.
 - (o) The booting technician shall take photographs of the front, back and sides of the vehicle to be booted prior to any booting. 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 booting 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 and after the removal of the boot..

Sec. 13-57. Signage requirements /Website information.

No non-consent booting shall occur in any location unless the signage requirements as set forth as follows are met:

Signs shall be posted on private property abutting all rights of ways adjoining the property with spacing of no less than every 25 feet of street frontage facing inward to the property. Such signs shall be no smaller than twenty four (24) inches by thirty six (36) inches in size, have a red background with bold reflective white lettering as follows:

BOOTING ZONE
PRIVATE PROPERTY – NO UNAUTHORIZED VEHICLES
[TIMES WHEN BOOTING WILL OCCUR]
[NAME OF BOOTING COMPANY]
[TELEPHONE NUMBER OF BOOTING COMPANY]
[ADDRESS OF BOOTING COMPANY]
[QR Code]

Such signage shall be lit at night to be clearly visible if booting is to occur after sunset. No booting of any vehicle from any location in the city shall be permitted unless and until the signage as required herein shall have been inspected and approved by the city. Fees required for such inspection shall be adopted by the city commission by resolution. The QR Code shall lead to a website for the booting operator. Such website shall prominently have link on the first page of the website called “Non-consent booting in Cocoa Beach”. The website page that comes up when that link is chosen shall, at a minimum, contain i) a list of charges for booting and removal of boot ii) a set of Frequently Asked Questions which shall be supplied by the city when the booting operator registers with the city; iii) the address and a map showing the location of the booting operator; and iv) a link to the City of Cocoa Beach website on which will be posted further information as well as a copy of this article.

If a booting operator is also a towing company, and the location of the signs is a location where either booting or towing could take place, and alternate combined sign shall be permitted which states:

TOW-AWAY ZONE / BOOTING ZONE
PRIVATE PROPERTY – NO UNAUTHORIZED VEHICLES
[TIMES WHEN TOWING/BOOTING WILL OCCUR]
[NAME OF TOWING/BOOTING COMPANY]
[TELEPHONE NUMBER OF TOWING/BOOTING COMPANY]
[ADDRESS OF TOWING/BOOTING COMPANY]
[QR Code]

Sec. 13-58. Permit required for non-consent booting from private property.

- (a) It is unlawful for a booting operator or a booting technician to engage in non-consent booting on private property unless such booting operator obtains and maintains a permit issued pursuant to this article. Such permit shall be called a “Non-consent Booting Operator Permit”. A booting operator conducting non-consent booting on private property in the city shall be required to obtain a permit and shall be subject to all the provisions of this article regardless of whether its principal place of business is within or outside of the city.
- (b) The requirement for a permit described in subsection (a) of this section is a requirement separate and apart from, and in addition to, any county or municipal requirements for business tax receipts. The required permit is a regulatory permit and not a revenue-generating permit or business tax.
- (c) Nothing in this article shall be construed to require that an employee of booting operator obtain a separate permit provided that the employing booting operator possesses a valid permit.

Sec. 13-59. Issuance of permit; fees; renewal.

- (a) A permit issued pursuant to this article shall be issued in the name of the booting operator listed on the application and shall not be transferable from one (1) booting operator to another booting operator. Permits shall expire 365 days after the issuance of the most recently issued permit for the booting operator. Permits shall be renewable annually.

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- (b) There shall be a permit-processing fee in an amount as set by the city commission by resolution. Such fee shall accompany the application and shall be nonrefundable subsequent to the filing of the application. In addition, all applicants shall be required to reimburse the city for the cost of a background investigation for each individual listed in the application at the rate charged to the city for such service. All moneys received under this section shall be deposited with the director of finance of the city and shall be used to defray the expense of providing the services described in this article.
- (c) The city manager or designee is authorized to issue permits to booting operators that have met the standards and requirements for a permit and that are otherwise qualified for a permit. The city manager is authorized to promulgate reasonable rules and procedures for the application, issuance and revocation of such.

Sec. 13-60. Permit application; approval and denial.

- (a) Application. Every application for a new or renewal permit shall be in writing, signed and verified by the applicant and notarized, and filed with the city manager or designee. The application shall be on a form prescribed by the city manager or designee and shall contain information, including but not limited to:
- (1) Full legal name of the applicant and sufficient information to identify the applicant, including but not limited to, date of birth, telephone numbers, the place of business and residence addresses, copies of all business tax receipts and licenses issued by any municipality in Brevard County, and Florida driver's license number. If the applicant is a corporation, the foregoing information shall be provided for each corporate officer and director. If the applicant is a partnership, the foregoing information shall be provided for each general and limited partner; and
 - (2) Documentation demonstrating that all corporate or partnership applicants are qualified under the laws of Florida to do business under the trade name or names under which it has applied for a permit; and
 - (3) A list of all persons with any ownership interest in the company who have previously been denied a permit from the city or any other jurisdiction; and
 - (4) Verification of the business' current corporate status and fictitious name registration with the State of Florida; and
 - (5) Any trade name under which the business operates, intends to operate, or has previously operated; and
 - (6) The location and physical addresses of all places of business including storage lots and facilities; and
 - (7) A description of services proposed to be provided, including, but not limited to, days and hours of operation and types of booting services to be provided; and
 - (8) Proof of insurance as required in section 13-61; and
 - (9) The signature of each individual applicant, president or vice-president of a corporation and of all the general and limited partners of a partnership having twenty-five (25) percent or greater ownership in the company; and
 - (10) A statement assuring that each vehicle used in the booting operation is in safe operating condition and receives routine service/maintenance; and
 - (11) An agreement on the part of the applicant to abide by the provisions of this article, Brevard County regulations, and state and federal laws as applicable; and
 - (12) Such additional information required by the city manager or designee to process the application.
- (b) Standards for issuance or denial of a permit. The city manager or designee shall review each application based on the criteria of this section and consistency of the application with the public health, safety, and welfare of the city. The city manager or designee shall issue a permit to booting operators who have met the standards and requirements for a permit as provided for in this article. The city manager or designee shall deny any application that is incomplete or untrue in whole or in part, or which fails to satisfy the requirements of this article, or which reveals any of the following:

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- (1) That the applicant, including a corporate officer or director, or a business partner, has been convicted of, found guilty of, or pled guilty or nolo contendere to a crime, regardless of the adjudication of guilt, within the last ten (10) years involving: repossession of a motor vehicle under F.S. Ch. 493; repair of a motor vehicle under F.S. §§ 559.901—559.9221; theft of a motor vehicle under F.S. § 812.014; carjacking under F.S. § 812.133; operation of a chop shop under F.S. § 812.16; failure to maintain records of motor vehicle parts and accessories under F.S. § 860.14; airbag theft or use of fake airbags under F.S. § 860.145 or F.S. § 860.146; overcharging for repairs and parts under F.S. § 860.15; or violation of the towing or storage requirements for a motor vehicle under F.S. § 321.051, F.S. Ch. 323, F.S. § 713.78, or F.S. § 715.07.
 - (2) That any unsatisfied civil fines or penalties exist arising out of an administrative or enforcement action brought by the city or another governmental agency based upon conduct involving a violation of state or local towing regulations where such action related to public safety.
 - (3) That an applicant had a towing permit or license or booting permit or license revoked by the city or any other jurisdiction within two (2) years of the date of application where such revocation related to public safety.

Sec. 13-61. Insurance required.

- (a) It shall be unlawful for any booting operator to engage in non-consent booting at private property unless the booting operator has filed with the city a certificate of insurance covering the minimum insurance limits specifically set forth as follows:
 - (1) Booting operator agrees to maintain, on a primary basis and at its sole expense, at all times during the life of the permit the following insurance coverages, limits, including endorsements described herein. The requirements contained herein, as well as city's review or acceptance of insurance maintained by the booting operator is not intended to and shall not in any manner limit nor qualify the liabilities or obligations of booting operator under this article.
 - (2) Booting operator agrees to maintain commercial general liability at a limit of liability not less than one million dollars (\$1,000,000.00) each occurrence one million dollars (\$1,000,000.00) general aggregate. Coverage shall not contain any endorsement(s) excluding nor limiting product/completed operations, contractual liability or cross liability/severability of interest.
 - (3) Booting operator agrees to maintain business automobile liability at a limit of liability not less than one million dollars (\$1,000,000.00) combined single limit. Coverage shall include liability for owned or scheduled autos, non-owned autos and hired autos.
- (b) Booting operator agrees to provide city a certificate of insurance evidencing that all coverages, limits and endorsements required herein are maintained and in full force and effect, and said certificate of insurance shall provide a minimum thirty-day endeavor to notify, when available by booting operator's insurer. If the booting operator receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, booting operator agrees to notify the city manager by fax email below within five (5) business days with a copy of the non-renewal or cancellation notice, or written specifics as to which coverage is no longer in compliance. The certificate holder address shall read:

City of Cocoa Beach
Attn: City Manager
ADD ADDRESS, AND EMAIL
- (c) The city manager or designee may deny, suspend or revoke the permit for failure to obtain or maintain insurance as required by this article.

Sec. 13-62. Revocation, suspension and renewal; appeal.

- (a) If, at any time, the city manager or designee determines that any booting operator has failed to comply with any applicable conditions of its permit, or is operating in a manner harmful to the public health, safety or welfare and not in compliance with the terms of this article, the city manager or designee may place on the special magistrate hearing agenda an item to determine whether the booting operator's permit should be revoked. The city manager or designee shall prepare a report with analysis showing the compliance or non-compliance with the following criteria:
 - (1) The booting operator has or has not complied with all conditions imposed at the time of the issuance of the permit; or
 - (2) The booting operator has or has not violated provisions of this article, county ordinance or state law regulating towing or booting; or
 - (3) The booting operator has or has not conducted its booting operations in compliance with the public health, safety or welfare.
- (b) The city manager or designee shall have the power to enter an order immediately revoking or suspending a booting operator's permit if the city manager or designee finds that the immediate revocation or suspension is needed to protect the public safety.
- (c) Within forty-five (45) days after the suspension of a booting operator's permit, as noted above, if requested by the booting operator, a hearing before the special magistrate on said revocation or suspension may be conducted. The special magistrate will consider the matter de novo, and will determine whether the city manager or designee was justified in revoking and/or suspending the permit, but in the absence of contrary testimony, the determination by the city manager or designee will be presumed to have been correct. The presumption of the correctness of the decision may be overcome by the permit holder, upon a showing of competent substantial evidence that the finding of the city manager or designee was not correct. The burden of proof will be on the applicant seeking the reinstatement of a revoked permit.
- (d) After consideration of the matter, the special magistrate may revoke or suspend the permit or allow the booting operator to continue engaging in booting operations subject to any reasonable additional conditions deemed necessary to mitigate or eliminate the adverse effects of such operation.
- (e) Should the booting operator's permit be revoked, no reapplication for a permit shall be considered within a twenty-four-month period following the date of final revocation. After the expiration of the twenty-four-month period, a new application and corresponding fee may be submitted.
- (f) *Renewal of permit.* Each booting operator permit shall be required to be renewed no later than one (1) year following the date of initial granting of the permit. The annual renewal of any such permit shall be processed by the city manager or designee and reviewed based upon the criteria established for issuance of the original permit. If the city manager or designee approves the renewal, the permit shall be renewed upon payment of the nonrefundable annual fee in an amount as set by the city commission by resolution, plus reimbursement of the costs of background investigation. If the city manager or designee denies the renewal, the permit holder shall have ten (10) days from the date of the notice of denial to appeal the decision to the city commission in accordance with subsection 13-62(g). The city commission shall use the criteria and procedure specified in subsection 13-62(a) in determining said appeal. At the time of the requested renewal, the city manager or designee may recommend the imposition of additional conditions upon the booting operator. If additional conditions are recommended by the city manager or designee, the renewal shall be placed on the city commission agenda for public hearing on the proposed imposition of additional conditions. If a permit is non-renewed or the commission denies an appeal of the non-renewal, the booting operator shall not be allowed to apply for a permit for a period of twenty-four (24) months. In the event the city non-renews, revokes, or denies a permit, the city reserves the right to contact the appropriate local or state agencies for administrative or criminal action.
- (g) *Appeal procedure.*

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- (1) The booting operator for which a permit is non-renewed pursuant to the terms of the article, may appeal to the city commission, consistent with these provisions, any decision rendered by the city manager or designee to deny the renewal of a permit. Within ten (10) days of the decision, an appeal may be made in writing to the city commission and the city shall schedule a public hearing within thirty (30) days if feasible given normal city commission meeting schedules. Notice shall be given to the permit holder and a public hearing shall be held as prescribed by subsection 13-62(a). The city commission shall consider the appeal and make a decision (with reasons stated) based on the standards set forth in this article.
 - (2) Appeal of any city commission decision regarding the issuance, suspension, revocation or non-renewal of a permit shall be to the circuit court in and for Brevard County, in the manner provided by state law. In accordance with state law, failure to appeal within thirty (30) days of the rendition of the decision shall result in the applicant waiving his or her right to appeal.

Sec. 13-63. 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.

Sec. 4. Enforcement and penalties.

- (a) This ordinance 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 booting operator as well as the individual placing a boot on the vehicle shall each be liable for fines for violations. The city commission finds that the results of violations of this 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.
- (b) A violation of this article shall be presumed to be irreparable or irreversible once the subject vehicle has been booted, 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 booting.
- (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.

ORDINANCE 1704

AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, REGULATING THE NON-CONSENSUAL IMMOBILIZATION ("BOOTING") OF VEHICLES BY THE USE OF AN IMPOUNDMENT DEVICE ON PRIVATE PROPERTY WITHIN THE CITY; REQUIRE PERMITTING OF BOOTING SERVICES COMPANIES; PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE 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 immobilization ("booting") of vehicles by the use of an impoundment device on private property to protect the residents of the city, visitors to the city, property owners, vehicle owners, and companies that provide booting services; and

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

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

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

WHEREAS, the City Commission finds it in the best interests of its citizens to enact an ordinance requiring permitting of companies that provide booting services operating in the city and addressing other regulatory matters relating to booting; 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 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 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 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.

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

ATTEST

CITY OF COCOA BEACH

Karin Grooms, City Clerk

Keith Capizzi, Mayor-Commissioner

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Development Services /
David Dickey, Director of Development
Services

MEETING DATE

October 2, 2025

REQUESTED MOTION/ACTION

Adopt Ordinance 1705 on first reading — An ordinance of the City of Cocoa Beach, Florida, creating a new article III, “street performers and buskers”, of chapter 8, “amusements and entertainment” of the code of ordinances of the city of Cocoa Beach, regulating street performers within the city; providing for findings and definitions; providing for prohibitions and conditions of performance; 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:

City staff is aware of recent requests by street performers to use public property. Currently, the city code does not address this activity.

Federal and State law protects freedom of speech and expression, which includes activity such as street performances on public rights-of-way and spaces. However, it is accepted that these expressive activities can be subject to reasonable time, place, and manner restrictions. It is further recognized there is a substantial public purpose in preserving pedestrian and vehicular safety by preventing congestion and obstruction of sidewalks, maintaining safe access to businesses, and preserving aesthetics and quality of life.

For these reasons, the city attorney's office has prepared the subject ordinance. At its core, the ordinance authorizes the creation of specific areas where street performance activities may and may not occur; these are known as "Public Performance Zones" and "Prohibited Areas", respectively.

A companion resolution is being presented in conjunction with first reading of this ordinance to delineate Prohibited Areas. In general, Prohibited Areas are areas in the city subject to congestion and potential conflicts between street performers, businesses, pedestrians and vehicles. Conversely, all other areas not designated as a Prohibited Area is designated as Public Performance Zones, where street performances are permitted.

ORDINANCE 1705

**A ORDINANCE OF THE CITY COCOA BEACH, FLORIDA,
REGULATING STREET PERFORMERS WITHIN THE CITY;
ESTABLISHING PROHIBITED PUBLIC AREAS RELATING TO
THE REGULATION OF STREET PERFORMERS IN THE CITY;
PROVIDING FINDINGS; PROVIDING DEFINITIONS; PROVIDING
EXCEPTIONS; PROVIDING FOR ENFORCEMENT AND
PENALTIES; PROVIDING FOR CONFLICTS; CODIFICATION;
AND AN EFFECTIVE 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 prohibit the street performers due to its significant interests in preserving pedestrian and vehicular safety, preventing congestion and obstruction of sidewalks, maintaining access to businesses, and preserving aesthetics and quality of life; and

WHEREAS, the Eleventh Circuit Court of Appeals in *Horton v. City of St. Augustine*, 272 F.3d 1318 (11th Cir. 2001), upheld reasonable, content-neutral time, place, and manner restrictions on street performance in historic districts; and

WHEREAS, upon consideration, the City Commission has determined that the reasonable and content-neutral restrictions outlined herein are narrowly tailored to address these governmental interests while leaving open ample alternative channels for expression;

WHEREAS, the City Commission hereby finds and declares that prohibited areas should be established and designated as congested areas where performers are restricted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE 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, and set forth the justification for the adoption of this ordinance.

SECTION 2: Enactment. A new 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: Codification. The provisions of this Ordinance shall 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.

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

CITY OF COCOA BEACH

Keith Capizzi,
Mayor-Commissioner

ATTEST:

Karin Grooms, City Clerk

- *Public Area*

EXHIBIT "A"
ORDINANCE 1705
STREET PERFORMERS AND BUSKERS

Sec. 8-20. Intent.

The City recognizes that street performers enjoy constitutional protections of speech and expression. The City finds that unregulated performances in high-traffic areas can obstruct pedestrian and vehicular movement, interfere with emergency access, and affect adjacent businesses and residents. It is the intent of this article to balance such rights with the City's substantial governmental interests by regulating the time, place, and manner of street performance.

Sec. 8-21. Definitions.

- a) "Street Performer" means an individual or group performing in a public area for entertainment or expressive purposes, with or without receiving donations.
- b) "Performance" means singing, playing musical instruments, acting, dancing, juggling, miming, puppetry, magic, art creation, or similar expressive conduct.
- c) "Prohibited Activity" means the use of spray paint, aerosols, open flames, or pyrotechnics during performances unless specifically approved in advance by the city manager.
- d) "Prohibited Area" means pedestrian areas designated by city commission resolution as congested zones where performances are restricted.
- e) "Public Performance Zone" means an area designated by the city manager where street performances are permitted as an alternative channel of communication.

Sec. 8-22. Prohibited Conduct.

No street performer may:

- a) Perform in prohibited areas as designated by resolution.
- b) Engage in prohibited activities as defined in Sec. 8-21.
- c) Obstruct sidewalks, crosswalks, or business entrances, or create unsafe conditions for pedestrians or vehicles.

Sec. 8-23. Permitted Performances and Conditions.

- a) Street performers may perform in all public areas not designated as prohibited.
- b) Street performers may perform in public performance zones designated by the city manager, which must be reasonably proximate to prohibited areas.
- c) Performances may be subject to reasonable time restrictions to protect residential tranquility and business access.
- d) Performers must maintain a clean performance area and may display a passive container for voluntary donations.
- e) The city manager may adjust performance zones during special events, provided alternative zones are available.

Sec. 8-24. Penalties.

Violations of this Article shall be punishable as provided by resolution of the city commission.

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Development Services /
David Dickey, Director of Development
Services

MEETING DATE

October 2, 2025

REQUESTED MOTION/ACTION

Resolution 2025-29 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, regulating street performers within the City; establishing prohibited public areas relating to the regulation of street performers in the city; making findings; and providing an effective date.

Staff Representative: David Dickey, Development Services Director

Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

N/A

BACKGROUND:

This is a companion resolution in association with Ordinance 1705, which is being proposed to regulate street performers in the city limits.

This resolution delineates "Prohibited Areas," which are areas throughout the city where street performances are prohibited due to possible conflicts with emergency access, visitors, businesses, and residents.

There are two areas in the city that are to be designated as a Prohibited Area:

1. The Towncenter area within the Minuteman Causeway public right-of-way and/or common areas; and
2. The E. Cocoa Beach Causeway area public rights-of-way and common areas.

RESOLUTION NO. 2025-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA, REGULATING STREET PERFORMERS WITHIN THE CITY; ESTABLISHING PROHIBITED PUBLIC AREAS RELATING TO THE REGULATION OF STREET PERFORMERS IN THE CITY; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Cocoa Beach has authorized the adoption of regulations regarding street performers in the city in Ordinance 1705; and

WHEREAS, the City Commission recognizes that federal and Florida law protect freedom of speech and expression, including expressive activity such as street performances, subject to reasonable time, place, and manner restrictions; and

WHEREAS, the City Commission further recognizes its significant interests in preserving pedestrian and vehicular safety, preventing congestion and obstruction of sidewalks, maintaining access to businesses, and preserving aesthetics and quality of life; and

WHEREAS, the Eleventh Circuit Court of Appeals in *Horton v. City of St. Augustine*, 272 F.3d 1318 (11th Cir. 2001), upheld reasonable, content-neutral time, place, and manner restrictions on street performance in historic districts; and

WHEREAS, upon consideration, the City Commission has determined that the reasonable and content-neutral restrictions outlined herein are narrowly tailored to address these governmental interests while leaving open ample alternative channels for expression;

WHEREAS, the City Commission hereby finds and declares that prohibited areas should be established and designated as congested areas where performers are restricted.

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: PROHIBITED AREA. The Prohibited Areas as described below are hereby adopted.

Public rights-of-way and/or public common areas east of the western right-of-way line of A1A, between Second Street North and First Street South and within the Minuteman Causeway between north-bound A1A and the westerly right-of-way line of Woodlawn Avenue; and, the public rights-of-way and/or public common areas bounded by E. Cocoa Beach Causeway (to the dune line), SR A1A, Brevard Lane, and Ocean Beach Boulevard.

SECTION 3: CONFLICTS. This resolution shall supersede any conflicting resolutions.

SECTION 4: POSTING OF THE PROHIBITED PUBLIC AREAS. The Prohibited Public Areas described herein shall be posted on the City website.

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

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

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Public Works /
Brad Kalsow, Director of Water Reclamation

MEETING DATE

October 2, 2025

REQUESTED MOTION/ACTION

Accept the City's Selection Committee Recommendation of Award for the bids submitted by US Lawns, W&G Maintenance Corp, Rob Potts, Lawns by Scott and Marlowe Landscaping under bid #CB25-009, to provide Grounds Maintenance Services for 34 service areas across the City. Allow staff to enter into a contract with all five companies. This is a budgeted operating expense for FY26.

Staff Representative: Brad Kalsow, Water Reclamation and Public Works Director
Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

Budgeted Operating Expense for FY26.

BACKGROUND:

The City currently has three outside contractors assisting with the 34 service areas as described in the attachment. Existing contracts with two of the contractors expire November 30, 2025 and the third one expires September 1, 2026. Existing contracts have no more renewals remaining.

Request for Proposals were advertised on August 3, 2025. A non-mandatory pre-bid meeting was held on August 15, 2025 and bids were received September 5, 2025.

Six bids were received for the CB25-009 Grounds Maintenance Services on September 5, 2025. Attached are the Bid Tabulation and Committee Rankings of the submitted bids. A selection committee was made up of one member of Stormwater, one member of Water Reclamation, one member of Public Works, one member of Finance and the Public Works Grounds Supervisor.

The City selection committee met to discuss their review of the proposals on September 16, 2025. As discussed with the City Selection Committee, bids were reviewed for the following items: Project Approach and submission of bid, Qualifications of the bidder showing Experience and Reputation, similar projects and list of personnel, Completeness of Response, and Schedule and Fees.

Based upon the selection committee's review of all bids, five out of the six companies are being recommended to enter into contract. The five companies are as follows:

- US Lawns
- W&G Maintenance Corp
- Rob Potts

- Lawns by Scott
- Marlowe**

**Marlowe only submitted on two areas within the RFP.



City of Cocoa Beach

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



City Commissioners
City of Cocoa Beach
2 South Orlando Avenue
Cocoa Beach FL, 32931

RE: **CB25-009 Grounds Maintenance Services**

Dear City Commissioners,

Six bids were received for the CB25-009 Grounds Maintenance Services on September 5, 2025. Attached are the Bid Tabulation and Committee Rankings of the submitted bids. A selection committee was made up of one member of Stormwater, one member of Water Reclamation, one member of Public Works, one member of Finance and the Public Works Grounds Supervisor.

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- US Lawns
- W&G Maintenance Corp
- Rob Potts
- Lawns by Scott
- Marlowe**

**Marlowe only submitted on two areas within the RFP.

Please contact me at (321)-868-3308 or bkalsow@cityofcocoabeach.com should you have any questions.

Respectfully,

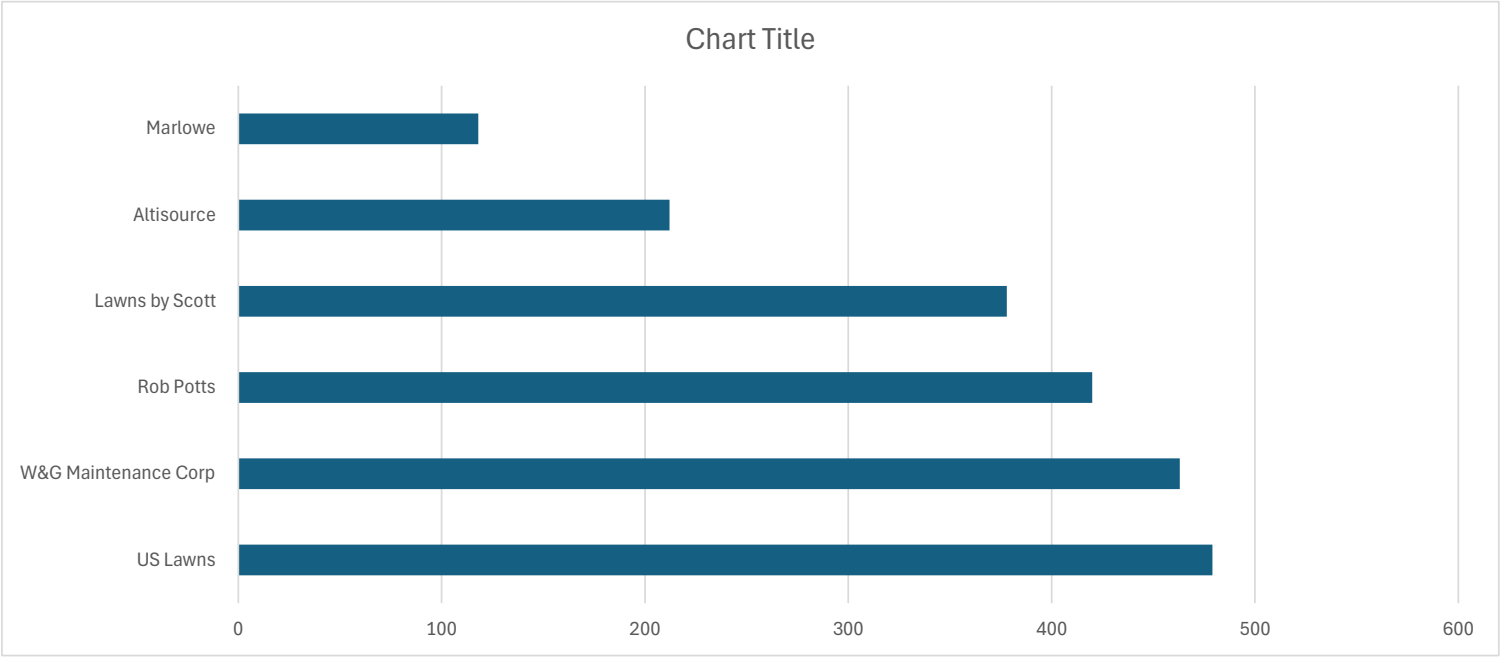
Brad Kalsow
Director of Public Works and Water Reclamation

Cc: Marcus Baker, Darryl Bratlie, Ander Hanson, Linda Lombardi, Morgan Zuhlke

Attachments: Bid Tabulation, Committee Rankings

Committee Rankings

Bidder	Baker	Bratlie	Hanson	Lombardi	Zuhlke	Total Overall Score
US Lawns	97	95	96	95	96	479
W&G Maintenance Corp	87	94	97	88	97	463
Rob Potts	89	85	89	79	78	420
Lawns by Scott	86	76	93	57	66	378
Altisource	40	59	32	51	30	212
Marlowe	38	24	25	15	16	118



		Lawns by Scott	W&G Maint. corp	Marlowe Landscaping	US Lawns	Rob Potts	Altisource		
	Service Area	Service Type	Unit Rate for Service	Unit Rate for Service	Unit Rate for Service	Unit Rate for Service	Unit Rate for Service	Unit Rate for Service	
			\$ Per Service	\$ Per Service	\$ Per Service	\$ Per Service	\$ Per Service	\$ Per Service	
1	City Hall Property Fire Dept. Facility	Lawn & Grounds Service	\$ 140.00	\$ 120.00	\$ -	\$ 110.00	\$ 165.00	\$ 161.61	
		Tree & Shrub Care	\$ 185.00	\$ 145.00	\$ -	\$ 70.00	\$ 250.00	\$ 224.40	
2	Fire Station # 2	Lawn & Grounds Service	\$ 75.00	\$ 40.00	\$ -	\$ 70.00	\$ 60.00	\$ 59.33	
		Tree & Shrub Care	\$ 60.00	\$ 35.00	\$ -	\$ 35.00	\$ 48.00	\$ 46.22	
3	Wall Park	Lawn & Grounds Service	\$ 220.00	\$ 170.00	\$ -	\$ 90.00	\$ 180.00	\$ 225.79	
		Tree & Shrub Care	\$ 150.00	\$ 115.00	\$ -	\$ 75.00	\$ 125.00	\$ 159.06	
4	Mobley Park	Lawn & Grounds Service	\$ 335.00	\$ 200.00	\$ -	\$ 120.00	\$ 253.00	\$ 289.20	
		Tree & Shrub Care	\$ 200.00	\$ 70.00	\$ -	\$ 70.00	\$ 77.00	\$ 102.96	
5	Palm Lane	Lawn & Grounds Service	\$ 245.00	\$ 130.00	\$ -	\$ 150.00	\$ 174.00	\$ 182.48	
		Tree & Shrub Care	\$ 175.00	\$ 70.00	\$ -	\$ 30.00	\$ 96.00	\$ 103.28	
6	Triangle Park	Lawn & Grounds Service	\$ 90.00	\$ 70.00	\$ -	\$ 100.00	\$ 75.00	\$ 92.76	
		Tree & Shrub Care	\$ 75.00	\$ 30.00	\$ -	\$ 35.00	\$ 45.00	\$ 41.44	
7	Bahama Blvd.	Lawn & Grounds Service	\$ -	\$ 90.00	\$ -	\$ 115.00	\$ 114.00	\$ 127.28	
		Tree & Shrub Care	\$ -	\$ 40.00	\$ -	\$ 32.00	\$ 53.00	\$ 55.78	
8	Recreation Center	Lawn & Grounds Service	\$ -	\$ 76.00	\$ -	\$ 70.00	\$ 97.00	\$ 103.28	
		Tree & Shrub Care	\$ -	\$ 60.00	\$ -	\$ 30.00	\$ 72.00	\$ 92.76	
9	Bicentennial Park	Lawn & Grounds Service	\$ -	\$ 105.00	\$ -	\$ 100.00	\$ 155.00	\$ 139.11	
		Tree & Shrub Care	\$ -	\$ 60.00	\$ -	\$ 70.00	\$ 85.00	\$ 82.50	
10	SR 520 Medians	Lawn & Grounds Service	\$ -	\$ 890.00	\$ -	\$ 230.00	\$ 1,449.00	\$ 1,611.15	
		Tree & Shrub Care	\$ -	\$ 450.00	\$ -	\$ 600.00	\$ 567.00	\$ 635.59	
11	A1A Medians	Lawn & Grounds Service	\$ 135.00	\$ 70.00	\$ -	\$ 120.00	\$ 150.00	\$ 94.22	
		Tree & Shrub Care	\$ 168.00	\$ 120.00	\$ -	\$ 140.00	\$ 150.00	\$ 192.53	
12	Holiday Lane	Lawn & Grounds Service	\$ -	\$ 30.00	\$ -	\$ 32.00	\$ 36.00	\$ 37.84	
		Tree & Shrub Care	\$ -	\$ 15.00	\$ -	\$ 32.00	\$ 18.00	\$ 33.47	
13	Cameron Barkley Memorial park	Lawn & Grounds Service	\$ 200.00	\$ 145.00	\$ -	\$ 110.00	\$ 174.00	\$ 192.45	
		Tree & Shrub Care	\$ 75.00	\$ 30.00	\$ -	\$ 70.00	\$ 42.00	\$ 46.22	
14	Fischer Park	Lawn & Grounds Service	\$ 600.00	\$ 450.00	\$ -	\$ 290.00	\$ 543.00	\$ 597.49	
		Tree & Shrub Care	\$ 200.00	\$ 90.00	\$ -	\$ 110.00	\$ 121.00	\$ 144.71	
15	Cove Park	Lawn & Grounds Service	\$ -	\$ 85.00	\$ -	\$ 230.00	\$ 114.00	\$ 116.42	
		Tree & Shrub Care	\$ -	\$ 60.00	\$ -	\$ 70.00	\$ 75.00	\$ 76.82	
16	Ramp Road Park	Lawn & Grounds Service	\$ 225.00	\$ 160.00	\$ -	\$ 190.00	\$ 193.00	\$ 214.88	
		Tree & Shrub Care	\$ 120.00	\$ 70.00	\$ -	\$ 70.00	\$ 84.00	\$ 96.90	
17	Parking Garage/Police Station	Lawn & Grounds Service	\$ 145.00	\$ 190.00	\$725.00 (Per Month)	\$ 370.00	\$ 325.00	\$ 234.28	\$8,700 Annual Bid
		Tree & Shrub Care	\$ 190.00	\$ 110.00	Included	\$ 200.00	\$ 175.00	\$ 191.25	
18	North Banana River Blvd	Lawn & Grounds Service	\$ 290.00	\$ 190.00	\$ -	\$ 180.00	\$ 250.00	\$ 283.56	

18	NORTH BANANA RIVER BLVD.	Tree & Shrub Care	\$ -	\$ 50.00	\$ -	\$ 60.00	N/A over 8ft	\$ 70.00
19	South Banana River Blvd.	Lawn & Grounds Service	\$ 395.00	\$ 200.00	\$ -	\$ 150.00	\$ 350.00	\$ 333.44
		Tree & Shrub Care	\$ 100.00	\$ 90.00	\$ -	\$ 110.00	\$ 72.00	\$ 89.25
20	E. Cocoa Beach Causeway	Lawn & Grounds Service	\$ 225.00	\$ 120.00	\$ -	\$ 200.00	\$ 190.00	\$ 175.98
		Tree & Shrub Care	\$ 105.00	\$ 70.00	\$ -	\$ 90.00	\$ 80.00	\$ 95.31
21	Ocean Beach Blvd.	Lawn & Grounds Service	\$ -	\$ 400.00	\$ -	\$ 220.00	\$ 519.00	\$ 658.09
		Tree & Shrub Care	\$ -	\$ 260.00	\$ -	\$ 230.00	\$ 338.00	\$ 384.09
22	Minutemen – Downtown Cedar Av to Beach	Lawn & Grounds Service	\$ -	\$ 240.00	\$ 660.00	\$ 500.00	\$ 600.00	\$ 426.86
		Tree & Shrub Care	\$ -	\$ 128.00	Included	\$ 300.00	\$ 400.00	\$ 100.00
23	Country Club	Lawn & Grounds Service	\$ 240.00	\$ 170.00	\$ -	\$ 280.00	\$ 250.00	\$ 224.48
		Tree & Shrub Care	\$ 145.00	\$ 60.00	\$ -	\$ 110.00	\$ 200.00	\$ 91.48
24	Parking Areas (17 Areas) 1st Street North to 1st Street South Orlando Avenue to Atlantic Avenue	Lawn & Grounds Service	\$ 185.00	\$ 180.00	\$ -	\$ 550.00	\$ 295.00	\$ 200.57
		Tree & Shrub Care	Included	\$ 50.00	\$ -	\$ 270.00	Included	\$ 55.00
25	Shepard Park	Lawn & Grounds	\$ 575.00	\$ 750.00	\$ -	\$ 1,400.00	\$ 700.00	\$ 605.63
		Tree & Shrub Care	Included	\$ 200.00	\$ -	\$ 400.00	Included	\$ 325.00
26	South Stub End Streets** (See list)	Lawn & Grounds Service	\$ -	\$ 550.00	\$ -	\$ 700.00	\$ 947.00	\$ 658.00
		Tree & Shrub Care	\$ -	\$ 225.00	\$ -	\$ 300.00	\$ 450.00	\$ 275.00
27	North Stub End Streets** (See list)	Lawn & Grounds Service	\$ -	\$ 650.00	\$ -	\$ 650.00	\$ 845.00	\$ 745.00
		Tree & Shrub Care	\$ -	\$ 200.00	\$ -	\$ 170.00	\$ 525.00	\$ 200.00
28	13 th Street South Lift Station # 3 (LS-3)	Lawn & Grounds Service	\$ -	\$ 60.00	\$ -	\$ 100.00	\$ 90.00	\$ 94.34
		Tree & Shrub Care	\$ -	\$ 10.00	\$ -	\$ 30.00	N/A	\$ 22.31
29	Cocoa Isles Park Lift Station #4 (LS-4)	Lawn & Grounds Service	\$ -	\$ 70.00	\$ -	\$ 90.00	\$ 84.00	\$ 99.08
		Tree & Shrub Care	\$ -	\$ 60.00	\$ -	\$ 60.00	N/A	\$ 79.37
30	Cedar Avenue Lift Station # 7 (LS-7)	Lawn & Grounds Service	\$ -	\$ 50.00	\$ -	\$ 60.00	\$ 48.00	\$ 54.51
		Tree & Shrub Care	\$ -	\$ -	\$ -	\$ 25.00	N/A	\$ 18.00
31	Water Rec. Facility North Storage Tank	Lawn & Grounds Service	\$ -	\$ 90.00	\$ -	\$ 200.00	\$ 121.00	\$ 129.60
		Tree & Shrub Care	\$ -	\$ 50.00	\$ -	\$ 40.00	N/A	\$ 47.81
32	Lift Station #6 (LS-6)	Lawn & Grounds Service	\$ -	\$ 30.00	\$ -	\$ 40.00	\$ 29.00	\$ 32.08
		Tree & Shrub Care	\$ -	\$ 10.00	\$ -	\$ 20.00	N/A	\$ 18.00
33	Lift Station #8 (LS-8)	Lawn & Grounds Service	\$ -	\$ 30.00	\$ -	\$ 20.00	\$ 29.00	\$ 32.08
		Tree & Shrub Care	\$ -	\$ 10.00	\$ -	\$ 20.00	N/A	\$ 18.00

34	Lift Station # 15 (LS-15)	Lawn & Grounds Service	\$ -	\$ 30.00	\$ -	\$ 20.00	\$ 90.00	\$ 32.08
		Tree & Shrub Care	\$ -	\$ 10.00	\$ -	\$ 20.00	N/A	\$ 18.00
35	Washingtonian Palm	50 Each	0	50	0	60	150	75
36	Cabbage Palm	500 Each	0	20	0	50	115	34
37	Paurotis Palm	50 Each	0	50	0	100	125	85
38	Zahidi Palm	14 Each	0	65	0	85	150	92
39	Date Palm	2 Each	0	65	0	80	150	83
40	Oaks & other street trees	Two men 50 ft. aerial bucket, chipper (if required), clamshell or vehicle to remove trash, trash pickup & removal Daily Rate: Eight (8) hour minimum	0	1250	0	3000	2500	1785

** NOTE	South Stub End Streets	North Stub End Streets
Unit prices quoted above are to include all streets listed as a single unit,	1 st Street South	1 st Street North
	2 nd Street South	2 nd Street North
	3 rd Street South	3 rd Street North
Unit price for lawns & grounds service for South Stub End Streets includes all fifteen (15) listed streets at right, as if they are a single unit.	4 th Street South	4 th Street North
	5 th Street South	Tulip Avenue
	6 th Street South	Flagler Avenue
Unit price for lawns & grounds service for North Stub End Streets includes all seventeen (17) listed streets at right, as if they are a single unit.	7 th Street South	Marion Lane
	8 th Street South	Gadsden Lane
	9 th Street South	Osceola Lane
	10 th Street South	Leon Avenue
	11 th Street South	California Avenue
	12 th Street South	Winslow Avenue
	13 th Street South	Pulsipher Avenue
	14 th Street South	Hendry Avenue
	15 th Street South	Young Avenue
		Barlow Avenue
		Harding Avenue

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Development Services /
David Dickey, Director of Development
Services

MEETING DATE

October 2, 2025

REQUESTED MOTION/ACTION

Resolution 2025-30 - A Resolution of the City Commission of the City of Cocoa Beach, Florida, adopting a fine schedule applicable to violations of Ordinance 1700 relating to the regulation of electric bikes and similar devices in the City; making findings; adopting fine schedule for violations related to the use of electric bicycles; requiring posting of fine amounts on the 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:

At its September 4, 2025, meeting, the City Commission adopted Ordinance 1700 establishing policies related to the operation of e-bikes on certain city streets.

Resolution 2025-30 is being presented to establish fines associated with violations of Ordinance 1700.

RESOLUTION NO. 2025-30

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA,
ADOPTING A FINE SCHEDULE APPLICABLE TO VIOLATIONS OF ORDINANCE 1700
RELATING TO THE REGULATION OF ELECTRIC BICYCLES AND SIMILAR DEVICES IN THE
CITY; MAKING FINDINGS; ADOPTING FINE SCHEDULE FOR VIOLATIONS RELATED TO THE
USE OF ELECTRIC BICYCLES; 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 Ordinance 1700; 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 Ordinance 1700 which regulates the use of electric bicycles and similar devices in the city; and

WHEREAS, the City Commission finds that the improper use of electric bicycles and similar devices in the city can cause hardship to pedestrians, residents, and other bicyclists; and

WHEREAS, the City Commission of the City of Cocoa Beach has genuine safety concerns concerning the improper use of electric bicycles and similar devices 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 complaints about the improper use of electric bikes and similar devices on streets and sidewalks in the city which can cause unsafe conditions for residents, pedestrians, and other bicyclists, and the imposition of fines for violation of Ordinance 1700 is appropriate; and

WHEREAS, the city commission finds that the results of violations of Ordinance 1700, can create unsafe conditions on city streets and sidewalks; 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, residents, visitors, and pedestrians.

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 Ordinance 1700 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 Ordinance 1700.

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.

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

Ayes: _____
Nays: _____

RESOLUTION NO. 2025-30

Absent or Abstaining: _____

Keith Capizzi,
Mayor-Commissioner

ATTEST:

Karin Grooms, City Clerk

RESOLUTION NO. 2025-30

**EXHIBIT 1
ELECTRIC BICYCLE FINES**

Each violation of Ordinance 1700 shall be punished through fines imposed by Citation as follows:

For the first individual violation, the fine shall be TWENTY-FIVE DOLLARS (\$25.00).

For the second and each individual violation thereafter, the fine shall be FIFTY DOLLARS (\$50.00).

If multiple violations occur relating to a single incident, multiple Citations can be issued up to a maximum of ONE HUNDRED DOLLARS (\$100.00) in total fines for a single incident involving multiple violations.