

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 16, 2011

Division: Growth Management

Bulk Item: Yes No

Department: Building

Staff Contact Person/Phone #: Christine Hurley

(305) 289-2517

AGENDA ITEM WORDING: Discussion of and direction regarding October 31, 2011 - 2011 Florida Keys Area of Critical State Concern Annual Report.

ITEM BACKGROUND: The State of Florida Department of Economic Opportunity (DEO) issued the Annual Report on October 31, 2011 (attached). The County has been found to have made substantial progress toward accomplishing the strategies in the Work Program.

PREVIOUS RELEVANT BOCC ACTION:

October 19, 2011 – BOCC review of Monroe County Annual Report

CONTRACT/AGREEMENT CHANGES: n/a

STAFF RECOMMENDATIONS:

TOTAL COST: N/A **INDIRECT COST:** N/A **BUDGETED:** Yes No

DIFFERENTIAL OF LOCAL PREFERENCE: _____

COST TO COUNTY: _____ **SOURCE OF FUNDS:** N/A

REVENUE PRODUCING: N/A **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty _____ OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included Not Required _____

DISPOSITION: _____ **AGENDA ITEM #** _____

Rick Scott
GOVERNOR



Doug Darling
EXECUTIVE DIRECTOR

October 31, 2011

The Honorable Rick Scott, Governor
Members of the Administration Commission
The Capitol
Tallahassee, Florida 32399-0001

Re: 2011 Florida Keys Area of Critical State Concern Annual Report

Dear Governor and Members of the Administration Commission:

Pursuant to Section 380.0552(4)(b), Florida Statutes (F.S.), the Florida Department of Economic Opportunity (Department) is pleased to transmit its 2011 Florida Keys Area of Critical State Concern Annual Report. Section 380.0552(4)(b), F.S., requires the preparation of a report that describes the progress of the Florida Keys Area of Critical State Concern toward completing the tasks of the Work Program.

The Administration Commission issued a 30-Day Report on December 30, 2010, to Monroe County, the City of Marathon and the Village of Islamorada outlining the strategies necessary for completion of Work Program tasks. The 2010 30-Day Report was issued in the form of a table detailing the strategies and the tasks with the relevant target dates for completion.

The Department has utilized the 2010 30-Day Report as a template for its 2011 Annual Report. The Department's report includes information submitted by Monroe County, the City of Marathon, the Village of Islamorada, Key Largo Wastewater Treatment District, Florida Department of Health, the Florida Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission. Based upon this input, the Department's own review, and coordination with the local governments on the chief findings, the attached report is provided for your review.

The Department has evaluated the information provided by the local governments and state agencies against the 30-Day Report and the Work Program requirements. The Department recommends that the City of Marathon, the Village of Islamorada and Monroe County have made substantial progress towards accomplishing the strategies of the 30-Day Report.

The Caldwell Building 107 E. Madison Street Tallahassee, Florida 32399-4120
850.245.7105 TTY/TDD 1-800-955-8771 Voice 1-800-955-8770 FloridaJobs.org

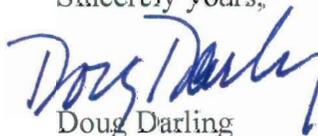


In accordance with its statutory charge found in Section 380.0552(4)(c), F.S., the Department recommends the following actions:

- (1) Accept the 2011 Annual Report for Monroe County, the City of Marathon and the Village of Islamorada;
- (2) Continue the Florida Keys Area of Critical State Concern designation in order to complete the Work Program requirements;
- (3) Accept the Department's recommendation that substantial progress toward accomplishing the strategies of the Work Program have been achieved for Monroe County, the City of Marathon, and the Village of Islamorada;
- (4) Recognize the City of Marathon's unprecedented progress in constructing centralized sewer and the City of Marathon's debt to the state revolving loan fund. Direct the Areas of Critical State Concern staff to coordinate with the City of Marathon's Planning staff to amend the City of Marathon's Comprehensive Plan. The amendment would authorize a "one-time" award of 100 transient units. The plan amendment may also include an additional 100 units composed of units from the Administrative Relief pool and borrowing forward from the City's future allocations; and
- (5) Direct the Areas of Critical State Concern staff to add the request from Marathon for any future transient allocations to the Hurricane Evacuation Clearance Modeling Workshops' agenda as a discussion item between all local governments and appropriate federal, state, and local entities.

The Department appreciates the efforts of the local governments and looks forward to continuing our cooperative relationship with the Florida Keys communities and working with all parties to fully achieve the goals of the Work Program.

Sincerely yours,


Doug Darling
Executive Director

TB/rj

Enclosures: Department of Economic Opportunity 2011 Removal of Designation Reports

cc: Heather Carruthers, Mayor, Monroe County
Ginger Snead, Mayor, City of Marathon
Michael Reckwerdt, Mayor, Islamorada, Village of Islands

Table of Contents

Letter to the Governor and Administration Commission Members.....	Tab 1
Executive Summary	Tab 2
Background.....	Page 1
Findings.....	Page 1
Recommendations.....	Page 3
History.....	Page 5
Geographic and Environmental Setting	Page 6
Impacts of Development	Page 8
Status of Work Program Task Achievement	Page 11
City of Marathon Request Letter, August 8, 2011	Attachment
2011 30-Day Report Matrices	Tab 3
2011 Florida Keys Annual Progress Report Summary.....	
Local Government Matrices	

Contents of Technical Appendix (included on CD)

- Florida Keys Profiles
- Section 380.0552, Florida Statutes
- Section 381.0065(4)(l), Florida Statutes
- Section 403.086(10), Florida Statutes
- Rule 28-18.400, Florida Administrative Code (City of Marathon)
- Rule 28-19.310, Florida Administrative Code (Village of Islamorada)
- Rule 28-20.140, Florida Administrative Code (Monroe County)
- Monroe County 10-Year Work Program
- Chronology of Work Program
- Hurricane Evacuation Excerpt from the 2010 Florida Keys ACSC Annual Report
- Tropical Hardwood Hammock Clearing Excerpt from the 2010 Florida Keys ACSC Annual Report
- Florida Keys Wastewater Funding Summaries
- Village of Islamorada Request for Proposal Wastewater Design, Build, Operate & Finance Report
- Village of Islamorada Wastewater Funding Needs

Background

Section 380.0552(4), Florida Statutes (F.S.), directs the State Land Planning Agency to submit a report to the Administration Commission, describing in detail the progress of the Florida Keys Area of Critical State Concern toward accomplishing the tasks of the Work Program and to provide a recommendation as to whether substantial progress toward accomplishing the tasks of the Work Program has been achieved. Section 380.0552(4), F.S., provides that:

(b) Beginning November 30, 2010, the state land planning agency shall annually submit a written report to the Administration Commission (“Commission”) describing the progress of the Florida Keys Area toward completing the work program tasks specified in commission rules. The land planning agency shall recommend removing the Florida Keys Area from being designated as an area of critical state concern to the commission if it determines that:

1. All of the work program tasks have been completed, including construction of, operation of, and connection to central wastewater management facilities pursuant to Section 403.086(10), F.S. and upgrade of onsite sewage treatment and disposal systems pursuant to Section 381.0065(4)(1), F.S.;
2. All local comprehensive plans and land development regulations and the administration of such plans and regulations are adequate to protect the Florida Keys Area, fulfill the legislative intent specified in subsection (2), and are consistent with and further the principles guiding development; and
3. A local government has adopted a resolution at a public hearing recommending the removal of the designation.

(c) After receipt of the state land planning agency report and recommendation, the Administration Commission shall determine whether the requirements have been fulfilled and may remove the designation of the Florida Keys as an area of critical state concern. If the commission removes the designation, it shall initiate rulemaking to repeal any rules relating to such designation within 60 days. If, after receipt of the state land planning agency’s report and recommendation, the Commission finds that the requirements for recommending removal of designation have not been met, the Commission shall provide a written report to the local governments within 30 days after making such a finding detailing the tasks that must be completed by the local government.

Findings

The 30-Day Report is in the form of a table listing both the tasks under the Work Program that must be accomplished for substantial progress to be achieved and the specific, proposed strategies that were developed with the Florida Keys communities to achieve the Work Program tasks.

The 30-Day Report contains the status of the Work Program tasks in the third column as either “achieved” or “not achieved”. The 30-Day Report includes comments and information submitted by Monroe County, the City of Marathon, the Village of Islamorada, Key Largo Wastewater

Treatment District, the Florida Department of Health, the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission. This Executive Summary should be used in combination with the 30-Day Report to expedite review.

The construction of wastewater facilities in the Florida Keys is an excellent example of Governor Scott's efforts to increase jobs in Florida through public/private partnerships. The wastewater projects have created jobs to construct the sewers, created additional plumbing jobs to make the connection from the home to the collection line, and have provided jobs for the resurfacing of streets and construction of stormwater swales. The companies completing these tasks rent motel rooms, buy groceries from local super markets and eat in local restaurants.

During this evaluation period, Monroe County completed 64% of the tasks targeted for completion in 2011. However, the County completed 6 additional tasks that were scheduled for completion in 2012. The tasks completed early included wastewater tasks within the Key Largo and Hawk's Cay service areas. The County working through the Key Largo Wastewater Treatment District, created as an independent special district by the Legislature in 2002 to provide



wastewater facilities within the Upper Keys area of unincorporated Monroe County, has doubled the number of connections to Equivalent Dwelling Units (EDUs) in the Upper Keys since the last report period. An EDU refers to the standardization of land uses such as housing, restaurants, office spaces, industrial plants, and hotel/motels to the level of demand for a single family dwelling unit. For the purposes of wastewater projects, the EDU is utilized to determine the connection(s) needed for a particular property or area.

Monroe County also completed the adoption of four (4) ordinances that assigned Tier Overlay Designations. The Board of County Commissioners and staff, along with an appointed Tier Designation Review Committee evaluated 3,394 parcels, conducted site visits, and held public hearings to resolve a legal challenge by a local environmental group. The re-evaluation of the parcels was a complicated and tedious task requiring many hours of evaluation, discussion, and site visits by Monroe County biologists, private consultants, and volunteers from the appointed committee. The completion of the task resulted in a cost to the County of more than \$100,000 which does not include the travel costs and salaries of the appointed committee. When the ordinances were adopted a second time, only one parcels was challenged. The County is to be commended for the completion of this difficult task which is integral to the implementation of the Building Permit Allocation System.

Of the tasks scheduled for completion by the County, four tasks were considered incomplete. A stormwater management task was delayed and no funding was allocated in the capital improvements for stormwater improvements. The County achieved 42% of the EDU

Connections in Key Largo while their goal was 50%. The fourth task relates to funding for the Cudjoe Regional Wastewater Treatment Plant. The County has indicated a shortfall in funding for the Cudjoe Regional Wastewater Treatment Plant.

The Village of Islamorada completed 69% of their assigned tasks targeted for completion in 2011. The Village's negotiations with the Key Largo Wastewater District were delayed and addendums to the request for proposal have postponed the receipt and subsequent award of the contract for the Design, Build, Operate, and Finance the wastewater system. The delays affected the Village's ability to complete four tasks. The Village anticipates reviewing the Requests for Proposal and selecting an applicant to the Design, Build, Operate, and Finance the wastewater system in December 2011. However, while the Request for Proposal makes general reference to possible funding sources for the life-cycle cost of wastewater facilities, until the Design, Build, Operate and Finance provider is selected or rejected, an agreement with the Key Largo District materializes or does not materialize, or the Village finalizes some other viable alternative, financing for the wastewater system in the Village remains uncertain.

Marathon has completed 94% of their assigned tasks targeted for completion in 2011 and completed 6 tasks scheduled for 2012. Marathon is making steady progress in completing their wastewater projects. All wastewater treatment plants for the sub areas have been constructed and connections to EDUs are increasing each day. The incomplete task requires the adoption of a Comprehensive Plan Policy discouraging private applications for Future Land Use Map amendments which would increase allowable density/intensity on lands in the Florida Keys. The Marathon City Council has directed the City Planning staff to develop a mechanism for the transfer of development rights from environmentally sensitive areas such as Grassy Key to the central portions of the City. Marathon staff anticipates completion of this task in the coming year. Due to legal circumstances beyond the City's control, a plant site was not secured at Knight's Key and the plant was not constructed. The City connected this service area through a force main to a different plant. These tasks were not counted as complete or incomplete.

Recommendations

Section 380.0552(4)(b), F.S., directs the Department to provide a recommendation regarding whether substantial progress has been made towards accomplishing the tasks of the work program. The Department makes the following recommendations:

- (1) Accept the 2011 Annual Report for Monroe County, the City of Marathon and the Village of Islamorada;
- (2) Continue the Florida Keys Area of Critical State Concern designation in order to complete the Work Program requirements;
- (3) Accept the Department's recommendation that substantial progress toward accomplishing the strategies of the Work Program have been achieved for Monroe County, the City of Marathon, and the Village of Islamorada;

-
- (4) Recognize the City of Marathon’s unprecedented progress in constructing centralized sewer and the City of Marathon’s debt to the state revolving loan fund. Direct the Areas of Critical State Concern staff to coordinate with the City of Marathon’s Planning staff to amend the City of Marathon’s Comprehensive Plan. The amendment would authorize a “one-time” award of 100 transient units. The plan amendment may also include an additional 100 units composed of units from the Administrative Relief pool and borrowing forward from the City’s future allocations; and
 - (5) Direct the Areas of Critical State Concern staff to add the request from Marathon for any future transient allocations to the Hurricane Evacuation Clearance Modeling Workshops’ agenda as a discussion item between all local governments and appropriate federal, state, and local entities.

History

In 1972, the Florida Legislature adopted the Environmental Land and Water Management Act which provided the basis for the State to designate an Area of Critical State Concern. To be designated, an area must contain, or have a significant impact upon, environmental or natural resources of regional or statewide importance where uncontrolled private or public development would cause substantial deterioration of such resources. Examples of resources of regional or statewide significance include: state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas. The Act was adopted prior to the 1985 Growth Management Act and was written at a time when most local governments did not have programs and personnel to guide development in a manner that would ensure that these resources would be protected.

In 1975, the Legislature designated the Florida Keys (Monroe County and its municipalities) as an Area of Critical State Concern. The Florida Keys received this designation due to the area's environmental sensitivity and mounting development pressures. The legislative intent was to establish a land use management system for the Florida Keys that would:

- Protect the natural environment and improve the near shore water quality;
- Support a diverse economic base that promotes balanced growth in accordance with the capacity of public facilities;
- Promote public land acquisition and ensure that the population of the Florida Keys can be safely evacuated;
- Provide affordable housing in close proximity to places of employment; and
- Protect property rights and promote coordination among governmental agencies that have permitting jurisdiction.



In the early 1990s, Monroe County revised its Comprehensive Plan to be consistent with the 1985 Growth Management Act. The Plan drew legal challenges from numerous parties, with litigation lasting several years. In 1997, the Administration Commission entered into a stipulated settlement agreement to resolve the litigation. The Administration Commission adopted Rule 28-20, F.A.C., containing a Work Program, that when completed, would protect the environment, resolve challenges raised by the various parties, and ultimately, lead to repeal of

the designation. These administrative proceedings highlighted specific aspects of the Florida Keys ecosystem as having already exceeded the carrying capacity thresholds of the environment to sustain additional impacts from development. Of particular concern was the declining water quality of the near shore environment due to a lack of central sewer facilities.

The Work Program has been amended by the Administration Commission to focus on four topics: water quality improvements, habitat protection, hurricane evacuation and affordable housing. When the time frame for completing the Work Program, pursuant to Rule 28-20.110, F.A.C., expired in 2007, it was clear that the construction of central wastewater facilities and the upgrade of all On-Site Sewage Treatment and Disposal Systems to advanced treatment standards would not be complete by the 2010 legislative deadline. As a result, the local governments of the Florida Keys were successful in obtaining a legislative change to provide a deadline extension from December 2010 to December 2015 for all sewage disposal systems to be upgraded to meet standards that were initially adopted by the Florida Legislature in 1999¹.

The Florida Administration Commission, in 2011, adopted amended rules for Monroe County, and new rules for the City of Marathon and the Village of Islamorada to update the list of unfinished tasks and establish measurable wastewater construction priorities and dates. The adopted rules also implemented Chapter 403, F.S., by adopting the wastewater treatment construction schedule provided for in Section 403.086(10)(b), F.S.

Geographic and Environmental Setting



The Florida Keys are a chain of lushly vegetated tropical islands surrounded by clear shallow ocean waters teeming with sea life. The islands are connected by a narrow ribbon of US Highway 1 stretching 112 miles and spanned by 19 miles of bridges. The highest point of elevation along these rocky islands is only 18 feet above sea level and there is no point that is more than 4 miles from water. The Florida Keys are isolated from the rest of the state and receive electricity and potable water from Florida City, located on the Florida mainland.

The environment and the economy are inextricably linked in the Florida Keys. Tourism is the chief economic engine in the Florida Keys with over \$1.2 billion dollars being spent annually by over 3 million visitors. Nestled in the turquoise-blue waters, among sensitive coral reefs and

¹ See Technical Appendix for standards in Sections 381.0065(3)(h) and (4)(l) and 403.086(10), F.S.

highly productive marine nurseries, the Keys are an international mecca for sport fishing, diving, boating, cruising, and wildlife viewing. Most of the visitors travel to the Keys to participate in recreational diving, snorkeling, and wildlife viewing activities. Recreational and commercial



fishing are the next most important sectors of the local economy, annually contributing an estimated \$557 million to the local economy². Clean water in the Keys is essential to maintaining a strong tourism base. As indicated by the Florida Keys National Marine Sanctuary, the effects of the impacts on habitat and water quality “may take years to become apparent, but these values have long-lasting socio-economic effects.” Maintenance of the Keys’ natural resources is necessary for a sustainable market economy which is dependent upon clean water and abundant natural resources. More than 33,000 jobs in the

Keys are supported by ocean recreation and tourism accounting for 58% of the local economy and \$2.3 billion annually in sales. The cost of water quality improvements in the Keys are a small fraction of the long term asset value that the natural resource provides to the economy of the Florida Keys.

The Keys ecosystem evolved in clear waters with low nutrients and its continued survival is dependent upon maintenance of clear, low nutrient waters. All the waters adjacent to the islands have been designated as Outstanding Florida Waters, and include the Florida Keys National Marine Sanctuary-the largest national marine sanctuary in the United States. The Florida Keys outer reefs form the third largest barrier reef system in the world. The natural communities that make up the Florida Keys ecosystem exist in a dynamic equilibrium, which means that changes that result in a direct impact to one community type can have profound effects on adjacent communities.

The Florida Keys form a unique sub-region that is able to support a combination of marine and tropical upland habitats that have one of the highest numbers of endemic and



² National Marine Sanctuary Program, National Oceanic and Atmospheric Administration, National Ocean Service, and US Department of Commerce. 2007. *Florida Keys National Marine Sanctuary Revised Management Plan*. <http://floridakeys.noaa.gov/mgmtplans/2007.html>

listed plant and animal species in North America. Globally imperiled habitats including tropical hardwood hammocks, pine rocklands, and coastal rock barrens all occur in the Florida Keys along with mangrove swamps and coastal salt marshes. The Keys are located within the Atlantic flyway, one of four major travel corridors in the world that migratory birds follow on spring and fall migrations that provide critical nesting, feeding and resting areas for more than 250 species of birds and the endangered Schauss Butterfly.

Impacts of Development

Land development in the Keys has displaced nearly 50% of all upland habitats and created a patchwork of land cover resulting in reduced ecological functions such as lower biodiversity, increased vulnerability to invasion by exotic plant and animal species and decreased gene flow within and among endemic species. The situation is exacerbated by past wastewater management practices.



Within the Florida Keys, the construction

of wastewater infrastructure has not kept pace with development. Historically, development in the Keys relied on the use of cesspits and septic tanks which provide little or no treatment of



domestic wastewater in porous limerock substrates. Cesspits are man-made holes in the ground with no bottom and drain field. Wastewater Treatment Package Plants in the Florida Keys dispose of their treated effluent below the ground using either shallow 90 foot injection wells or 3,000 foot deep injection wells. The effluent from these sources containing nutrients and human pathogens rapidly migrate to surface water as a result of tidal pumping. The cumulative effects of these discharges have led to water quality degradation. Since 1999, there have been ongoing local and state efforts to upgrade or connect to central sewer 23,000 On-Site Sewage Treatment Systems (which initially included 2,800 illegal cesspits) and approximately 249 Wastewater Treatment Package Plants. These systems were targeted for upgrade by December 2010.

In 2009, it became clear that the local governments would be unable to meet the deadline. Through a collaborative process, the legislation was amended to extend the deadline for upgrading wastewater treatment systems to 2015. Senate

Bill 550 revised Sections 380.0552, 381.0065 and 403.086, F.S., to accomplish the wastewater tasks (included in the Technical Appendix).

The Florida Keys Area of Critical State Concern includes the local governments of unincorporated Monroe County, the City of Marathon, the Village of Islamorada, the City of Layton, the City of Key Colony Beach and the City of Key West. A profile of each community can be found in the Technical Appendix of this report. The Cities of Layton, Key Colony Beach and Key West have already constructed centralized sewer systems that provide advanced wastewater treatment. Only unincorporated Monroe County, the City of Marathon, and the Village of Islamorada have tasks within the Work Program regarding the construction of these facilities, although the Key Largo Wastewater Treatment District is expressly responsible under Section 403.086(10), F.S., for providing wastewater facilities within its jurisdiction. To date, \$574 million has been spent on funding for centralized sewer systems for the Florida Keys. The State and Federal governments have contributed \$135 million in grants and \$144 million in loans. Local governments of the Florida Keys have contributed \$285 million from local funds.

Though Layton, Key Colony Beach and Key West have completed their wastewater tasks, they along with Monroe County, Marathon and Islamorada must coordinate together with the State Land Planning Agency and the Division of Emergency Management for hurricane evacuation as part of the Work Program. All local governments in the Florida Keys are tied together by the need to maintain a hurricane evacuation clearance time of 24 hours prior to the onset of hurricane-force winds. Additionally, all local governments rely on electricity and potable water that is generated on the mainland, leaving the entire 112 miles of Florida Keys communities vulnerable in the event of a major hurricane. Evacuation of the Keys population in advance of a hurricane strike is of paramount importance for public safety. Virtually all evacuees leave by way of US Highway 1 and seek shelter outside Monroe County. Computer modeling is used to estimate the maximum number of cars and people that can be evacuated within the 24 hour clearance time that has been established within the comprehensive plans of all the communities and is also required by Section 380.0552 (9)(a)2., F.S. For hurricane evacuation, Administration Commission directed the Areas of Critical State Concern staff to:

- Conduct workshops in the Florida Keys with the local governments to update the hurricane evacuation clearance time model with recently released 2010 US Census data;



- Evaluate potential build out scenarios and determine how much additional development can occur and still evacuate the permanent population of the Florida Keys within 24 hours as required by Section 380.0552(9)(a), F.S.; and
- Develop a memorandum of understanding regarding the variables and assumptions used in the hurricane evacuation model.

The Areas of Critical State Concern staff will initiate the hurricane evacuation workshops in January 2012 in conjunction with the local governments within the Florida Keys, South Florida Regional Planning Council, the Division of Emergency Management, the Florida Department of Transportation, and other local groups to explore future potential growth scenarios to evaluate the remaining development that may take place within the Florida Keys.

Related to this issue, the City of Marathon has requested that the Administration Commission recognize the achievements of the City and the debt that the City has incurred through loans from the State Revolving Loan Fund and award 200 transient units to the City. The City's formal request letter, dated August 8, 2011, is included as an attachment to the Executive Summary.

Status of Work Program Task Achievement

The local governments' status in accomplishing each task can be found on the attached 30 Day Report Matrices. The following narrative summarizes the collective progress toward achieving the Work Program Tasks scheduled for completion during the Year 2011. The tasks from the Work Program matrix are framed in the box with the status below.

The Administration Commission directed the local governments to submit a report annually on the land acquisition funding and efforts in the Florida Keys and the purchase of parcels where a local government building permit allocation has been denied for 4 years or more. (Rules 28-18.400(5)(a)6., 28-19.310(5)(a)1., and 28-20.140(5)(a)7., F.A.C.)

The Florida Keys have been on the Forever Florida priority acquisition list for the Division of State Lands since 1983. Since that time, the State has spent more than \$241 million acquiring 9,546 acres of environmentally sensitive land. Approximately 60-70% of the Florida Keys area is in public ownership.

In 2006, it was estimated that approximately \$354 million would be needed to acquire the balance of the vacant privately owned environmentally sensitive lands in the Florida Keys. This represents about 15% of the land in the Florida Keys.

Development within the Keys is implemented through a competitive application procedure that directs growth away from environmentally sensitive land and guides development toward areas containing minimal vegetation with infrastructure such as potable water, central sewer, paved roads, and electricity. Each local government has adopted a cap on the number of new residential dwelling units that can be constructed each year. Land owners whose applications do not compete well in the building permit allocation system due to the environmental sensitivity of the parcel may apply for Administrative Relief if they have not been awarded a permit within four years of their initial application. If the parcel is located within a Florida Forever targeted acquisition area, or within areas targeted for acquisition by the local government, the local government may offer to purchase the property. If not, the applicant may be awarded a building permit or continue in the building permit allocation system and earn additional points toward a future allocation.

Monroe County: During the past year, Monroe County considered five Administrative Relief applications and purchased 25.6 acres at a cost of \$714,554. An additional \$65,000 was spent on other environmentally sensitive land for a total acquisition of 26.5 acres for the year. The Monroe County Land Authority was reimbursed \$450,000 for land purchases made within the Big Pine Key Deer Sanctuary that were subsequently deeded to the Federal Government. The Land Authority also spent \$308,000 for the removal of invasive plants and restoration of publicly owned land.

Marathon: During this period, there were no administrative relief permits that were located within Florida Forever boundaries for the City of Marathon.

Islamorada: The Village considered two Administrative Relief applications that were located within the Florida Forever boundaries. No offers for purchase were made.

By July 1, 2011, and each year thereafter, the local governments shall apply to the South Florida Water Management District for stormwater funding. (Rules 28-18.400(5)(d)2. and 28-20.140(5)(d)2., F.A.C.)

Due to budget constraints at the state level, no stormwater funding was available from the South Florida Water Management District. As a result, none of the local governments applied for funding. This task was not counted in the determination of substantial progress and remains for completion in future years.

Local governments were directed to complete projects identified in the Stormwater Management Master Plan. (Rules 28-18.400(5)(d) and 28-20.140(5)(d), F.A.C.)

Monroe: The County scheduled projects on Card Sound Road but was unable to move forward with construction due to budgetary, permitting and ownership constraints.

Marathon: Marathon completed all targeted stormwater improvements.

Islamorada: Islamorada had no stormwater projects identified for completion.

By July 1, 2011, each local government shall develop and implement local funding necessary to timely fund wastewater and future operation, maintenance, and replacement of facilities. (Rules 28-18.400(5)(b)4., 28-19.310(5)(b)5., and 28-20.140(5)(b)6., F.A.C.)

Monroe: Monroe County allocated \$76 million in the Capital Improvements Budget for wastewater facilities. The County has spent \$128 million for wastewater improvements to date. The County has received \$24 million in State grants, \$79 million in State loans and \$29 million from Federal funding sources.

The County has provided funding to the Key Largo Wastewater District, Hawk's Cay, Bay Point, Big Coppitt, Stock Island and the Cudjoe Regional Facility. The County indicates a deficit of funding to complete the Cudjoe System in the amount of \$158 million. The County will hold a referendum this spring to seek voter approval to extend the Infrastructure Sales Tax with proceeds used for the construction of central wastewater facilities. The County has established varying rates of assessment for the wastewater facilities. The assessment for the Cudjoe Facility is projected to be \$23,000 per household without additional state or federal funding.

Marathon: The City adopted a Capital Improvements Budget of \$12 million for wastewater facilities. To date, the City has expended \$84 million for wastewater from local funds. The City has received \$14 million in State grants, \$60 million in State loans and \$20 million from Federal funding sources.

Islamorada: The Village adopted a Capital Improvements Budget of \$276,000 for wastewater facilities. The Village has spent \$3.5 million for wastewater improvements to date. The Village has received \$11 million in State grants, \$5 million in State loans and \$2 million from Federal funding sources.

By July 1, 2011, and each year thereafter, each local government shall annually evaluate its wastewater needs, allocate funding for wastewater implementation, and apply to at least one state or federal grant program for funding. (Rules 28-18.400(5)(b)3., 28-19.310(5)(b)4., and 28-20.140(5)(b)5., F.A.C.)

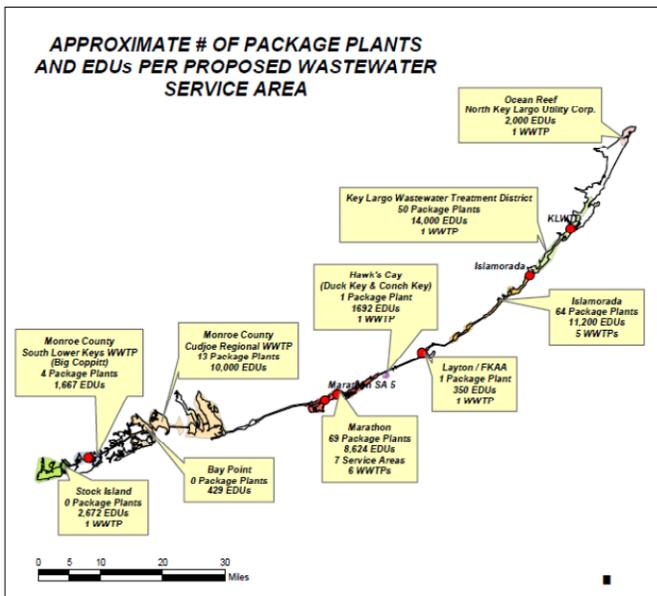
Monroe: The County has applied for funding.

Marathon: The City did not apply for funding because they are fully funded.

Islamorada: The Village has applied for funding.

The Administration Commission directed the local governments to continue implementation of the Wastewater Master Plan, to define a construction schedule by phases, to develop facility plans and secure funding to implement the plan.

The construction of modern, centralized wastewater infrastructure is essential to support the marine environment, public health, and quality of life and economy of the Florida Keys. Beginning in 1987, the Administration Commission has encouraged the construction of local government wastewater facilities to achieve higher levels of treatment, and the elimination of small, older wastewater plants, septic tanks and cesspits. Based on significant evidence that poor water quality in the Keys was related to inadequate wastewater management, the Legislature enacted Section 6 of Chapter 99-395, Laws of Florida, as amended, as well as Sections 381.0065(3)(h) and (4)(l) and 403.086(10), F.S., to require all sewage facilities in Monroe County and its municipalities, including septic tanks, package plants and cesspits, to comply with the treatment standards by 2010. This deadline was extended to 2015 during the 2010 legislative session to provide additional time for local governments to secure financing and complete construction.



Monroe: Funding and construction is underway for all service areas within unincorporated Monroe County with the exception of the Cudjoe Regional Wastewater Treatment Plant. The County has completed the design of the Cudjoe Regional Wastewater Treatment Plant proposed for the Lower Keys. The Cudjoe Regional Wastewater Treatment Plant spans 50 miles of islands including Big Pine, Big Torch, Little Torch, Summerland, Sugarloaf and Cudjoe Keys. The transmission and collection line design for the central service area has been completed. However, the outer collection system has not been designed.

The County will place the Infrastructure Sales Tax referendum on the 2012 ballot. If approved by the voters, the Infrastructure Sales Tax for 12 years would generate approximately \$50 million in bond proceeds. The County has indicated that additional funding must come from the federal or state government to reduce the cost to residents. Without a state or federal subsidy, the projected cost to residents could be as high as \$23,000 per EDU.

Approximately \$158 million is needed to construct the Cudjoe Regional Wastewater Treatment Plant. The funding source has not been identified and assessments have not been levied. It is unlikely that the County will be able to complete this system by the 2015 deadline. Given the challenging economic times, the County may need to re-evaluate the scope of the wastewater service areas. However, any changes to the existing service areas must be consistent with the requirements of Section 403.086(10), F.S., which requires the County to provide complete wastewater facilities for all areas designated within the defined service area(s) in the Monroe County Sanitary Master Wastewater Plan. Any proposed changes to the service area would have to be approved by the Administration Commission, in consultation with the Department of Environmental Protection. In addition, any properties not served by central wastewater facilities are required to have On-Site Sewage Treatment and Disposal Systems meeting the requirements of Section 381.0065(4)(1), F.S. The County should also explore with the Florida Department of Health and the Area of Critical State Concern staff how to eliminate approximately 800 cesspits that continue to remain within this service area. Cesspits in the designated service areas were not required to upgrade during the cesspit elimination program because it was anticipated that central sewer would be available by 2010.

The Department of Environmental Protection has recommended that “the County provide a financial plan for completing its wastewater improvements from local sources, which could certainly be reduced if state or federal funds become available. Meeting the deadline for having upgraded and operational facilities by December 2015 is not contingent on external funding

sources, and that same law and the Administration Commission rules based on it require the development of a capital financing plan. Such a plan cannot be defined as adequate if it relies on uncertain external sources of funding.”

Marathon: All treatment plants have been constructed. The collection and transmission mains are all under construction or completed. All customers have been notified to connect to the collection system. Those who have not connected have been referred to code enforcement and the utility bills the applicant for the monthly fee.

Islamorada: The Village advertised to receive proposals for a Design, Build, and Operate Wastewater Treatment system. The proposals were required to address two options. Option 1 included the cost to construct transmission and collection lines with the effluent piped to the Key Largo Wastewater Treatment Facility. Option 2 included the cost of the transmission and collection lines and the construction of one or more treatment plants within the Village. Efforts to reach an agreement regarding the cost of the capacity at the Key Largo Wastewater Treatment Facility have caused delays in receiving the Requests for Proposal. As a result, the Village will not be prepared to select an operator until December 2011. The Village has approximately 200 cesspits that have not been upgraded. Cesspits in the designated service areas were not required to upgrade during the cesspit elimination program because it was anticipated that central sewer would be available by 2010.

Wastewater Summary: Of the recently constructed wastewater systems, approximately 44% of Monroe County’s EDU connections have been made. Marathon has connected 15% and Islamorada has connected 12% of their potential EDU connections. During this year, approximately 13,933 EDU connections were made. The table below summarizes the progress toward completion of connections to EDUs as of October 7, 2011. The Planned EDUs column stands for those EDUs that are currently planned to be connected while the Connected EDUs column stands for those EDU connections that have been made.

Estimated Wastewater Connection Progress As of October 24, 2011

Project	Planned EDUs	Connected EDUs
Layton	351	351
Islamorada N. Plantation	1,394	901
Islamorada Regional / Lower Matecumbe	7,008	0
Marathon Service Areas 1, 2 and 5	3,313	887
Marathon Service Area 3	2,501	0
Marathon Service Area 4	2,609	1,749
Marathon Service Area 6	928	867
Marathon Service Area 7	1,210	0
Bay Point	431	407
Conch Key	150	119
Duck Key	393	0
Hawk's Cay	909	909
Big Coppitt	1,711	1,305
Stock Island Vacuum/ Stock Island Gravity	2,750	2,616
Big Pine/Little Torch/Ramrod	4,931	0
Lower Sugarloaf	0	0
Cudjoe/Summerland/Upper Sugarloaf	3,714	0
Key Largo Facility- Basin A	1,066	252
Key Largo Facility - Basin B	1,784	337
Key Largo Facility - Basin C	1,034	652
Key Largo Facility - Basin D	1,004	354
Key Largo Facility - Basin E	1,353	963
Key Largo Facility - Basin F	2,470	459
Key Largo Facility - Basin G	2,051	140
Key Largo Facility - Basin H	768	13
Key Largo Facility - Basin I	Not Determined	220
Key Largo Facility - Basins J and K	Not Determined	60
Key Largo Facility - Commercial	Not Determined	4,409
Layton	351	351
Islamorada	8,402	901
Marathon	10,561	3,503
Monroe	26,552	12,689
Florida Keys	45,485	17,093



CITY OF MARATHON, FLORIDA

9805 Overseas Highway, Marathon, Florida 33050
Phone: (305) 743-0033 Fax: (305) 743-3667
www.ci.marathon.fl.us

8 August 2011

Secretary Billy Buzzett
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

Dear Secretary Buzzett:

It has been a pleasure to work with you and the staff of the Department of Community Affairs. Thank you for the time spent with the City of Marathon during our recent visit to Tallahassee. The City looks forward to meeting with you during your visit to the Florida Keys next week.

Pursuant to our ongoing dialogue, this letter has been drafted as a request to obtain transient residential units outside of the framework of the Rate of Growth Ordinance (ROGO) and in consideration of the current operational approach to implementing the hurricane evacuation model in the Florida Keys. The City of Marathon is seeking 100 transient residential units (hotel/motel or RV units) immediately and a number not to exceed 1,000 transient residential units over ten years predicated upon the output of the County hurricane evacuation model.

During our meeting with you in March of this year, the principal focal point of our discussion was the revitalization of Marathon through the development of hotel/motel resort facilities which would lend themselves to the City's character as a family friendly destination. We discussed future options in light of the City's aggressive completion of infrastructure improvements required under the City's Work Program adopted as part of its Comprehensive Plan.

Highlighting our achievements, the City will complete its obligations for necessary wastewater improvement under 99-395, Laws of Florida on time. At the same time, the City will complete a stormwater system throughout the City, incorporating all of its roads. This stormwater system far outreaches the expectations of the County's stormwater master plan for the area and won the praise of, and Pisces Award from, the Florida Department of Environmental Protection. This renewal has occurred through sound fiscal management, coordination with its partners, and prudent utilization of available State and federal grant and loan opportunities. The City has worked strategically with the State, utilizing the State Revolving Fund Loan Program, available at rates well below the market, to leverage greater value for its dollar in the construction of its stormwater and wastewater infrastructure. The City stood "shovel ready" when federal ARRA (American Recovery and Reinvestment Act of 2009) funds became available to Keys' stormwater and wastewater projects.

Similarly, the City has worked diligently to acquire and steward the remaining and vital natural resources within the City's limits. The City will soon receive a grant award from the NOAA Coastal and Estuarine Lands Conservation Program (CELCP), through the Florida Department of Environmental Protection. This grant was ranked 6 of 42 project proposals nationally and was first for State of Florida nominated projects. Funding through CELCP will help the City acquire Boot Key, a 1,100 acre island within the City's jurisdiction that

constitutes one of the most significant remaining natural areas in the Florida Keys and represents a tremendous passive recreational opportunity.

As you know, the allocation of residential density in the Florida Keys stems from the County's approval of the ROGO Ordinance in 1993. Through ROGO, the total number of future residential unit allocations was based upon the physical limitations imposed by U.S. Highway 1 when safely evacuating the residents and visitors to the Florida Keys within a twenty-four (24) hour period in the event of a pending hurricane. Upon incorporated in 1999, the City of Marathon obtained thirty (30) residential allocations annually, subtracted from the total number originally available to the County.

Transient residential units are a sub-set of the total number of residential unit allocations. However, transient residential units do not factor significantly into the hurricane model. Based agreement between State and County Emergency Management offices, transient hotel/motel occupants, State Park occupants, and those in mobile homes and low lying areas are required to leave the County before the County's permanent residents are asked to evacuate under State and federal emergency management guidelines and the hurricane evacuation operational standards pursuant to the referenced agreement. Therefore, by the time that an evacuation is officially declared, all transient unit occupants have left the County.

The City awaits future efforts to run the hurricane evacuation model for the Florida Keys, but believes a number of additional factors will weigh in favor of the City's request to receive transient units. ROGO was developed in consideration of the 1990 permanent and seasonal populations of the Florida Keys. The impacts of the 2004 and 2005 hurricane seasons, the most strenuous downturn in the nation's economy since the Great Depression, and the effects of the summer 2010 Gulf Coast oil spill have reduced through attrition the 2000 census population of the Florida Keys. The population of Marathon in 2000 was estimated at 10,225. Comparison of the 2000 and 2010 census figures indicate a 19.1 percent (1,958 permanent residents) loss in population during the decade to 8,267. And, there are fewer permanent residents in Marathon now than at the time of the 1990 census; then standing at a population of 8,857. Monroe County is one of only two counties of 67 in Florida that had a loss in population between the 2000 and 2010 census periods. These facts lead to two basic and critical points:

1. Over and above the fact that transient units do not significantly affect the Florida Keys hurricane evacuation model, the City of Marathon has far fewer residents to evacuate than it did three (3) years prior to ROGO adoption by the County; and
2. The City of Marathon is straining under the impacts to its residents of three major events in the past six (6) years of its short twelve (12) year history. The City must make necessary efforts to revitalize its economy.

The City visualizes this point in time as an opportunity to refurbish older, less economically viable "mom and pop" motels into hotel/motel resorts that will help the City's family oriented community thrive. The City's airport, currently without commercial carriers may be uplifted as well with the additional passenger load that hotel/motel development would afford. Such development will be supportive of the City's efforts to make Boot Key Harbor and its airport "ports of entry" for vessels and aircraft arriving from foreign countries.

The City believes that it can and must capture a greater percentage of the more than three million people that visit the Florida Keys each year. Tourism is the basis of the Keys economy. Consideration of the City's Comprehensive Plan and other sources indicates that the City has approximately 1,700 transient units between traditional hotel/motel units, time share condominium dwellings, vacation rental homes, and recreational

vehicle sites. The City believes that with its essentially urban character, it will be economically sustained with the redevelopment or future development of approximately 1.5 times the 1,700 transient units noted above. It is anticipated that new development in the area will expand the tax base while imposing limited impacts to existing properties and development. A recent study developed for the Marathon market through the University of Miami, Department of Economics, indicates that a hotel in the range of 100 rooms will generate some 532 jobs in the local economy. Approximately 319 would be short term construction related positions, while the remaining 213 would include positions related to the long term operation of hotel services, associated eating establishments and amenities such as hotel fitness and recreation facilities. Expenditures related to hotel construction would immediately filter into the local economy, while the salaries related to the long term positions created would have the long term effect of expanding the local economy. This type of development, within the scope of projected City build-out, was anticipated in the engineering and design of the City of Marathon stormwater and wastewater systems. They will assist to pay down the debt and continuing costs associated with these systems.

The City of Marathon has a maximum hotel/motel density of 25 units per acre. We expect typical hotel/motel sizes of around 100 units. Thus, the request would require a total vacant or redeveloped land area of forty (40) acres in ten (10) parcels each of a minimum four (4) acres. The City's Comprehensive Plan indicates that there is enough vacant land to accommodate as many as 1,000 units and that such proposed development would be possible without impacts to natural areas within the City. The request would require that necessary public services are available at the time of development. The City's wastewater system has been developed and constructed to handle projected build-out of its vacant properties. City services such as solid waste, potable water, and traffic infrastructure are and will remain adequate. There will not be a significant impact on the existing housing stock as the development would occur over a significant but discrete period and hotel/motel developments are currently required to provide for workforce housing. We presume that in the process an aging housing stock throughout the City will be redeveloped.

In summary, the City of Marathon is requesting an allocation of 100 transient residential units this year and up to a total of 1,000 transient units in the coming ten (10) years. The City of Marathon has accepted and will meet the challenge to provide state-of-the-art wastewater and stormwater infrastructure by July 2010 (end of 2011). We are similarly working diligently to acquire remaining natural areas within the City, notably Boot Key. The City believes it is prepared for and is poised for a significant redevelopment of its aging "mom and pop" motel stock into family friendly hotel/motel resort developments. We believe that this development will revitalize and then sustain the City's residents and their businesses. The City's request for additional transient units, outside of the ROGO allocation process, is in keeping with the goals of its Comprehensive Plan and will not impact a major component of that Plan, the hurricane evacuation element. We seek your vital assistance in accomplishing the City's goal towards revitalizing and reinvigorating its economy.

Please help Marathon expeditiously accomplish its goal to bring the additional transient residential units to fruition. We will provide any additional information that you might need. We will answer any questions that you might have. Please do not hesitate to contact us.

Sincerely,


Mayor Ginger Snead
City of Marathon

2011 Florida Keys Annual Progress Report Summary

<p>A. Monroe</p>	
<p>Monroe Tasks Completed Task 12: Apply for land acquisition funding Task 20: Wastewater funding in CIP Task 22: Request Everglades bond issue Task 23 Provide local funding for Everglades bond Task 25: Apply for wastewater funding Task 35: complete construction of collection basins l-k Task 50: complete design of cudjoe plant and central collection system</p>	
<p>Monroe Tasks completed Early Task 3: Review of 3,000 tier parcels Task 31: complete south transmission line Task 32: complete design of collection basin c-k Task 33: construct collection basins e-h Task 34: schedule construction of collection basins i-k Task 40: upgrade of hawks cay plant</p>	
<p>Monroe Tasks Not complete: Task 27: Implement local funding necessary for construction, maintenance Task 36: Complete 50% of hook ups (30-40 complete) Task 60: Allocate stormwater funding in CIP Task 62: Stormwater project Card Sound Rd</p>	
<p>Monroe not counted for or against Task 61: Apply for stormwater funding</p>	
<p>Monroe: completed 7 out of 11 tasks (64%) scheduled for this year and completed 6 additional tasks early.</p>	

B. Marathon	
<p>Tasks Completed:</p> <p>Task 2: Amend plan to develop mechanism for administrative relief</p> <p>Task 3: Amend LDRs regarding administrative relief for land acquisition</p> <p>Task 4: Amend comp plan to limit allocations in hammock</p> <p>Task 5: Amend ldrs to limit hammock allocations</p> <p>Task 7: Apply for land acquisition funding</p> <p>Task 15: Allocate funding in CIP</p> <p>Task 18: Allocate local funds to construct, operate, maintain wastewater</p> <p>Task 19: Request Everglades bonds issuance</p> <p>Task 21: Allocate local funding to support Everglades bond</p> <p>Task 30: Boot key septic upgrade</p> <p>Task 32: Complete sub area 3 plant</p> <p>Task 33: Complete sub area 3 collection system</p> <p>Task 34: Initiate connections to sub area 3</p> <p>Task 43: Complete connections to sub area 6</p> <p>Task 51: Allocate funding for stomrwater in CIP</p> <p>Task 53: Stormwater for sub area 3</p>	
<p>Marathon Tasks Completed early:</p> <p>Task 16: Code enforcement for those who do not connect to collection system</p> <p>Task 46: Award design of collection system for sub area 7</p> <p>Task 54: Stormater for sub area 5</p> <p>Task 55: Stormwater for sub area 7</p> <p>Task 56: Remove stormwater outfalls</p>	
<p>Marathon Tasks Not Achieved</p> <p>Task 6: Discourage increases in density</p>	
<p>Marathon Tasks not counted for or against</p> <p>Task 17: Apply for wastewater funding</p> <p>Task 25: Secure site (substituted force main substitute to sub area 1</p> <p>Task 26: Build plant, substituted force main to sub area 1</p> <p>Task 52: Apply for stormwater funding</p>	

Marathon completed 16 out of 17 tasks (94%) and completed 5 tasks early.

C. Islamorada	
Islamorada Tasks complete: Task 2: Apply for land acquisition funds Task 9: Identify wastewater funding in CIP Task 12: Apply for wastewater funding Task 14: Implement local funding necessary to construct, replace, maintain wastewater Task 15: Request Everglades bond financing Task 16: Develop local funding to support Everglades bonding Task 19: Submit finance plan Task 21: Advertise for design, build, operate Task 23: Make available capacity for 700 additional PK connections (450)	
Islamorada Tasks Not Achieved Task 20: Conclude negotiations with Key Largo WWD for capacity Task 22: Contract for capacity not signed Task 24: Selection of Design Build Operate contractor delayed until Dec. 2011 Task 25: Submit status report demonstrating ability to complete work by 2015 (delayed until Dec)	
Islamorada not counted for or against	
Apply for stormwater funding not identified as a task	

Islamorada completed 9 out of 13 tasks (69%) .

**Monroe County
2011 - 30-Day Report**

		ACSC Status	Monroe Comments	Department of Environmental Protection Comments	Department of Health Comments	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/Not Achieved			No On-Site Disposal System tasks this year		
1	(5)(a) Carrying Capacity Study Implementation.						
2	1. By July 1, 2012, Monroe County shall adopt the conservation planning mapping (the Tier Zoning Overlay Maps and System) into the Comprehensive Plan based upon the recommendations of the Tier Designation Review Committee with the adjusted Tier boundaries.		Ordinance 005-2011 assigned a tier designation to 92 parcels currently competing for an allocation. Ordinance 006-2011 assigned a tier designation to 110 parcels which have been awarded an allocation or building permit. Ordinance 007-2011 assigned a tier designation to 2,891 parcels determined to have no Tier due to the challenge. Ordinance 008-2011 assigned a tier designation to 301 parcels proposed for review by the BOCC, staff or owners in Resolution No. 148-2006 dated March 15, 2006.			July 1, 2012	Yes
3	2. By July 1, 2012, Monroe County shall adjust the Tier I and Tier IIIA (SPA) boundaries to more accurately reflect the criteria for that Tier as amended by Final Order DCA07-GM166 and implement the Florida Keys Carrying Capacity Study, utilizing the updated habitat data, and based upon the recommendations of the Tier Designation Review Committee Work Group.	Achieved	Monroe County adopted four (4) ordinances on May 4, 2011, to revise or assign the tier overlay designation for 3,394 parcels based upon recommendations from the Tier Designation Review Committee Work Group, Monroe County staff, the Planning Commission, Board of County Commissioners and the public. The County adopted Tier Overlay District map amendments to the Monroe County Land Development Code, in accordance with the Final Order in DOAH Case No. 06-2449GM. Ordinance 005-2011 assigned a tier designation to 92 parcels currently competing for an allocation. Ordinance 006-2011 assigned a tier designation to 110 parcels which have been awarded an allocation or building permit. Ordinance 007-2011 assigned a tier designation to 2,891 parcels determined to have no Tier due to the challenge. Ordinance 008-2011 assigned a tier designation to 301 parcels proposed for review by the BOCC, staff or owners in Resolution No. 148-2006 dated March 15, 2006.			July 1, 2012	
4	3. By July 1, 2012, Monroe County shall create Goal 106 to complete the 10 Year Work Program found in Rule 28-20.110, F.A.C., and to establish objectives to develop a build-out horizon in the Florida Keys and adopt conservation planning mapping into the Comprehensive Plan.					July 1, 2012	Yes
5	4. By July 1, 2012, Monroe County shall create Objective 106.2 to adopt conservation planning mapping (Tier Maps) into the Monroe Comprehensive Plan based upon the recommendations of the Tier Designation Review Committee Work Group.					July 1, 2012	Yes
6	5. By July 1, 2012, Monroe County shall adopt Policy 106.2.1 to require the preparation of updated habitat data and establish a regular schedule for continued update to coincide with evaluation and appraisal report timelines.					July 1, 2012	Yes

**Monroe County
2011 - 30-Day Report**

		ACSC Status	Monroe Comments	Department of Environmental Protection Comments	Department of Health Comments	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/Not Achieved			No On-Site Disposal System tasks this year		
7	(5)(a) Carrying Capacity Study Implementation.						
8	6. By July 1, 2012, Monroe County shall adopt Policy 106.2.2 to establish the Tier Designation Work Group Review Committee to consist of representatives selected by the Florida Department of Community Affairs from Monroe County, Florida Fish & Wildlife Conservation Commission, United States Fish & Wildlife Service, Department of Environmental Protection and environmental and other relevant interests. This Committee shall be tasked with the responsibility of Tier designation review utilizing the criteria for Tier placement and best available data to recommend amendments to ensure implementation of and adherence to the Florida Keys Carrying Capacity Study. These proposed amendments shall be recommended during 2009 and subsequently coincide with the Evaluation and Appraisal report timelines beginning with the second Evaluation and Appraisal review which follows the adoption of the revised Tier System and Maps as required above adopted in 2011. Each evaluation and appraisal report submitted following the 2011 evaluation and appraisal report shall also include an analysis and recommendations based upon the process described above.					July 1, 2012	Yes
9	7. By July 1, 2012 and each July thereafter, Monroe County and the Monroe County Land Authority shall submit a report annually to the Administration Commission on the land acquisition funding and efforts in the Florida Keys to purchase Tier I and Big Pine Key Tier II lands and the purchase of parcels where a Monroe County building permit allocation has been denied for four (4) years or more. The report shall include an identification of all sources of funds and assessment of fund balances within those sources available to the County and the Monroe County Land Authority.		From August 1, 2010 to July 31, 2011, the Monroe County Land Authority has acquired 86 Tier I parcels, 4 Tier II parcels on Big Pine Key, and 1 Tier III-A (SPA) parcel.			July 1, 2012	
10	8. By July 1, 2012, Monroe County shall adopt Land Development Regulations to require that administrative relief in the form of the issuance of a building permit is not allowed for lands within the Florida Forever targeted acquisition areas or Tier I lands unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined the parcel will not be purchased by any county, state, federal or any private entity. The County shall develop a mechanism to routinely notify the Department of Environmental Protection of upcoming administrative relief requests at least 6 months prior to the deadline for administrative relief.					July 1, 2012	
11	9. By July 1, 2012, in order to implement the Florida Keys Carrying Capacity Study, Monroe County shall adopt a Comprehensive Plan Policy to discourage private applications for future land use changes which increase allowable density/intensity.					July 1, 2012	Yes
12	10. By July 1, 2011, Monroe County shall evaluate its land acquisition needs and state and federal funding opportunities and apply annually to at least one state or federal land acquisition grant program.	Achieved	Monroe County Land Authority applied for a federal land acquisition grant from the US Army Corps of Engineers on October 28, 2010. The application was funded in the amount of \$45,907. Additionally, Monroe County Land Authority received \$450,100 in net proceeds from the sale of conservation land to the federal government on September 28, 2010.	We have no information regarding the County's application for land acquisition funding		July 1, 2011	

**Monroe County
2011 - 30-Day Report**

		ACSC Status	Monroe Comments	Department of Environmental Protection Comments	Department of Health Comments	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/Not Achieved			No On-Site Disposal System tasks this year		
13	(5)(a) Carrying Capacity Study Implementation.						
14	11. By July 1, 2012, Monroe County shall enter into a memorandum of understanding with the Department of Community Affairs, Division of Emergency Management, Marathon, Islamorada, Key West, Key Colony Beach, and Layton after a notice and comment period of at least 30 days for interested parties. The memorandum of understanding shall stipulate, based on professionally acceptable data and analysis, the input variables and assumptions, including regional considerations, for utilizing the Florida Keys Hurricane Evacuation Model or other models acceptable to the Department to accurately depict evacuation clearance times for the population of the Florida Keys.					July 1, 2012	
15	12. By July 1, 2012, the Florida Keys Hurricane Evacuation Model shall be run with the agreed upon variables from the memorandum of understanding to complete an analysis of maximum build-out capacity for the Florida Keys Area of Critical State Concern, consistent with the requirement to maintain a 24-hour evacuation clearance time and the Florida Keys Carrying Capacity Study constraints. This analysis shall be prepared in coordination with the Department of Community Affairs and each municipality in the Keys.					July 1, 2012	
16	13. By July 1, 2012, the County and the Department of Community Affairs shall update the data for the Florida Keys Hurricane Evacuation Model as professionally acceptable sources of information are released (such as the Census, American Communities Survey, Bureau of Economic and Business Research, and other studies). The County shall also evaluate and address appropriate adjustments to the hurricane evacuation model within each Evaluation and Appraisal Report.					July 1, 2012	Yes
17	14. By July 1, 2012, the Department of Community Affairs shall apply the derived clearance time to assess and determine the remaining allocations for the Florida Keys Areas of Critical State Concern. The Department will recommend appropriate revisions to the Administration Commission regarding the allocation rates and distribution of allocations to Monroe County, Marathon, Islamorada, Key West, Layton and Key Colony Beach or identify alternative evacuation strategies that support the 24 hour evacuation clearance time. If necessary, the Department of Community Affairs shall work with each local government to amend the Comprehensive Plans to reflect revised allocation rates and distributions or propose rule making to the Administration Commission.					July 1, 2012	
18	15. By July 1, 2013, if necessary, the Department of Community Affairs shall work with each local government to amend the Comprehensive Plan to reflect revised allocation rates and distribution or propose rule making to the Administration Commission.					July 1, 2013	Yes

**Monroe County
2011 - 30-Day Report**

		ACSC Status	Monroe Comments	Department of Environmental Protection Comments	Department of Health Comments	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/Not Achieved			No On-Site Disposal System tasks this year		
19	(b) Wastewater Implementation.						
20	1. By July 1, 2011, Monroe County shall annually evaluate and allocate funding for wastewater implementation. Monroe County shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.	Achieved	Identification of funding for wastewater program implementation is part of the Monroe County annual budget process. Following adoption of the annual budget, the Capital Improvements Element (CIE) is updated. The 5-Year Schedule of Capital Improvements can be found in Section 4.1 of the Monroe County Year 2010 Comprehensive Plan Policy Document, adopted by Ordinance 036-2010 and includes wastewater funding. Ordinance 036-2010, amended the 5-year schedule of capital improvements for fiscal years 2010 through 2015. The CIE identified 6 funding sources (Fund 310 - Big Coppitt, Fund 304 - Big Coppitt, Fund 311 - Duck Key, Fund 304 - Duck Key, Fund 308- Key Largo, and Fund 304 - Key Largo) totaling \$76,898,900 for wastewater projects. Ordinance 036-2010 was found "in compliance" by DCA on November 17, 2010 (10-CIE1-NOI-4401-(a)-(i)).	The 5-Year Schedule of Capital Improvements can be found in Section 4.1 of the Monroe County Year 2010 Comprehensive Plan Policy Document adopted by Ordinance 036-2010 and includes wastewater funding.		July 1, 2011	HB 7207 removes the requirement that the capital improvement schedule be an amendment to the comprehensive plan.
21	2. By December 1, 2013, Monroe County shall work with the owners of wastewater facilities and onsite systems throughout the County and the Department of Health (DOH) and the Department of Environmental Protection (DEP) to fulfill the requirements of Sections 403.086(10) and 381.0065(3)(h) and (4)(l), F.S., regarding implementation of wastewater treatment and disposal. This will include coordination of actions with DOH and DEP to notify owners regarding systems that will not meet the 2015 treatment and disposal standards.					December 1, 2013	
22	3. By July 1, 2011, Monroe County shall annually draft a resolution requesting the issuance of \$50 million of the \$200 million of bonds authorized under Section 215.619, F.S., and an appropriation of sufficient debt service for those bonds, for the construction of wastewater projects within the Florida Keys.	Achieved	Monroe County adopted Resolution 086-2011 requesting the Florida Legislature bond an additional fifty million dollars of the Save Our Everglades Trust Fund monies for the implementation of wastewater management projects in the Florida Keys Area of Critical State Concern.	Resolution 086-2011 requests appropriation of authorized bonds.		July 1, 2011	
23	4. By July 1, 2011, Monroe County shall develop a mechanism to provide accurate and timely information and establish the County's annual funding allocations necessary to provide evidence of unmet funding needs to support the issuance of bonds authorized under Section 215.619, F.S., and to assure the timely completion of work as necessary to fulfill any terms and conditions associated with bonds.	Achieved	The County's Wastewater Department works with the Florida Keys Aqueduct Authority and the County Budget office to compile project costs, revenue sources, and construction schedules as necessary to update unmet funding needs. The County at least annually has revised the estimated funding available from existing revenue sources and projected receipts from proposed additional tax levies. The potential shortfall has been reviewed with State agencies and the Governor's office as justification for the County's requests for issuance of bonds under 215.619 F.S.	The County's Wastewater Department works with the Florida Keys Aqueduct Authority and the County Budget office to compile project costs, revenue sources, and construction schedules as necessary to update unmet funding needs. The County at least annually has revised the estimated funding available from existing revenue sources and projected receipts from proposed additional tax levies. The potential shortfall has been reviewed with State agencies and the Governor's office as justification for the County's requests for issuance of bonds under 215.619 F.S.		July 1, 2011	

**Monroe County
2011 - 30-Day Report**

		ACSC Status	Monroe Comments	Department of Environmental Protection Comments	Department of Health Comments	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/Not Achieved			No On-Site Disposal System tasks this year		
24	(b) Wastewater Implementation.						
25	5. By July 1, 2011, Monroe County shall evaluate its wastewater needs and state and federal funding opportunities and apply annually to at least one state or federal grant program for wastewater projects and connections.	Achieved	<p>Monroe County annually prepares and approves a Legislative Agenda to highlight local priorities and issues. The 2011 Legislative Agenda requested support for the appropriation of \$200 million in state funding under 215.619 F.S. Monroe County prepared the 2011 Water Resources Development Act Environment and Public Works Committee Request in April 2011. Monroe County provided wastewater project cost estimates to The Nature Conservancy for inclusion on a priority list for funding from Deepwater Horizon derived Natural Resource Damage Assessment funds in May 2011. Monroe County also applied for and was awarded a Florida Small Cities Community Development Grant Funds. Cudjoe Regional Wastewater Treatment Facility: funds to complete approx. \$156 million. Hawk's Cay, Duck Key and Conch Key Wastewater Treatment Facility: funds to complete approx. \$5.9 million. Key Largo Wastewater Treatment Facility: funds to complete approx. \$7 million. South Lower Keys Wastewater Treatment Facility: completed.</p>	<p>Monroe County submitted a 2011 Water Resources Development Act Environment and Public Works Committee Request form to Senator Nelson prior to July 1, 2011.</p>		July 1, 2011	

**Monroe County
2011 - 30-Day Report**

		ACSC Status	Monroe Comments	Department of Environmental Protection Comments	Department of Health Comments	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/Not Achieved			No On-Site Disposal System tasks this year		
26	(b) Wastewater Implementation.						
27	6. By July 1, 2011, Monroe County shall develop and implement local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement of facilities.	Not Achieved	<p>Monroe County's local funding plan includes system development fees, user fees (to be financed and collected by FKAA), and sales tax revenue. The Florida Keys Aqueduct Authority funds operation, maintenance, and facility replacement through monthly rates. The referendum for extension of the infrastructure sales tax is planned for the 2012 general election ballot.</p> <p>Cudjoe Regional Wastewater Treatment Facility sources of funding: \$50 million from user non ad valorem assessments (not yet assessed); \$106 million undetermined funding (The County is aiming to fund with sales tax revenue of \$50 million and potential State or Federal grants OR monthly user fees for the remaining \$50 million.)</p> <p>Hawk's Cay, Duck Key and Conch Key Wastewater Treatment Facility source of funding: user assessments and county capital budget.</p> <p>Key Largo Wastewater Treatment Facility source of funding: may have shortfall of \$9 million to be funded from added Federal (FKQWIP) funds or user fees.</p>	<p>Not Achieved - Monroe County's local funding plan includes system development fees, user fees (to be financed and collected by the Florida Keys Aqueduct Authority), and sales tax revenue. A referendum for extension of the infrastructure sales tax is planned for the 2012 ballot. According to information provided by the County, extension of the infrastructure sales tax for 12 years, if passed, would yield revenues sufficient to generate approximately \$50 million in bond proceeds and reduce what the County refers to as the "revenue shortfall" from \$106 million to \$56 million. The County has indicated it is looking to the state and federal governments for remaining funds to reduce the cost to residents, which would otherwise come from additional assessments, or as a component of the monthly rate, or from some other local source. The County has expressed its view that increasing fees or rates is not acceptable and believes that state and federal money is essential to completion of the facilities. The Department believes the County should provide a financial plan for completing its wastewater improvements from local sources, which could certainly be reduced if state or federal funds become available. Meeting the deadline for having upgraded and operational facilities by December 2015 (pursuant to chapter 2010-205, Laws of Florida) is not contingent on external funding sources, and that same law and the Administration Commission rules based on it require the development of a capital financing plan. Such a plan cannot be defined as adequate if it relies on uncertain external sources of funding.</p>		July 1, 2011	
28	7. By December 1, 2013, the County shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central sewer facility within the required timeframe to the Monroe County Health Department, Department of Environmental Protection, and the Department of Community Affairs. This report shall describe the status of the County's enforcement action.					December 1, 2013	

**Monroe County
2011 - 30-Day Report**

		ACSC Status	Monroe Comments	Department of Environmental Protection Comments	Department of Health Comments	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/Not Achieved			No On-Site Disposal System tasks this year		
29	(c) Wastewater Project Implementation.						
30	1. Key Largo Wastewater Treatment Facility. Key Largo Wastewater Treatment District is responsible for wastewater treatment in its service area and the completion of the Key Largo Wastewater Treatment Facility.						
31	a. By July 1, 2012, Monroe County shall complete construction of the South Transmission Line;	Achieved		The South Transmission Line is complete.		July 1, 2012	
32	b. By July 1, 2013, Monroe County shall complete design of Collection basin C, E, F, G, H, I, J, and K;	Achieved		The design of all collection system basins is complete.		July 1, 2013	
33	c. By July 1, 2012, Monroe County shall complete construction of Collection basins E-H;	Achieved		The construction of basins E and H is complete.		July 1, 2012	
34	d. By December 1, 2011, Monroe County shall schedule construction of Collection basins I-K;	Achieved		Construction of basin I is complete and K will be complete in September 2011		December 1, 2011	
35	e. By July 1, 2011, Monroe County shall complete construction of Collection basins I-K;	Achieved	Construction of Basin I is complete. Construction of Basins J and K are expected to be complete in October 2011.	I is complete, K will be complete in September 2011		July 1, 2011	
36	f. By July 1, 2011, Monroe County shall complete 50% of hook-ups to Key Largo Regional WWTP;	Not Achieved	Hook-ups are 42% complete.	Approximately 30% of the connections have been made, but the pace of connections is accelerating.		July 1, 2011	
37	g. By July 1, 2012, Monroe County shall complete 75% of hook-ups to Key Largo Regional WWTP;					July 1, 2012	
38	h. By July 1, 2013, Monroe County shall complete all remaining connections to Key Largo Regional WWTP.					July 1, 2013	
39	2. Hawk's Cay, Duck Key and Conch Key Wastewater Treatment Facility.						
40	a. By July 1, 2012, Monroe County shall complete construction of Hawk's Cay WWTP upgrade/expansion, transmission, and collection system;	Achieved				July 1, 2012	
41	b. By July 1, 2013, Monroe County shall complete construction of Duck Key collection system;					July 1, 2013	
42	c. By July 1, 2012, Monroe County shall initiate property connections to Hawk's Cay WWTP;					July 1, 2012	
43	d. By December 1, 2012, Monroe County shall complete 50% of hook-ups to Hawk's Cay WWTP;					December 1, 2012	
44	e. By July 1, 2013, Monroe County shall complete 75% of hook-ups to Hawk's Cay WWTP; and					July 1, 2013	
45	f. By July 1, 2014, Monroe County shall complete all remaining connections to Hawk's Cay WWTP.					July 1, 2014	

**Monroe County
2011 - 30-Day Report**

		ACSC Status	Monroe Comments	Department of Environmental Protection Comments	Department of Health Comments	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/Not Achieved			No On-Site Disposal System tasks this year		
46	3. South Lower Keys Wastewater Treatment Facility (Big Coppitt Regional System).						
47	a. By July 1, 2012, Monroe County shall complete 75% hookups to South Lower Keys WWTP; and					July 1, 2012	
48	b. By July 1, 2013, Monroe County shall complete all remaining connections to the South Lower Keys WWTP.					July 1, 2013	
49	4. Cudjoe Regional Wastewater Treatment Facility.						
50	a. By July 1, 2011, Monroe County shall complete planning and design documents for the Cudjoe Regional Wastewater Treatment Facility, the Central Area (Cudjoe, Summerland, Upper Sugarloaf) collection system and the Central Area Transmission Main;	Achieved	Planning and design documents are complete for the Cudjoe Regional Wastewater Treatment Facility, the Central Area (Cudjoe, Summerland, and Upper Sugarloaf) collection system and the Central Area Transmission Main.	Not Achieved - The planning document and plans and specifications are anticipated prior to September 1, 2011.		July 1, 2011	
51	b. By October 1, 2012, Monroe County shall initiate construction of Wastewater Treatment Facility, Central Area Collection System and Central Area Transmission Main;					October 1, 2012	
52	c. By July 1, 2014, Monroe County shall complete construction of Wastewater Treatment Facility, Central Area Collection System and Central Area Transmission Main; *					July 1, 2014	
53	By January 2012 Monroe County shall complete design and planning for Outer Area (Lower Sugarloaf, Torches, Ramrod, Big Pine Key) Collection System and Transmission Main.**						
54	d. By February 1, 2012, Monroe County shall initiate construction of Wastewater Treatment, Outer Area Collection System and Transmission Main; *					February 1, 2012	
55	e. By February 1, 2015, Monroe County shall complete construction of Outer Area collection and transmission main;					February 1, 2015	
56	f. By July 1, 2014, Monroe County shall initiate property connections – complete 25% of hook-ups to Cudjoe Regional WWTP;					July 1, 2014	
57	g. By July 1, 2015, Monroe County shall complete 50% of hook-ups to Cudjoe Regional WWTP; and					July 1, 2015	
58	h. By December 1, 2015, Monroe County shall complete remaining hook-ups to Cudjoe Regional WWTP.					December 1, 2015	

* Corrects scrivener's error in Rule 28-20.140 (5)(c)4.c. & d., F.A.C.

** Omitted in final adopted rule. When rule is amended, rule will be modified to reflect this task.

**Monroe County
2011 - 30-Day Report**

		ACSC Status	Monroe Comments	Department of Environmental Protection Comments	Department of Health Comments	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/Not Achieved			No On-Site Disposal System tasks this year		
59	(d) Stormwater Treatment Facilities.						
60	1. By July 1, 2011, Monroe County shall evaluate and allocate funding for stormwater implementation. Monroe County shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.	Not Achieved	Monroe County is determining which projects the County can complete, the ownership of parcels, and the permit requirements. Funding will be allocated pending review of final cost estimates and approval by the BOCC. No funding allocated in the CIE 5-year scheduled for fiscal years 2010 through 2015 (Ordinance 036-2010).	Unknown		July 1, 2011	
61	2. By July 1, 2011, Monroe County shall apply for stormwater grants from the South Florida Water Management District.	Funds not available not counted for or against	No stormwater grant funding is available for FY12 from the South Florida Water Management District. Monroe County did not apply for stormwater grants from the South Florida Water Management District because funding is not available for FY 2012.	Grants were probably not available		July 1, 2011	
62	3. By July 1, 2011, Monroe County shall complete Card Sound Road stormwater improvements.	Not Achieved	Project has been on hold pending determination of required permits.	Construction has not started.		July 1, 2011	

Florida Keys Profile

Monroe County

Population	73,090
Acres (mainland)	500,480
(archipelago)	65,280
Wastewater	Connections-12%
Dwelling Units	25,163
Tourist Units	3,399

Key West

Population	22,364
Acres	3,705.6
Wastewater	Completed
Dwelling Units	14,107
Tourist Units	7,992

Layton

Population	191
Acres	85
Wastewater	Completed
Dwelling Units	184
Tourist Units	36

Islamorada

Population	6,119
Acres	4,552
Wastewater	Connections-12%
Dwelling Units	5,692
Tourist Units	1,696

Marathon

Population	8,297
Acres	5,504
Wastewater	Connections-15%
Dwelling Units	6,187
Tourist Units	1,973

Key Colony Beach

Population	760
Acres	286
Wastewater	Completed
Dwelling Units	1,431
Tourist Units	503

Chronology of Work Program

1991

- Monroe County adopted its Comprehensive Plan to meet the requirements of the 1985 Growth Management Act.

1993

- The Comprehensive Plan was found not-in-compliance by the Department of Community Affairs (DCA).
- Only the Cities of Key West and Key Colony Beach have public wastewater facilities with secondary treatment.

1994

- An administrative hearing was conducted to determine the validity of the DCA's approval and rejection of rules and as well as proposed Rule 28-20.100, Florida Administrative Code (F.A.C.).

1995

- Hearing officer's recommended order finds that near shore water quality has exceeded its carrying capacity.
- The Administration Commission entered a Final Order, finding the Plan not in compliance, noticing a proposed rule and ordering facilitated rulemaking/mediation to address outstanding issues.

1996

- Ninety percent of the Plan became effective. Disputed provisions of the rule required further action.
- Mediation was conducted resulting in subsequent rule changes. The amended rule introduced the Five-Year Work Program.
- Rule changes were again challenged. At this point in time, Monroe County intervened in alignment with the Administration Commission.
- An administrative hearing was conducted. The proposed rule was upheld by Final Order and the Administration Commission.
- Annual reports related to the implementation of the Work Program are required to be submitted to the Governor and Cabinet. Lack of substantial progress would result in a loss of the 20% of annual allocation of building permits, originally established at 255 permits per year.
- Five-Year Work Program requires the development of a carrying capacity analysis study completed by July 2002.
- The US Army Corps of Engineers and the DCA form a partnership to jointly fund and complete the carrying capacity study. A scope of work is drafted, reviewed and

Chronology of Work Program

completed. The technical contractor is hired and work begins on the Carrying Capacity Impact Analysis Model (CCIAM) and the study. The draft final report is issued in 2001.

1997

- Governor and Cabinet adopt Five-Year Work Program that emphasizes preparation, adoption and implementation of wastewater management master plan for the Florida Keys.
- The cesspit identification program estimates there are 23,000 private On Site Sewage Treatment and Disposal Systems which include 7,200 unknown systems and estimates there may be as many as 2,000 cesspits among the unknown systems.
- Monroe County adopts an ordinance (03-1997) to identify and eliminate cesspits.
- The ordinance and final order were appealed, oral arguments were heard and the First District Court of Appeal's affirmed the Final Order in December 1997.

1998

- The first Annual Report regarding progress in achieving the tasks of the Work Program is reported to the Administration Commission (Governor and Cabinet). The DCA recommends that substantial progress has been achieved.
- The Village of Islamorada incorporates and begins working on its Comprehensive Plan. Its initial allocation is set at 28 permits.
- DCA provides \$845,000 to Monroe County and the Village of Islamorada for cesspit identification and removal.

1999

- Legislature adopts HB 99-395 which sets water quality standards for the Florida Keys and mandates implementation of the wastewater management plan by 2010.
- The Governor and Cabinet revise the Work Program as follows:
 - Accelerate the pace and increase the effectiveness of the cesspit replacement effort through both a regulatory and an incentive-based program;
 - Establish one priority service area in each Rate of Growth Ordinance (ROGO) area of the Florida Keys (Upper, Middle, and Lower) and initiate planning, design, and construction of these community wastewater systems so that each system will begin operating by July 12, 2003;
 - After these three community wastewater systems in the priority service area become operational, continue implementation of the Master Plan and maintain an emphasis on service areas; and

Chronology of Work Program

- Initiate cesspit identification and elimination outside of the service areas: elimination of all cesspits outside of the service areas shall be complete by July 12, 2003.
- The second Annual Report to the Administration Commission documents a lack of substantial completion of Work Program tasks and recommends a 20% reduction in building permits. The report identifies lack of progress in cesspit identification and removal and recommends that the Five-Year Work Program be revised.
- Rule 28-20.100, F.A.C., is amended to implement the above-mentioned recommendations.
- The City of Marathon becomes incorporated. Marathon is allocated 24 permits (reflecting the 20% reduction) and Rule 28-18, F.A.C., is adopted.
- Funding begins to appear for design/construction of wastewater facilities from Hazard Mitigation Unmet Needs funds, a legislature appropriation, and the Monroe County Infrastructure Sales Tax.
- Monroe County adopts Ordinance 031-1999 and initiates the term “Hot Spot” to define areas that will become a wastewater service area.
- The Legislature adopts Chapter 99-395, Laws of Florida, which established 1) that all On Site Sewage Treatment and Disposal Systems that are classified as “unknown” and located within non-service areas must be upgraded or replaced by July 12, 2003 and 2) that all onsite systems shall cease discharging or shall be upgraded to Onsite Sewer Treatment and Disposal systems with nutrient reduction (OWNRS) by July 1, 2010.
- Efforts to widen the 18-Mile Stretch are challenged by environmental groups.
- The City of Key Colony Beach’s Wastewater plant is upgraded to Advanced Wastewater Treatment status.

2000

- Monroe County adopts its wastewater management plan. The plan identifies forty-four study areas recommended for central or community wastewater systems at an estimated cost of \$437 million.
- FEMA/US Fish and Wildlife lawsuit from Monroe County environmental organization claiming that federal flood insurance is being granted to areas containing federally endangered species.
- DCA grants 99 affordable housing units to replace unlawful downstairs enclosures that may be removed in accordance with rule adopted by FEMA.
- Hurricane Evacuation Modeling projects the estimated evacuation clearance time for the county at 25 hours and 32 minutes.
- Affordable Housing Workshops conducted. Rule changes made to Florida Housing Finance Rules. Building permit allocations that had been lost in previous years are recycled to local governments for affordable housing.

Chronology of Work Program

2001

- DCA submits the Annual Report to the Administration Commission and recommends that substantial progress has been made and recommends that the Governor and Cabinet restore the permits that were taken away in 1999. The Governor and Cabinet initiate rule making to restore permits and the proposed rule is challenged.
- The Village of Islamorada adopts its Comprehensive Plan. The Plan is found not in compliance. Remedial amendments are found in compliance in September 2001.
- The draft Carrying Capacity report is completed and peer-reviewed by the Natural Research Council. In April 2002, the Council determines that the CCIAM is not ready to determine the ability of the Florida Keys ecosystem to withstand all impacts of additional development activities as required by Rule 28-20.100, F.A.C. The Research Council supports the Terrestrial Module of the study which found that development had exceeded the capacity of the Terrestrial environment to withstand additional development.

2001/2002

- Construction and/or improvement of wastewater facilities commences in three sites:
 - Ocean Reef Sewer System upgrade and line extension;
 - Little Venice Wastewater Plant (New Construction) in the City of Marathon; and
 - Stock Island –Key West Resort Wastewater Plant collection lines expanded.

2002

- DCA submits a revised rule based upon negotiations with challenging parties. The DCA recommends that adequate progress was not made in Years Four and Five of the Work Program. The Administration Commission reduces the permit allocation as follows:
 - Monroe County 158
 - Marathon 24
 - Islamorada 14 (voluntarily reduced from 22)

2003

- DCA submits a comprehensive summary of the Florida Keys ACSC Program since 1993 and an assessment of Work Program compliance by Monroe County, the City of Marathon and the Village of Islamorada.
- DCA identifies \$52 million that has been allocated from federal, state and local sources to wastewater management in the Florida Keys since this effort began.
- Hurricane Evacuation Workshops conducted and phased evacuation recommended by committee to be adopted into all local government Plans.
- Nutrient Reduction Credit program eliminated when Little Venice System comes online.
- 805 cesspits eliminated.

2005

Chronology of Work Program

- The following wastewater plants are under construction: Key Largo Plant, Plantation Key in Islamorada, Conch Key, Layton, Little Venice Plant in Marathon, Bay Point, and Key West Resort Wastewater Plant at Stock Island.
- DEP accelerates land acquisition efforts and Florida Forever boundaries are modified with support from local governments.
- The Village of Islamorada spends \$1 million in funding to improve stormwater management.
- The conversion of mobile home and recreational vehicle parks become a growing threat to de facto affordable housing.
- Florida legislature allocates \$7 million to the City of Marathon for wastewater construction.
- DCA recommends substantial progress has been made. Strides made in creating affordable housing,
- Moratorium on issuing units within high quality hammocks established.

2006

- Bill 7121 requires uniform modeling of all regions of Florida and an update of surge zones to be consistent with Federal government uniform methodology on hurricane planning and modeling.

2008

- The Administration Commission found that substantial progress was not achieved by Monroe County in completing the Work Program tasks and directs staff to prepare the 30-Day Report to local governments within the Florida Keys as required by Section 380.0552(4), Florida Statutes (F.S.), at the October 28, 2008 meeting.
- Administration Commission approved a 30-Day Report to Monroe County, the City of Marathon and the Village of Islamorada outlining the steps necessary for completion of Work Program tasks. The 30-Day Report details the tasks under the Work Program that must be accomplished in order for interim or substantial progress to be achieved. The Commission authorized staff to initiate rulemaking to implement the Work Program tasks.
- Technical Advisory Committee formed to evaluate hurricane evacuation modeling and determine additional hurricane evacuation studies that are needed.
- Rule Development Workshops in the Florida Keys.

2009

- Rule Development Workshop in Tallahassee.

Chronology of Work Program

2010

- SB 550 is passed and amends Sections 380.0552, 381.0065, and 403.086, F.S., extending the deadline for the upgrade of On Site Sewage Treatment and Disposal Systems and package plants to December 31, 2015.

2011

- Rules 28-18.400 (Marathon), 28-19.310 (Islamorada), and 28-20.140 (Monroe), F.A.C., are adopted by the Administration Commission and ratified by the Legislature. The rules codify the Work Program tasks.

Hurricane Evacuation Excerpt from the 2010 Florida Keys Area of Critical State Concern Annual Report

Division of Emergency Management Statewide Studies

Section 163.3178, F.S., requires the Division of Emergency Management to manage the update of the statewide hurricane evacuation studies, ensure that the studies are done in a consistent manner, and ensure that the methodology used for modeling storm surge is that used by the National Hurricane Center. The Division of Emergency Management has contracted with Florida's Regional Planning Councils to carry out statewide regional evacuation studies in collaboration with county emergency management agencies to facilitate consistent methodology integrated mapping and analysis of evacuations across Florida. The model includes updated elevation data, surge modeling, behavioral analysis and an evacuation transportation analysis.

Section 163.3178, F.S., also requires comprehensive plans to address hazard mitigation and protection of human life against the effects of natural disaster, including the capability to safely evacuate the density of coastal population proposed in the future land use plan element in the event of an impending natural disaster. Further, local governments must maintain their adopted level of service for out-of-county hurricane evacuation for a category 5 storm event.

The Division of Emergency Management has developed a statewide modeling approach that included hazards, behavioral, shelter and regional evacuation transportation networks analysis. Behavioral surveys were conducted in each region. Planning assumptions regarding evacuation participation rates, perception of risk, destination assignments, and vehicle usage, were identified. The surge zones for each region were delineated. The analysis considers a wide variety and complexity of regional evacuations and multiple scenarios. The modeling tested various evacuation routes, timing strategies, shelter/refuge strategies, and traffic control measures in order to minimize clearance times.

Regional (multi-county) and multi-regional impacts, as well as impacts from or evacuees crossing from one county to another to other counties in the state were evaluated. Impacts on county and regional shelter supply, and the county and regional evacuation routes clearance times were determined based on scenarios, which affect part of the region, the entire region, and multiple regions. The modeling analyzes how evacuation can be handled for multiple regions evacuating at the same time.

For example, the South Florida Regional Evacuation Study, sponsored by the Division of Emergency Management, is based on values that are proximal to the Florida Keys Model which yields a similar evacuation clearance time, relying upon similar assumptions. The South Florida Regional Evacuation Study model and the Florida Keys Model utilize the 2000 Census data updated by subsequent building permit data provided by the local governments. Both models utilize occupancy rates, participation rates, response curves, and the revised flow rate capacities for US Highway 1 provided by the Florida Department of Transportation. Both models assume that tourists and mobile home occupants left when the phased evacuation order was issued.

The primary differences between the models pertain to participation and occupancy rates. The South Florida Regional Evacuation Study model uses a participation rate of 100 percent in its base scenario instead of the 90-95 percent participation rate used in the Florida Keys Hurricane Evacuation Model. The South Florida Regional Evacuation Study model relies upon the 2000 Census data for the occupancy rate because the Census data is more reliable with a broader base. The Florida Keys Model discounts the occupancy rate by 20 percent in recognition of the American Communities Survey which shows a decline in the occupancy rate for permanent units

Consistent with Section 163.3178, F.S., the base scenario of the South Florida Regional Evacuation Study will be used to evaluate requests for plan amendments that increase density and intensity within the Coastal High Hazard Area. Operational scenarios depict evacuation from Monroe County based upon hurricanes approaching from different directions. Operational scenario 8 of the operational scenarios indicates that the evacuation time for permanent residents with no other area being evacuated is currently **22 hours and 30 minutes**.

While the South Florida Regional Evacuation Study results have not been published at the time of report preparation, preliminary results indicate that **a regional evacuation** from Monroe County and Miami-Dade County for an order requiring **simultaneous** evacuation **would result in a clearance time that exceeds 24 hours**.

Conclusions

The hurricane evacuation clearance time has been estimated utilizing different models, highway configurations and behavioral data. The resulting clearance times are between 16 hours and 16 minutes to 27 hours and 2 minutes. Both the Florida Keys Models and the South Florida Regional Evacuation Study provide model runs that reflect a clearance time of 22 hours and up to 30 minutes. Over the past two years the Department has updated the Florida Keys Hurricane Evacuation Model assisted by numerous technical experts. It is clear that hurricane evacuation models provide different outcomes based upon the assumptions made.

When reliable data are available, additional modeling should be done to evaluate how hurricane evacuation clearance time will be affected by the increase and distribution of development along US Highway 1 and the increase in occupancy of permanent units that are occupied on a seasonal basis. The results of the 2010 Census will begin their release in April 2011, with other data such as demographic profiles, summary files of aggregated data, and reports becoming available through September 2013. The 2010 Census data should be used to refine the occupancy rate for future model scenarios.

The Department proposes to conduct workshops over the next six months with the local governments, the Division of Emergency Management, and the South Florida Regional Planning Council to discuss the Memorandum of Understanding, evaluate the model parameters and the modifiable assumptions of the model. The Memorandum of Understanding should address the model that will be utilized as well as the assumptions that will be employed by the local

governments and the Department to run the model. Workshop discussions will also include an evaluation of the continued usefulness of the Florida Keys Hurricane Evacuation Model. The model was created more than ten years ago and more sophisticated, dynamic models are currently available, such as the South Florida Regional Evacuation Study. This model developed by the Division of Emergency Management which utilizes uniform criteria and modeling parameters that have been developed for use throughout Florida. The Memorandum of Understanding should address the model that will be utilized in the Florida Keys as well as the assumptions that will be employed by the local governments and the Department to run the model. The results of the evacuation clearance time are necessary to evaluate the number of new dwelling units that can be constructed in the Keys and still maintain the 24-hour hurricane evacuation clearance time.

Additional dialogue is needed among the Department, the Florida Keys local governments, the Division of Emergency Management and the Florida Department of Transportation to evaluate the use of South Florida Regional Hurricane Evacuation Study and to reach consensus on the assumptions that will be used in the model. Decisions are needed regarding the utilization of the South Florida Regional Hurricane Evacuation Study for hurricane evacuation in the future. Additional modeling should be conducted at the local government level to evaluate how evacuation clearance time is affected by the distribution of units along US Highway 1. A sensitivity test of the values and assumptions of the South Florida Regional Evacuation Study should be conducted.

Tropical Hardwood Hammock Clearing Excerpt from 2010 Florida Keys Area of Critical State Concern Annual Report

Conclusions

In high quality hammock areas, Monroe County allows twice as much clearing as Islamorada and Marathon. The 10 percent allowed by the two municipalities is low for lots less than 15,000 square feet in size and may result in a clearing allowance that is not large enough to provide a buildable area. In the County, the amount of clearing allowed is high for lots 1 acre in size and larger.

Regarding moderate quality hammock, the municipalities allow a greater amount of clearing for lots over 15,000 square feet but lesser amounts of clearing for lots smaller than 5,000 square feet.

Consensus Recommendations: As a result of this analysis by the planning staff from the Department of Community Affairs, Monroe County, the city of Marathon and the Village of Islamorada, the following recommendations were made:

1. In Monroe County, the clearing of lots in Tier I shall be limited to 7,500 square feet per principal dwelling unit and associated accessory structures per buildable acres. For lots greater than 10,000 square feet, clearing for one driveway of reasonable configuration up to 18 feet in width is permitted for each parcel and shall be exempt from the clearing limitations to provide reasonable access to the property. Clearing for a driveway that is exempt from clearing limits shall be recommended by a County biologist and approved by the Planning Director. In no case shall clearing exceed 20 percent of the entire site.
2. In Monroe County, the clearing of lots in Tier II (Big Pine and No Name Key) shall be limited to 3,000 square feet or 40 percent, whichever is greater; however, clearing shall not exceed 7,500 square feet, regardless of the amount of upland native vegetation.
3. In Monroe County, add clearing limits for Tier IIIa (Special Protection Area). Clearing of Tier IIIa (Special Protection Area) shall be limited to 3,000 square feet or 40 percent, whichever is greater; however, clearing shall not exceed 7,500 square feet, regardless of the amount of upland native vegetation.
4. In Marathon, limit clearing of high quality hammock to a 7,500 square foot footprint for the principle structure. Additionally, allow one driveway no wider than 18 feet per parcel in high quality hammock that is exempt from clearing requirements; however, in no case shall clearing exceed 10 percent of the entire site.
5. In Islamorada and Marathon, limit the clearing of moderate quality hammock to 7,500 square feet or 30 percent, whichever is less.
6. For Marathon, Islamorada, and Monroe County, a minimum clearing area of 3,000 square feet shall be allowed to provide reasonable use of property.

7. Revise Monroe County Policy 101.5.4(3) to allow ROGO points for aggregated Tier IIIa Special Protection Area lots provided that no more than 7,500 square feet of upland native vegetation clearing is proposed.
8. Revise Monroe County Comprehensive Plan lot aggregation policies, land development regulations, and Rule 28-20.120(4)(e), F.A.C., to limit clearing of aggregated lots that receive points in the building permit allocation system from 5,000 square feet to a maximum of 7,500 square feet.
9. Revise Marathon Land Development Regulations to require that any parcel located within a contiguous hammock 5 acres in size shall be considered high quality hammock.
10. Eliminate the distinction between low and moderate quality hammock.

	Federal	State	State SRF Loans	Local (known)	Total
Marathon	\$ 20,628,000	\$ 14,124,000	\$ 60,244,093	\$ 83,974,000	\$ 178,970,093
Islamorada	\$ 2,249,000	\$ 11,939,000	\$ 5,084,175	\$ 3,528,000	\$ 22,800,175
Monroe	\$ 4,900,000	\$ 15,063,000	\$ 20,000,000	\$ 52,988,000	\$ 92,951,000
Key Largo WWTD	\$ 24,913,000	\$ 9,211,000	\$ 58,561,621	\$ 75,732,000	\$ 168,417,621
Key West	\$ 19,028,000	\$ 7,958,000		\$ 67,696,000	\$ 94,682,000
Key Colony Beach	\$ 541,000	\$ 553,000		\$ 77,000	\$ 1,171,000
Layton	\$ 838,000	\$ 3,359,000		\$ 1,485,000	\$ 5,682,000
Total	\$ 73,097,000	\$ 62,207,000	\$ 143,889,889	\$ 285,480,000	\$ 564,673,889

	% of Total	
Total State & Feds w/out loans	\$ 135,304,000	24%
Total State & Fed with loans	\$ 279,193,889	49%
Total Local	\$ 285,480,000	51%