MONROE COUNTY
BOARD OF COUNTY COMMISSIONERS
STATE LEGISLATIVE AGENDA
2020

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
Office of Legislative Affairs
August 21, 2019

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

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Senate District 39: Senator Anitere Flores

MEMBERSHIPS IN LEGISLATIVE ALLIANCES

Florida Association of Counties

Small County Coalition

Southeast Florida Regional Climate Change Compact

South Florida Regional Planning Association

National Association of Counties

Gulf States Counties and Parishes Caucus

TABLE OF CONTENTS

REPORT AND DISCUSSION..... 3

STATE LEGISLATIVE PRIORITIES:

Land Acquisition..... 5
Water Quality..... 6
Wind and Flood Insurance..... 7
Marine Protection (Derelict Vessels and Pump Out Program)..... 8
Affordable Housing..... 10
Vacation Rentals..... 10
Funding Sources: Tourist Impact Tax and Green Utility Fee..... 10
Overseas Heritage Trail (Sugarloaf Section and Pedestrian Bridges)..... 11
Single Use Plastic Bags 11
Drilling/Fracking..... ... 12
Everglades Restoration..... 12
Coral Reef Protection..... 12
Resilience Hardening and Planning..... 12
Emergency Management..... 12
Clerks' Funding/Judgeships..... 13
Florida Retirement System..... 13
Medical Marijuana..... 13
Home Rule, Unfunded Mandates, County Revenues 13
Appropriations..... 14

GENERAL STATE LEGISLATIVE ISSUES:

Growth Management / Environmental Regulation..... 15
Emergency Management..... 15
Homelessness 16
Health, Mental Health, and Social Services..... 16
Libraries..... 17
Transportation..... 17
Veterans..... 17
County Jails, Juvenile Justice..... 18
Sustainability/ PACE /Recycling 18

CONTACT INFORMATION 19

REPORT AND DISCUSSION

LEGISLATIVE AGENDA DEVELOPMENT

Staff is seeking Board approval of the issues presented herein to be included in the County's 2020 State Legislative Program. Upon Board approval, staff and the contract lobbying teams will pursue all of the legislative issues approved by the Board, and in so doing, place appropriate priority on the issues that the Board directs to receive a special level of attention in 2020.

Annually, the Board reviews legislative priorities and gives direction on and approval of priority legislative issues to guide the County's lobbying efforts at both the State and federal level. Typically, the County identifies as priorities only its most pressing issues and then supports the Florida Association of Counties (FAC) and the Small County Coalition (SCC) in achieving their broader substantive initiatives. FAC and SCC will finalize their legislative programs during the FAC legislative conference in November. As a member of the Southeast Florida Regional Climate Compact, Monroe County works collaboratively to help develop the Compact's draft legislative program. When the Compact finalizes its draft agenda, it will be presented to the County Commission for approval.

Each year, the BOCC and staff evaluate the trends and issues affecting all County programs and services to identify potential policy or substantive legislative issues. Staff has provided a list of substantive priorities and a list general issues that we should monitor for the 2019 State legislative session; and welcomes the addition or deletion of issues that the Board deems appropriate for the County's 2020 legislative efforts.

LEGISLATIVE PRIORITIES

The County's legislative efforts are incremental and focused on issues that are built upon throughout several sessions, such as funding for water quality infrastructure and land acquisition, and protecting Citizen's wind insurance affordability; these will continue to be legislative priorities in the 2020 session.

The County's number one priority is to secure a $25M appropriation through the Florida Keys Stewardship Act (FKSA), of which $20M is to fund water quality projects and $5M is for land acquisition.

The FKSA authorizes an annual $5M set-aside of Florida Forever funding for the next ten years, dedicated specifically to enable Florida Department of Environmental Protection to renew an aggressive land acquisition program in the Florida Keys. As the universe of development permits shrinks, and the County reaches "build out," there is a need to keep our State legislators mindful about the impacts and consequences of Monroe County's challenge of protecting both environmentally sensitive lands while balancing private property rights. The State of Florida, having designated the Florida Keys as an Area of Critical State Concern, is a partner with Monroe County in this challenge and we continue to work closely with the State's ACSC oversight agency, the Department of Economic Opportunity (DEO) on these issues, and the State's main environmental regulatory agency, the Department of Environmental Preservation.

Monroe County and the State are facing the first joint takings judgement in the Galleon Bay case. With this judgement, the cost of takings is no longer theoretical. County and State officials have been jointly defending the litigation and operating under the *long standing assumption* that the State would partner equally with the in the payment of the judgement, however, that assumption has not been formalized. The judgment was entered against the State and the County, jointly and severally, which means that each is fully responsible for payment. To that end, the County will seek an avenue for codifying this joint responsibility, clarifying that the County and the State are separately obligated to pay half of such judgments (including interest, attorney's fees and costs).

Wind insurance affordability is yet another critical need for our constituents and a key component in preserving the Keys' strong local economy that is a valuable economic engine for the State. At the State level, this requires working with and monitoring Citizens Property Insurance Company's windstorm insurance to find ways to enhance affordability, with the Office of Insurance Regulation to address annual rate increases, and to oppose efforts to increase premiums, reduce coverage, and reduce eligibility. Affordable flood insurance is another important issue, but mainly a federal one. However, Monroe supports any efforts that may be made by State Legislature on behalf of the 1.8 million Floridians who are policyholders in the National Flood Insurance Program, to preserve the NFIP and affordable flood insurance.

State and local investment in affordable housing construction and land acquisition remains a priority especially as we continue our post-Irma housing recovery.

The spate of pre-emption bills introduced in recent legislative sessions such as those related to vacation rentals, single use plastic bags, business regulation, use of county rights of way, affordable housing, and local referenda represent a significant challenge to home rule. We expect these State legislative efforts to continue with respect to preemptions, revenue reductions, cost shifts and unfunded mandates.

It is beneficial for the Board to be active participants in the legislative process by testifying on behalf of the County and working with the legislative delegation. Staff will continue to keep the Board involved in legislative issues through agenda items, resolutions, memoranda, FAC "Call to Action" emails, and regular updates.

LOBBYING CONTRACTS

The County utilizes contract lobbying services at the State level to further Monroe County's legislative goals and to secure vital appropriations. Monroe County currently contracts with Robert Reyes with Capital Group, John Wayne Smith of Peebles Smith (with a sub-contract with Dean Canon of Gray-Robinson), Frank Bernardino with Anfield Consulting, and Eduardo Gonzales with Sun City Strategies. These firms provide a daily presence in Tallahassee and advocate for the County's legislative priorities.

Staff coordinates regularly with the County's State lobbying team by phone and e-mail to strategize on key State policy, regulatory, and budget issues. In addition to weekly conference calls during session, and weekly issues tracking, lobbyists also submit monthly reports, and formally report annually to the Board of County Commissioners.

Please find on the following pages a listing of the proposed Monroe County 2020 State legislative issues, with a brief discussion on each.

KEY DATES

2020 Legislative Session

- September-November: Legislative Committee Weeks
- September 23: Local Delegation Meeting
- September 25-26: FAC Legislative Policy Conference
- November 20-22: FAC Legislative Conference
- January 14: Session Begins
- TBD: Keys Day
- March 3: Last Day for Committee meetings
- March 13: Session Ends

2020 Election Calendar

- April 27-May 1: Qualifying for Candidates for Congress, State Attorney, Public Defender
- June 15-June 19: Qualifying for State Senate, State Representative
- August 25: Primary Election
- November 3: General Election

LEGISLATIVE PRIORITIES

LAND ACQUISITION:
BUILD OUT, LEGAL LIABILITY, CONSERVATION, MILITARY BUFFERS

CHALLENGES:

- **Area of Critical State Concern:** The State of Florida designated the Florida Keys an Area of Critical State Concern, in recognition of its unique and significant environmental resources, and through the Administration Commission, the State maintains oversight of the growth and development issues in the Florida Keys.
- **Hurricane Evacuation:** State law limits residential housing growth in the Keys so that permanent residents can be safely evacuated within 24 hours. U.S. 1 has limited capacity for cars on the road, which limits the number of people that can live here. The State accomplishes this through an annual rationing of building permits, until we reach a cap or "build out."
- **Development Permits:** The State caps the total number of new building permits in the Keys. In 2013 that cap was set at 3,550. Each year, for the next ten years, the State allocates 355 permits to the Keys. We will reach build out in 2023, after which there will be no more permits, and no further development will be permitted.
- **Property Rights/Legal Liability**: After we apply all of the available permits (3,550), there will still be 7,800 privately owned, undeveloped parcels, potentially with no ability to develop. The deficit of permits could trigger property rights lawsuits against the local governments and the State from owners who may have been denied the ability to build a home on their property. The total value of the remaining 7,800 parcels, and the liability of potential takings claims, is conservatively estimated at **$317M**. The County and the State have already been named as co-defendants in property rights suits filed as a result of ACSC regulations, and are jointly defending those suits.
- **Conservation and Non-Conservation Lands:** Florida Forever provides a programmatic funding source through which the State can acquire lands to retire development rights, as long as those properties are conservation lands within the Florida Forever project boundaries. Of the 7,800 privately-owned, undeveloped properties that could be left without permits *approximately 3,400 lie within Florida Forever* project boundaries. In 2018, we secured legislative changes that authorizes the State to acquire non-conservation lands in ACSC to retire development rights. However, this type of acquisition requires a State funding source.
- **Military Base Buffering**: The Keys are home the U.S. Naval Air Station Key West. Approximately 500 of the 7,800 privately-owned, undeveloped parcels lie within NASKW's military buffer areas. In 2018, we secured legislative changes that prioritized NASKW within the State's military buffer lands program, but the program requires greater State funding in order to acquire more base buffer land.
- **LOCAL COMMITMENT**: Since August 1, 2016, Monroe County has expended a total of $12.3M in local funds (a combination of infrastructure sales surtax and Monroe County Land Authority) to reduce this liability by acquiring land and retire the development rights. The County has an additional $7.1M budgeted. The State has expended $2.8M. To date, 229 development rights have been retired (168 by the County and 61 by the State).

REQUESTED ACTIONS: Continue to work with in partnership with DEO and FDEP to fund and implement an aggressive, long-term land acquisition strategy aimed at reducing the total inventory of privately owned vacant land to curtail the threat of significant future takings liability. This can be done through multiple routes:

- ✓ **SUPPORT** appropriation of $5M within Florida Forever as authorized in The Florida Keys Stewardship

Act for land acquisition within the Florida Keys that will both conserve environmentally sensitive land and retire development rights to mitigate future takings liability.

- ✓ **SUPPORT** efforts to codify a shared 50%-50% apportionment of State-County responsibility on takings judgements.
- ✓ **SUPPORT** increased funding for Military Base buffering for State acquisition of buffer lands around NASKW that will protect base encroachment AND retire development rights to mitigate future takings liability.
- ✓ **SUPPORT** funding for State acquisition of non-conservation lands in ACSC to retire development rights and mitigate future takings liability.

WATER QUALITY PROTECTION:
WASTEWATER TREATMENT, STORMWATER, CANALS

CHALLENGES:

- **Unique Ecosystem**: The Florida Keys lie within the waters of the Florida Keys National Marine Sanctuary. This fragile and complex marine ecosystem of the Florida Keys is one of the unique ecosystems in the world and is home to the **only living coral reef** in the continental U.S. and the third largest barrier reef in the world, the largest sea grass meadow in the hemisphere, and 6,000 species of marine life. Leaching cesspits, runoff and degraded canal waters pollute the nearshores waters of the Sanctuary and threaten the ecosystem.
- **Unrivaled Economic Impact:** This ecosystem is the lifeblood of marine-based tourism and fisheries economy unrivaled in the State of Florida generating over **$4B in economic activity**, enabling the Keys to generate **$225M in sales tax revenue** for the State last year.
- **Federal State Water Quality Mandates:** The implementation of Advanced Wastewater Treatment standards, storm water management and canal water restoration in the Florida Keys are all pursuant to and in furtherance of the Federal Water Quality Protection Program mandates that apply to all of the waters surrounding the Florida Keys. Congress created the Florida Keys National Marine Sanctuary in 1990, and directed US EPA and the State to develop a Water Quality Protection Program to restore and protect water quality.
- **Wastewater Implementation:** The State, through Florida Administrative Code 28-20, mandated that The Florida Keys Area of Critical Concern construct a centralized wastewater treatment system in compliance with FS 381 and 403 across the span of the 100+ mile archipelago. This has cost the local governments of the Florida Keys $900M. The State has invested $100M in that system.
- **Storm Water and Degraded Canal Waters:** With wastewater treatment system improvements almost complete, the Keys must now address two remaining areas of water quality concern, storm water and degraded canal waters. Runoff and poor canal water leach into the nearshore waters of the Florida Keys National Marine Sanctuary and threaten its fragile ecosystem. Environmental testing has determined that many canals in the Keys have poor water quality that fall below the State water quality standards.

- **LOCAL COMMITMENT:**
  - County Funds: The Monroe County Board of County Commissioners expended $7M in local funds to conduct a Restoration Pilot Program, wherein we implemented a number of different restoration technologies on seven different canals to determine the costs and benefits of each technique.
  - RESTORE Act funds: The Monroe County Board of County Commissioners has committed all of its $20M in its RESTORE Act funds to Canal Restoration.

- Natural Resources Conservation Service Funds: The County secured a $45M federal grant to remove hurricane-related debris from almost 200 canals.

REQUESTED ACTIONS:

✓ **SUPPORT** a $20M appropriation pursuant to The Florida Keys Stewardship Act (Chapter 2016-225, Laws of Florida) to construct water quality projects in the Florida Keys.

WIND INSURANCE AND FLOOD INSURANCE: AFFORDABILITY AND ACCESSABILITY

CHALLENGES:

- **Wind insurance rates:** Monroe's residential and commercial Citizens' wind insurance rates are the highest in the State. Monroe's premium rate 175% higher than the median coastal rate. Citizens Property Insurance Company provides wind insurance coverage for approximately 90% of Keys' homes. High costs and limited coverage negatively impact our citizens, our workforce, our property values, and our economy.

- **Monroe's building standards:** Monroe County's building standards are among the most rigorous in the State, yet this is not reflected in Citizens' rate calculations for Monroe.

- **Modeling:** Despite dramatic differences in projected losses for Monroe County from the various rating models, Citizens until this year used only the model **most unfavorable** to the County to apply statewide increases to Monroe.

- **Premiums vs. Claims:** Premiums charged by Citizens are not commensurate with actual risk.
  - From 2004-2018 Monroe paid in total more than a half billion dollars in premiums over claims.

- **Affordability and Annual Glide path**: Monroe's already high rates are compounded with annual 10% increases. These costs exacerbate the County's housing cost crisis. Property insurance affordability is a key component in preserving the Keys' strong local economy. The legislature recognized the importance of affordable property insurance, but Citizens has failed to apply an "affordability" definition or standard (beyond capping annual increases to 10%.)
  - Citizens Property Insurance Corporation statute reads: "*The absence of affordable property insurance threatens the public health, safety, and welfare and likewise threatens the economic health of the State. The State therefore has a compelling public interest and a public purpose to assist in assuring that property in the State is insured and that it is insured at affordable rates so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare, to the economy of the State, and to the revenues of the State and local governments which are needed to provide for the public welfare.*"

- **Flood Insurance:** Affordable flood insurance is another important issue, but mainly a federal one. Affordable flood insurance is provided through the National Flood Insurance Program (NFIP). With more NFIP policies than any other State, Florida has a lot at stake with the future of the program, and its continued ability to provide flood insurance to Floridians at affordable rates. The majority of NFIP policies belong to homes and businesses in the State's coastal communities; these coastal communities generate 80% of the State's GDP. The County encourages the State Legislature to recognize the value of NFIP and the local and statewide economic benefits of affordable flood insurance and to ensure and support measures that preserve it.

REQUESTED ACTIONS:

- ✓ **SUPPORT** legislation that reduces Monroe's annual wind insurance rate increase maximum from 10% to a COLA-based annual increase, recognizing Monroe's unique affordability issues, strong building codes and overall importance to the State of Florida.
- ✓ **SUPPORT** legislation to help lower premiums and annual rate increases by requiring Citizens to:
  - Apply mitigation credits that account for Monroe's rigorous building standards;
  - Apply an affordability definition or standard, per the statutory language mandating affordability.
- ✓ **SUPPORT** legislation to lower wind insurance premiums on multifamily affordable units by re-categorizing them to "personal residential" from "commercial residential."
- ✓ **OPPOSE** legislation that limits the availability of Citizens' coverage (particularly in areas such as Monroe, where there is no reasonable degree of competition for windstorm insurance.)
- ✓ **SUPPORT** State legislative efforts that recognize the importance of affordable flood insurance to homeowners and local businesses, particularly in coastal communities, and to their local economies, which in turn contribute tremendously to the overall State economy; and that seek to address flood insurance premium rate hikes associated with changes to the National Flood Insurance Program.
- ✓ **SUPPORT** the legislative efforts of Fair Insurance Rates for Monroe (FIRM) related to both wind and flood insurance affordability and availability for Monroe County.

MARINE PROTECTION: DERELICT VESSELS AND PUMP OUT PROGRAM

CHALLENGES:

- **Derelict Vessels**: Monroe County has the highest number of derelict vessels in the State. The generation of derelict vessels Statewide has been recognized by the Florida Legislature and FWC as posing significant navigational and environmental impacts to be addressed. In 2014, the FWC held a series of workshops throughout the State to consider options for the development of anchoring restrictions, acknowledging the issue of long-term anchoring (storage) of vessels, and recognizing that such vessels often degenerate to derelict condition.

  Consistent with FWC and Statewide goals, Monroe County supports legislation that:
  - Reduces the number of derelict vessels, including specifically addressing long-term anchoring (storage) of vessels that often leads to degeneration and ultimately to derelict condition, and
  - Ensures sufficient funding to remove and dispose of derelict vessels, such as adding an additional surcharge to the vessel registration fee, both Statewide, and in Monroe County.

- **Vessel Pump Out Water Protection Program**: The pristine waters of the Florida Keys attract high numbers of boaters from all over the State and country. These waters are all part of the National Marine Sanctuary and are designated as a No Discharge Zone (NDZ) by DEP and the Sanctuary. Monroe County implemented a large-scale mobile vessel pump out program in 2013 to assist boaters in complying with the NDZ.
  - Monroe County requires occupied vessels to provide a "proof of pump out" and provides a weekly pump out service. This requirement in concert with the no-charge pump out service has ensured near 100% compliance with NDZ regulations.
  - The program has captured over 1 million gallons of vessel sewage over the past five years.
  - Monroe County supports this program through its Boater Improvement Funds, Clean Vessel Act funding, and direct legislative appropriations for the past three years. This funding makes it possible to provide the pump out service at no charge, which is highly effective at incentivizing boaters to pump out, and protecting the quality of waters and the marine ecosystem surrounding the Keys.

REQUESTED ACTIONS:

- ✓ **SUPPORT** statutory change that limits the storage of a vessel at anchor in one location on public waters of the State to not more than 60 days.
- ✓ **SUPPORT** a $1 surcharge on vessel registrations to be deposited into a State fund for the sole purpose of derelict vessel removals, and an additional $1 surcharge on all Monroe County vessel registrations to be retained for Monroe County and to be used solely for the purpose of derelict vessel removals within Monroe County.
- ✓ **SUPPOR**T a legislative appropriation of $750,000 to support the County's pump out program.
- ✓ **SUPPORT** continued Clean Vessel Act funding to Monroe County, and State efforts to secure higher level of CVA funding from U.S. Fish and Wildlife Service, and State appropriation for pump out services.
- ✓ **OPPOSE** further dilution of county authority to regulate vessels and waterways.

AFFORDABLE HOUSING/POST-IRMA HOUSING RECOVERY

CHALLENGE: The challenges facing citizens of finding and securing affordable housing in Monroe County are not new but have increased exponentially after the devastation from Hurricane Irma. The storm destroyed thousands of homes in the Florida Keys and compounded an already dire affordable housing market.

Throughout our post-storm housing recovery, the State has been an active and engaged partner. DEO worked closely with Monroe as it developed the State plan for the statewide allocation of CDBG-DR recovery funds. Its Plan reflects the County's specific housing recovery needs, and allocates $90M (including $10M for acquisition and $25M for construction) to the local governments in Monroe to help address those needs. We are working closely with the State this year as we begin this work.

As an "Area of Critical State Concern," Monroe is the only County to receive a special set aside in the State's competitive annual allocation of Housing Tax Credits. This set aside is usually sufficient to develop one affordable/ workforce rental project per year. However, the housing and displacement crisis created by Hurricane Irma has magnified the need for additional funding resources to rebuild affordable housing, restore the economy, and ensure the quality of life for these Keys communities.

Staff works in partnership with Florida Housing Finance Corporation for awards of Tax Credits and SAIL funding, as well with DEO to highlight the importance of funding and other incentives to aid in our ongoing housing recovery and rebuilding efforts, and to address the County's affordable housing challenges.

We are also hopeful that the State will work with and assist Monroe as we seek the legislative changes related to taxation relief for affordable rental housing and vacation rental regulation, to help ease the County's affordable housing crisis.

REQUESTED ACTIONS:

- ✓ **SUPPORT** award of Tax Credits to Monroe County, and protection of the Florida Keys set-aside;
- ✓ **SUPPORT** award of SAIL funding to Monroe County;
- ✓ **SUPPORT** legislation to enable us to dedicate one of the Monroe's two currently unutilized Tourist Development Tax pennies for affordable housing for a period of two years;
- ✓ **SUPPORT** legislation that provides property tax relief on residential properties that provide long-term affordable/workforce rental housing; and
- ✓ **SUPPORT** full appropriation of Sadowski Housing Trust Fund monies for affordable housing.

VACATION RENTALS

REQUESTED ACTIONS:

- ✓ **SUPPORT** legislation that provides a "carve out" for Monroe County from preemptive vacation rental regulations via the County's status as an Area of Critical State Concern to enable the County to amend/update our vacation rental regulations in order to increase supply of workforce housing.
- ✓ **SUPPORT** legislation that protects Monroe County's grandfathered vacation rental ordinances and that would allow local governments with grandfathered ordinances to amend and update their regulations without losing their grandfathered status.
- ✓ **OPPOSE** legislation that preempts local communities from regulating vacation rentals, and legislation that threatens grandfathered protections.

FUNDING SOURCES FOR LAND ACQUISITION AND LAND MANAGEMENT: TOURIST IMPACT TAX AND GREEN UTILITY FEE

CHALLENGES:

- As an Area of Critical State Concern with a Land Authority, Monroe County is empowered to implement Tourist Impact Tax, a one-cent tax that is collected on transient accommodations. A half-penny of this tax funds land acquisition and the other half-penny goes to the County's general fund to offset the loss of ad valorem taxes due to those land acquisitions and to offset the impacts of tourism.

  For the Florida Keys, tourism is the most significant economic sector, creating jobs and bolstering the local economy. Tourism also increases the costs for public safety, sanitation, additional infrastructure and utilities like water, sewer, power, roads, bridges, sidewalks, lighting, parking, boat ramps, mooring fields, parks and beaches. It also increases the cost of living and the costs of land and housing, and places demands on the environment and the water quality.

  Monroe County implemented this Tourist Impact Tax in 1988, and it has remained unchanged since then despite every increasing numbers of tourists.

  Additionally, given the challenge of land acquisition to mitigate the potential financial and legal liability associated with the Keys' "build out" scenario in 2023, and the costs of addressing the impacts of climbing tourism numbers, Monroe County seeks a statutory change to increase this tax by an additional penny to generate additional revenue to meet these needs. This second Tourist Impact Tax penny will approximately generate an additional $4M for land acquisition, and $4M to general fund to offset impacts, annually.

- As the County acquires more land to address takings issues, the costs to manage that land will increase. The Green Utility Fee is an avenue for potential funding for these costs. Though the Green Utility Fee has been in statute for several years it has not yet been implemented by any local governments. Currently the statute limits the implementation of the GUF to local governments with populations over 500,000; this would require amending in order for Monroe to be able to avail itself of this option. Fees collected is on a voluntary basis and would require a local referendum or an individual opt-in, and an ordinance.

REQUESTED ACTIONS:

- ✓ **SUPPORT** a statutory change (125.0108, FS) to add one-cent to the Tourist Impact Tax.
- ✓ **SUPPORT** a statutory change (369.255) to lower the population eligibility criterion to enable Monroe to avail itself of this funding opportunity should the Board of County Commissioners determine in future years to utilize it.

OVERSEAS HERITAGE TRAIL: PEDESTRIAN BRIDGES AND SUGARLOAF SECTION

CHALLENGES:

- **Sugarloaf Segment of OHT:** The segment of the trail required redesign because the former design did not include work to mitigate erosion that occurred along shoreline during storms. FDOT funded the design in FY 18, with $740,000 in Transportation Alternative Program (TAP) funds. The design is underway. The focus now is on funding the construction, which is estimated to cost approximately $8-10M. The project is being designed so that it can be easily divided into three or four construction contracts as it may be easier to secure smaller funding amounts and complete the project in phases rather than all at once (ie, $3M per phase for three phases). FDOT's SUN Trail Grant Program is a possible source of funding; FDEP must make application to FDOT. FDEP could also include the funding in its departmental legislative budget request. FDOT could include the funding in its 5 Year Work Program. TAP funding is not a viable funding option since its limited to a $1M/yr for three years.

- **Pedestrian/Fishing Bridges:** These bridges are an essential part of the Florida Keys Overseas Heritage Trail. They are on the National Register of Historic Places. The Florida Keys Overseas Heritage Trail Master Plan (completed in 2000) was prepared by Monroe County in partnership with FDEP, FDOT, and the National Park Services to fulfill the expressed vision by Monroe County citizens to have a continuous trail along US 1 spanning the length of the Keys. As such, completion of the trail is a high priority for the County, FDEP and other project stakeholders. The bridges are in poor condition, posing hazards to trail users and boaters underneath and posing environmental hazards to the waters of the National Marine Sanctuary. (In 2014, DEP closed 4 of these bridges due to their unsafe structural condition.) DEP must conduct a Preliminary Design and Engineering study (PDE) to assess the conditions of the bridges and repair/rehabilitation options. The PDE will cost $7.5M. Possible sources for funding include the following: inclusion in DEP's legislative budget request and TAP funds are also a possibility, but TAP funds are also limited.

REQUESTED ACTIONS:

- ✓ **SUPPORT** DEP's efforts to fund the construction of the Sugarloaf segment of the Florida Keys Overseas Heritage Trail, including specifically:
  - Request a direct appropriation for the first phase of construction, $3M.
  - Support inclusion of funding for first phase of construction in FDEP's legislative budget request.
  - Request FDOT support DEP's SUN Trail application for construction funds.
  - Request FDOT include the project in its 5 Year Work Program.

- ✓ **SUPPORT** DEP's efforts to fund the Preliminary Design and Engineering study including specifically:
  - Support $7.5M for the PDE in FDEP's Legislative Budget Request
  - Request FDOT provide funding assistance.
  - Request a direct appropriation.

SINGLE USE PLASTIC BAGS

REQUESTED ACTIONS:

- ✓ **OPPOSE** legislation that preempts local communities from banning single use plastic bags, particularly coastal communities where plastic bags are not only an environmental pollutant but also pose a danger to ocean and coastal wildlife.

OIL DRILLING/FRACKING

REQUESTED ACTIONS:

- ✓ **OPPOSE** legislation authorizing hydraulic fracturing or "fracking" or similar well stimulation processes and treatments performed for the purpose of exploration or production of energy resources in the State, or in the Florida Keys, or any area near conservation land or drinking water aquifers.
- ✓ **OPPOSE** legislation pre-empting local regulation of fracking/drilling activities, including ancillary activities such as waste storage, handling and disposal, truck traffic, and other local public health and safety impacts.
- ✓ **OPPOSE** legislation that would create a public records law exemption for proprietary information provided by drilling companies.
- ✓ **SUPPORT** continuation of prohibitions against leases or permits for oil or gas drilling within Florida's territorial seas, State lands, and the Everglades.

EVERGLADES RESTORATION

REQUESTED ACTIONS:

- ✓ **SUPPORT** legislation and funding to support continued implementation of the Comprehensive Everglades Restoration Plan.

CORAL REEF PROTECTION

REQUESTED ACTIONS:

- ✓ **SUPPORT** legislation and funding that protects and preserves Florida's coral reef tract.

RESILIENCE HARDENING AND PLANNING

REQUESTED ACTIONS:

- ✓ **SUPPORT** State legislation that encourages vulnerability assessments, coordinates resources and supports the efforts of local governments to mitigate and adapt to hurricanes, sea level rise, and other climate-related challenges, and State funding for adaptation planning and investments in areas such as roads and other infrastructure projects that provide hazard mitigation and serve to reduce immediate and long-term risks to critical infrastructure.

EMERGENCY MANAGEMENT

REQUESTED ACTIONS:

- ✓ **SUPPORT** legislation creating a public records exemption for emergency management database platforms, applications, programs, software, and the date and records contained therein; and the personal identification information and financial information of persons related to disaster management and response, including disaster responders, persons using a public shelter during an emergency, persons with special needs, and persons providing or receiving damage assessment information.

CLERKS FUNDING/JUDGESHIPS

REQUESTED ACTIONS:

- ✓ **SUPPORT** continued attention to the adequate funding for the functions of the clerks of court, including an allocation process that result in a fair and sufficient distribution of court generated revenue.
- ✓ **OPPOSE** the decertification of any Monroe County Court judgeships and to any reductions to the local judiciary.

FLORIDA RETIREMENT SYSTEM

REQUESTED ACTIONS:

- ✓ **OPPOSE** any benefit changes that result in an increase in the FRS county and county employee contribution rates.
- ✓ **SUPPORT** requiring all legislation that potentially results in an increase in the FRS contribution rate or the closing of the traditional pension plan to new employees to be analyzed and evaluated to determine the direct fiscal impact of proposed changes to all local and State government to be eligible for consideration.

MEDICAL MARIJUANA

REQUESTED ACTIONS:

- ✓ **SUPPORT** home rule: maintaining local authority to determine land use, zoning, and other regulatory standards for marijuana cultivation, processing, and distribution.
- ✓ **SUPPORT** recurring revenue: a taxation or fee structure should be implemented with the State or independently to help counties recoup all costs for public services, including but not limited to law enforcement, and regulatory enforcement.
- ✓ **SUPPORT** legislation that provides comprehensive health-based regulatory system where the DOH is responsible for licensing cultivation sites, dispensing facilities, and manufacturers of marijuana for medicinal purposes.

HOME RULE, UNFUNDED MANDATES, COUNTY REVENUES, STATE FUNDING LEVELS

CHALLENGES:

- ➢ **Pre-emption of Home Rule:** Home rule, conferred to Florida counties by Article VIII, Section 1(f) and 1(g) of the Florida Constitution (1968), and by section 125.01, Florida Statutes, is the principle that the government closest to the people is the appropriate authority to serve the needs and requirements of the community. The preservation of this concept is essential to the operation of county governments in Florida, and which allows counties to develop and implement county-based solutions to local problems.
    - **Pre-emption Examples:** The State Legislature often pursues local government pre-emptions in its bills that prohibit local governments from banning or even regulating activities enabled by the Legislature such as: fracking, single use plastic bags and vacation rentals.

- **Unfunded Mandates:** The State Legislature frequently passes legislation that compels local governments to provide a service, program, or benefit without providing the appropriate funding. As more and more mandates are created, local governments are faced with the burden of using local tax dollars to finance functions that they have little control over and compromising local governments' ability to provide services requested by our local communities.
- **Cost shifts:** The State Legislature frequently passes legislation that passes along the costs or increases local share requirements for services traditionally funded by the State, such as but not limited to County Health Departments, Courts, Clerks' offices, Juvenile Justice, and mental health services.
- **Restrictions of County Revenue Sources:** At the same time the State Legislation imposes more mandates and costs, it often pursues legislation reducing, restricting or eliminating sources of revenue for county services, such as the Local Business Tax, Communication Services Tax, impact fees, transportation concurrency fees, State park admission fees, and sales taxes.

REQUESTED ACTIONS:

- ✓ **OPPOSE** legislation that would revise current law in a manner that reduces or eliminates current local government-related revenues or preempts home rule authority.
- ✓ **OPPOSE** efforts to shift cost of services, implement unfunded mandates, reduce State funding for infrastructure, programs and services, or other legislation that is costly and limits Monroe County's ability to serve the needs of its citizens.
- ✓ **OPPOSE** legislation that preempts the legislative and policy-making powers of counties used to regulate land use and implement local zoning controls.

APPROPRIATIONS

REQUESTS:

- ✓ $20M legislative appropriation for water quality projects in the Florida Keys.
- ✓ $5M legislative appropriation for land acquisition in the Florida Keys through Florida Forever set-aside.
- ✓ $750,000 legislative appropriation for pump-out services in the Florida Keys.
- ✓ $500,000 legislative appropriation for facility and security upgrades to the Guidance Care Center's Baker Act facility.
- ✓ $3M Legislative appropriation to DEP and/or DOT SUNTrail Grant funding for the construction of the Sugarloaf section of Overseas Heritage Trail; and/or, a DEP legislative budget request for project funds.

GENERAL LEGISLATIVE ISSUES

GROWTH MANAGEMENT/ENVIRONMENTAL REGULATIONS

REQUESTED ACTIONS:

- ✓ **SUPPORT** the continued designation of the Florida Keys as an Area of Critical State Concern.
- ✓ **OPPOSE** legislation that prevents counties from having local environmental protection programs that are stricter in nature than State or federal regulatory programs.
- ✓ **OPPOSE** any legislation that restricts State, county and city government purchases of conservation land, and which would effectively eliminate land conservation efforts in the Florida Keys.
- ✓ **SUPPORT** growth management legislation that is thoroughly vetted with all stakeholders, and that takes a targeted approach to increasing regulatory efficiencies, rather than broadly preempting local governments.
- ✓ **SUPPORT** legislative efforts that strengthen the existing roles and home rule powers of local governments to implement comprehensive planning programs that guide future development and encourage the most appropriate use of land and natural resources.
- ✓ **SUPPORT** county home rule authority, and current statutory provisions, which allow counties to retain their current transportation concurrency systems, and impact fees, as adopted by local ordinance.

EMERGENCY MANAGEMENT

REQUESTED ACTIONS:

- ✓ **SUPPORT** legislation creating a public records exemption for emergency management database platforms, applications, programs, software, and the date and records contained therein; and the personal identification information and financial information of persons related to disaster management and response, including disaster responders, persons using a public shelter during an emergency, persons with special needs, and persons providing or receiving damage assessment information.
- ✓ **SUPPORT** assistance for building/identifying Out of County Shelter for residents of Monroe County in cases of mandatory evacuation during storm-related events and other emergencies.
- ✓ **SUPPORT** an increase to the county base grant funding, which has remained unchanged for nearly a decade.
- ✓ **SUPPORT** maintaining the original intent and purpose of the Emergency Management Preparation And Assistance Trust Fund, which is to serve as a funding source for State and local emergency management programs, by ensuring that all monies collected for purposes of funding emergency management, preparedness and assistance are deposited into the EMPA Trust Fund and spent on emergency management activities, and opposing legislative sweeps of these trust fund monies.
- ✓ **SUPPORT** changes to the EMPA trust fund by ensuring the $2.00 and $4.00 annual surcharge on all homeowner and business insurance policies is assessed on either a per-parcel or per-unit basis of coverage, rather than on a single policy and a repeal of the service charge to general revenue on the EMPA trust fund and redirect these monies back to the counties in the same manner in which the EMPA base grant is distributed.

- ✓ **Disaster Funding: SUPPORT** a 50/50 cost-share arrangement with the State for the non-federal portion of the Hazard Mitigation Grant Program (HMGP). **SUPPORT** the creation of an emergency bridge loan program for counties to provide a source of expedient cash flow to counties impacted by a major catastrophe.

HOMELESSNESS

REQUESTED ACTIONS:

- ✓ **SUPPORT** legislation that creates a dedicated State funding source for homelessness programs and services.
- ✓ **SUPPORT** continued coordination with the State's homeless planning council, specifically as it develops policies in support of the new Federal Strategic Plan to end Homelessness.
- ✓ **SUPPORT** the development of strategies that would allow local governments to work with the State and federal government to serve target populations: The chronically homeless, Veterans and Families and children, with particular emphasis on children aging out of the foster care system.
- ✓ **SUPPORT** a process that would waive the fees related to obtaining personal identification from the State for persons identified as homeless.

HEALTH, MENTAL HEALTH, SOCIAL SERVICES, AND EMERGENCY MEDICAL SERVICES

REQUESTED ACTIONS:

- ✓ **SUPPORT** efforts to secure state financial assistance (ie, legislative appropriation) to make necessary upgrades to the Guidance Care Center facility that serves as Monroe County's Baker Act facility.
- ✓ **SUPPORT** increasing State general revenue funding for County Health Departments (CHDs), preserving the ability of CHDs to provide primary care and direct patient care services, particularly in communities without adequate substitutes or alternative providers for these services, and maintaining a coordinated system of county health departments (CHDs) that is centrally housed within the Department of Health (DOH).
- ✓ **OPPOSE** efforts to decentralize the public health system by transferring authority over CHDs from the DOH to the respective county governments, any State reductions to the County Health Department Trust Funds; and any efforts, legislative or otherwise, to limit or eliminate the provision of primary care services in CHDs.
- ✓ **SUPPORT** increased funding for core mental health and substance abuse services. **SUPPORT** efforts to increase supportive housing, employment and education initiatives for people with behavioral health issues and/or disabilities. **SUPPORT** diverting, medically assisting, or treating mentally ill persons outside of the criminal justice system through alternative community programs.
- ✓ **SUPPORT** establishing a cap on growth in the individual county Medicaid costs to address cost shifts; and continued evaluation of the County-State Medicaid cost-share arrangement.
- ✓ **SUPPORT** State legislation drawing down federal funds made available to Florida under the PPACA to expand health care coverage to certain individuals who earn up to 138 percent of the federal poverty level, if such a program does not further shift Medicaid costs to counties.

- ✓ **OPPOSE** legislation that limits the ability of county EMS providers to be reimbursed for out of network transports.
- ✓ **SUPPORT** maintaining a countywide regulatory system for EMS through the current Certificate of Public Convenience and Necessity (COPCN) process.
- ✓ **SUPPORT** efforts to increase supportive housing, employment and education initiatives for people with behavioral health issues and/or disabilities.
- ✓ **SUPPORT** appropriate funding for children in early learning and school age care to ensure children's access to educational, enrichment and readiness programs; and continuation of funding for the Florida Healthy Start and Healthy Families program.
- ✓ **SUPPORT** restoration and expansion of State funding for the Community Care for the Elderly Program, which provides cost efficient diversion from nursing home placement for impaired elders.
- ✓ **SUPPORT** the continuation of a coordinated Transportation Disadvantaged (TD) system, and appropriate and dedicated State funding for the TD program; protect the TD trust fund.

LIBRARIES

REQUESTED ACTIONS:

- ✓ **SUPPORT** full funding of State Aid to Libraries based on the current statutory formula that provides counties 25 cents for every local dollar spent, and measures that ensure decisions and policies regarding county libraries are made at the local level.

TRANSPORTATION

REQUESTED ACTIONS:

- ✓ **SUPPORT** continuing enhanced State funding for the Small County Outreach Program (SCOP). This funding is critical to Monroe County, which is a small county with major bridge and local road responsibilities.
- ✓ **SUPPORT** increasing the cost cap (from $400,000 to $750,000) for counties to self-perform road improvement projects using the Constitutional Gas Tax proceeds.
- ✓ **SUPPORT** legislation that would index local option fuel taxes to annual adjustments of the CPI.
- ✓ **SUPPORT** amending s.336.045, Florida Statutes, to include an additional paragraph expressly authorizing Florida counties to determine the reasonable level and frequency of local road maintenance.

VETERANS

REQUESTED ACTIONS:

- ✓ **SUPPORT** legislation establishing a program that allocates State funds to hire Veterans Services Officers in counties in order to increase services and federal benefits for Florida veterans.

COUNTY JAILS, INMATE MEDICAL COSTS, JUVENILE JUSTICE

REQUESTED ACTIONS:

- ✓ **OPPOSE** sentencing of State inmates to county jails, but support counties' ability to contract with the Department of Corrections for housing State inmates.
- ✓ **SUPPORT** legislation that reduces jail expenses by setting a reimbursement amount paid by counties to medical providers for health care services for inmates and arrestees at no higher than the established Medicare rate plus 10%, the same rate as currently charged to the Department of Corrections, unless there is an existing contract in place or a business practice providing a lower rate.
- ✓ **SUPPORT** continued efforts to obtain Medicaid eligibility for persons incarcerated in county jails while waiting disposition of their cases and to ensure that existing Medicaid benefits are not terminated during incarceration.
- ✓ **SUPPORT** initiatives that reduce juvenile detention through prevention, treatment, and rehabilitation services.
- ✓ **SUPPORT** the Legislature appropriating State funds to the Department of Juvenile Justice to upgrade, renovate, or reconstruct detention centers across Florida that are in a State of disrepair and State investments in juvenile facilities to improve the conditions of secure confinement for detained youth without such costs being shifted to the counties.

SUSTAINABILITY, PACE, RECYCLING AND SOLID WASTE

REQUESTED ACTIONS:

- ✓ **SUPPORT** the 2020 legislative initiatives of the SE Florida Regional Climate Compact's Legislative Program.
- ✓ **SUPPORT** amending statutory language to clarify that in addition to energy retrofits and wind mitigation, that flood mitigation is also an allowable use for PACE program.
- ✓ **SUPPORT** incentives for local governments to assist in furthering State energy policies such as green building and carbon emissions reductions, and the technical assistance to implement these programs and legislation that provides appropriate resources and incentives to local governments to achieve any statewide recycling goals.
- ✓ **SUPPORT** State legislation that encourages vulnerability assessments, coordinates resources and supports the efforts of local governments to mitigate and adapt to sea level rise, increasing storm severity and other climate changes, and State funding for adaptation planning and investments in areas such as roads and other infrastructure projects that provide hazard mitigation and serve to reduce immediate and long-term risks to critical infrastructure.
- ✓ **SUPPORT** a State comprehensive climate change action plan, energy policies, and other initiatives to reduce carbon dioxide and other compounds in the atmosphere which will help provide solutions to present and future generations, including ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic growth and prosperity.
- ✓ **SUPPORT** State funding of Solid Waste Management Grants.

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