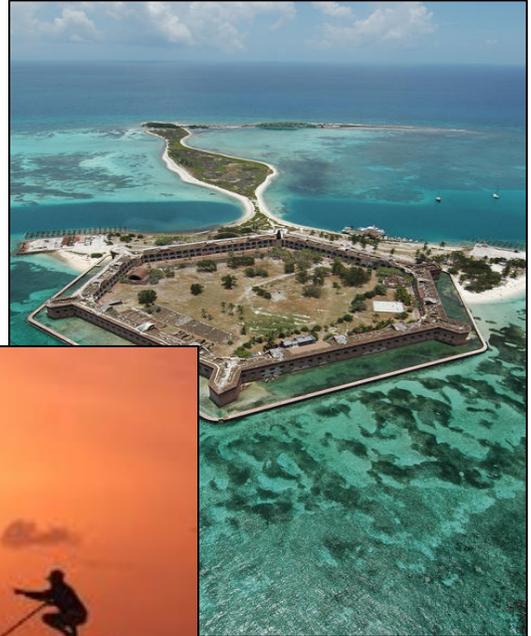




MONROE COUNTY BOARD OF COUNTY COMMISSIONERS STATE LEGISLATIVE AGENDA

2022



MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
Office of Legislative Affairs
September 15, 2021

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

Mayor Michelle Coldiron, District 2

Mayor Pro Tem David Rice, District 4

Commissioner Craig Cates, District 1

Commissioner Eddie Martinez, District 3

Commissioner Mike Forster, District 5

COUNTY ADMINISTRATOR

County Administrator Roman Gastesi

LEGISLATIVE DISTRICTS

House District 120: Representative Jim Mooney

Senate District 39: Senator Ana Maria Rodriguez

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



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REPORT AND DISCUSSION

LEGISLATIVE AGENDA DEVELOPMENT

Staff is seeking Board approval of the issues presented herein to be included in the County's 2022 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 2022.

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. As a member of the Southeast Florida Regional Climate Compact, Monroe County collaborates on the Compact's annual legislative program.

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. Included herein are the substantive priorities and general issues to be pursued and supported during the 2022 State Legislative session.

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 County utilizes its share of Stewardship funding for the canal restoration program.

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.

An important goal is to have **the Florida Keys Stewardship Act included as a funded project in State's Land Acquisition Trust Fund**. The Land Acquisition Trust Fund ("LATF") is funded with documentary stamp taxes directed there by Amendment 1. Projects currently funded in the LATF include some of the State's highest environmental priorities, such as Everglades Restoration and springs restoration. Inclusion of the Keys' Stewardship Act into the LATF would elevate our Stewardship Act to Statewide importance and help secure annual funding.

Another top priority is to secure **funding for resiliency projects**. The County will submit its funding requests into the new DEP Resiliency Funding portal as required by the new law passed last session. The County's legislative team will then advocate with the Governor's office and DEP to secure the funding for those project submittals. The County is also pursuing an expansion of the powers of its Land Authority to add staff expertise and resources to securing and administering resilience funding from state and federal grant programs.

We will continue to work with the Legislature to tackle the issue of **derelict vessels** in Monroe County. Last session, the Legislature passed a bill enacting new anchoring limits in the waters of the Florida Keys. However, the new law includes the high hurdle of implementing 300 new moorings before the new limits may be applied. We will work with the Legislature to resolve this issue, by lowering the number of required new moorings, and applying the new anchoring limits only to stored vessels.

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 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, eliminate the cap on annual increases, reduce coverage, and reduce eligibility.

The spate of **preemption bills** introduced last session, and increasingly over recent legislative sessions, such as those related to vacation rentals, emergency powers, contractor licensing, home-based businesses, cruise ship activity in local ports, 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.

In response to the 2021 State legislative session -- arguably one of the most active legislative sessions with regard to home rule preemptions -- FAC will be standing up a new "preemption" committee that will help focus on this issue, guide strategy and research with a long-range perspective and with initiatives (not just reactions.)

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, Ryan Matthews of Peebles Smith with a sub-contract with Dean Cannon of Gray-Robinson, Frank Bernardino with Anfield Consulting, and Nick Iarossi with Capital City Consulting. 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.

KEY DATES

2022 Legislative Session

- ❖ September 15: Approval of BOCC Legislative Agenda
- ❖ September 21-23: FAC Legislative Conference
- ❖ September-December: Interim Committee Weeks
(Sep-20-25; Oct 11-15, 18-21; Nov 1-5, 15-19; Nov 29-Dec 3)
- ❖ January 11: First Day of Regular Session
- ❖ TBD: Local Delegation Meeting
- ❖ TBD: Florida Association of Counties Legislative Day
- ❖ TBD: Keys Day
- ❖ March 1: Last Day for Committee meetings
- ❖ March 11: Last Day of Regular Session

LEGISLATIVE PRIORITIES

FLORIDA KEYS STEWARDSHIP: WATER QUALITY PROTECTION

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 over **\$225M in sales tax revenue** for the State (in normal years).
- **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 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.
- **Land Acquisition Trust Fund:** A portion of the State's doc stamp taxes are deposited into this trust fund, per Amendment 1, to fund State's environmental priority projects. Inclusion of the Stewardship Act into the LATF would significantly enhance efforts to secure annual Stewardship funding.
- **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** in 2018 to remove hurricane-related debris from almost 200 canals.

REQUESTED ACTIONS:

- ✓ **SUPPORT** a \$20M appropriation for the implementation of The Florida Keys Stewardship Act.
- ✓ **SUPPORT** inclusion of the Florida Keys Stewardship Act in the State's Land and Water Trust Fund.

FLORIDA KEYS STEWARDSHIP ACT: LAND ACQUISITION

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 2026, after which there will be no more permits, and no further development will be permitted. (Note, the County extended the buildout timeframe from 2023, and has divided its remaining permits to extend the build out date to 2026 to allow for more time to focus on land acquisition.)
- **Property Rights/Legal Liability:** After we apply all of the available permits (3,550), there will still be approximately 8,000 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 8,000 parcels, and the liability of potential takings claims, is conservatively estimated at **\$84.6M** (2018 data). The County and the State have been named as co-defendants in property rights suits filed as a result of ACSC regulations, and jointly defended 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 8,000 privately-owned, undeveloped properties that could be left without permits *approximately 3,500 lie within Florida Forever project boundaries*. In 2018, we secured legislative changes that authorize 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 to 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 **\$19.7M** 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 \$6.3M budgeted. The State has expended **\$4.6M**. To date, **349** development rights have been retired (264 by the County and 85 by the State).

REQUESTED ACTIONS:

- ✓ **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** continued 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.

- ✓ **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.

ENHANCING MONROE COUNTY'S RESILIENCE TO SEA LEVEL RISE, KING TIDES AND STORM INUNDATION

CHALLENGES:

- Estimated Costs: In 2018, Monroe County embarked on a comprehensive study to examine the impacts of sea level rise, King Tides and storm inundation on the County's road system. This study, currently underway, has produced initial cost estimates of \$1.8B to elevate and otherwise mitigate flooding impacts. (This estimate does not include roadways within the Keys' municipalities.)
- Severe and persistent road flooding is impacting many communities affecting public safety, commerce, property values and quality of life.
- The County is charting a course to pursue all available funding streams to assist with this comprehensive effort, including federal and state grants, Congressional appropriations, special assessments and local funding.
- A highly impactful revenue source for Monroe is the 1-cent infrastructure sales surtax. Monroe County currently levies a 1-cent infrastructure sales surtax that raises \$34M, countywide, annually (of this amount Monroe County BOCC is allocated approximately \$23M.) The current 1-cent sales tax sunsets in 2033, and we will seek, via referendum, to extend it 2053. The revenue of the extension could be bonded to generate \$200M. An *additional* 1-cent tax levy, if approved by the Legislation, and levied after approval by the local voters via a referendum, would raise an additional \$34M annually that could be bonded to generate \$300M, which we contemplate utilizing toward the County's road elevation/resiliency program. *Note: We are not actively working on this issue this session as there is minimal support in the Legislature at this time. However, should there arise any significant legislative effort related to a sales tax increase for resilience, we will raise it for discussion and direction by the Board.*
- Monroe County's residential communities and privately owned housing stock also require resilience investment. The Federal Army Corp of Engineers has conducted a study of the Florida Keys and within unincorporated Monroe County alone there are over 1800 residential structures at risk for flooding and recommended for elevation. There are several State and federal grant programs including the Hazard Mitigation Grant Program, Building Resilient Infrastructure and Communities and the Flood Mitigation Assistance (FMA) program that provide funding for acquisition, elevation, and demolition/reconstruction, enabling local governments to facilitate rebuilding their communities to be flood resistant and eliminate flood risk. These programs are vital to the changing climate and risks associated with flooding related to storms and sea level rise; they also require significant staff expertise and time.
- The Land Authority would be in a position to provide that staff expertise and time. The Land Authority recently entered into an agreement with the County to manage additional acquisition programs developed by the County over the past several years to consolidate and streamline government operations. These programs work with private property owners and further the goals of acquisition of land with protected habitat, acquisition of development rights to decrease legal property rights potential takings liability or Bert J Harris claims, acquisition of damaged structures and restoring land to green space or facilitating drainage improvements. The FMA grant program for acquisition is the same program used for elevations and demolitions/reconstruction. Given the programs recently transferred to the Land Authority and the fact that staffing and program administration for the acquisition portion of the programs

duplicate the staffing and program administration for the additional program benefits, it makes financial and programmatic sense expand the powers of the land authority to continue this vital work.

REQUESTED ACTION:

- ✓ **SUPPORT** funding for projects submitted to DEP through the Resilient Florida grant program.
- ✓ **SUPPORT** an expansion of the powers and responsibilities of the Monroe County Land Authority to aid the County in activities related to enhancing residential resiliency to flooding and sea level rise, to include: administering grants to the County for residential flood and sea level rise mitigation projects, including grants for the elevation of structures above minimum flood elevations; demolition and reconstruction of structures above minimum flood elevations; and acquisition of land with structures at risk of flooding.
- ✓ **SUPPORT** State legislation that continues to encourage 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 aggressive 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.

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."*

- During the 2021 Legislative session, lawmakers increased the annual rate cap in Citizens' premiums 1% each year for the next 5 years. *Citizens and lawmakers continue to discuss raising Citizens' rates, and eliminating the rate cap altogether. We will monitor this discussion closely, and work with FIRM to advocate against any legislation that would further increase or eliminate the cap.*
- **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 exempts Monroe County from the annual wind insurance rate increase passed last session (11-15% over the next five years) and maintaining the County's rate cap at 10%, recognizing Monroe's unique housing affordability issues and strong building codes.
- ✓ **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.
- ✓ **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** 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: ANCHORING LIMITS, DERELICT VESSEL REMOVAL FUNDING, AND PUMP-OUT PROGRAM

CHALLENGES:

Preventing and reducing the number of derelict vessels is a program priority for Monroe County. Monroe has the highest number of derelict vessels in the State. The generation of derelict vessels (DVs) around the State has been recognized by the Florida Legislature and the Florida Fish and Wildlife Conservation Commission (FWC). Derelict vessels pose significant navigational safety and environmental impacts. The costs of their removal are an unnecessary financial burden for taxpayers. Monroe County removes approximately 60 derelict vessels a year, and at average annual cost of \$240,000.

- **Anchoring Limits:** In 2021, SB 1086 became law. This bill recognized that long-term anchorage contributes to vessel dereliction and included a provision that enacted a 90-day anchoring limit for all the waters of the Florida Keys. Monroe County has long supported anchoring limits as an intervention to reduce derelict vessels, and the County supported this provision.

However, the 90-day anchoring limit provision was ultimately modified to require that 300 new public mooring balls be placed in the waters around the City of Key West before the new limit can be enforced in

Keys' waters. This requirement is difficult if not impossible to meet, and therefore precludes the new law's use and benefit.

Most derelict vessels result from having been anchored out, sedentary, and neglected for extended periods of time. The vessel's physical condition degrades, eventually becoming inoperable. Often, the vessel is abandoned. The vessels often become "at-risk," "pre-derelict," and/or eventually "derelict". Anchoring limits reduce the number of days that a vessel may be anchored in one place without moving; they require the vessel to be moved, which requires that the vessel be maintained in an operable condition, reducing its chances of becoming derelict.

About half of the long-term anchored vessels surrounding the waters of Key West are stored vessels, with the other areas throughout Keys' waters also containing numerous stored vessels; these are the greatest generator of derelict vessels. Stored vessel owners commonly choose to store their vessel at anchor as an alternative to paying the high prices for shore side dockage; or, they have the intent to abandon the vessels to avoid the costs associated with proper disposal.

Many long-term anchored vessels are those being used as primary domiciles, or "liveaboards." Liveaboards are prolific particularly in the waters around Key West because housing is expensive and scarce and liveaboards provide an inexpensive and available workforce housing alternative.

The requirement for 300 new moorings was understandably intended to assist liveboard vessels that are anchored long-term and that often serve as a form of affordable housing. Without sufficient moorings as an alternative option, the requirement to move every 90 days can be difficult. However, this requirement cannot feasibly be attained for the following reasons:

- 1) Due to the plethora of federal and State environmental regulations governing Keys' waters, the installation of new mooring balls in Keys' waters is an expensive, lengthy, and arduous regulatory process; and
- 2) There is insufficient physical space for 300 new mooring balls within the required 1-mile distance from Key West; and
- 3) The required number exceeds local need. Site visits to the anchorages, FWC DV data, and Monroe County pump-out program registration data indicate the presence of 100 liveboard vessels in the anchorages around Key West.

Without being able to meet this condition and without modification to the requirement, the Florida Keys, which suffers the highest number of derelict vessels, is precluded from benefitting from these new and very necessary anchoring limits for the foreseeable future.

History: Monroe County has been working closely with FWC for many years on this issue. From 2009-2017, Monroe County was one of five local governments who participated in a statewide Pilot Program for Anchoring & Mooring to test several regulatory approaches for waterway management. At its conclusion, a final report was submitted by FWC to the Florida Legislature recommending several statutory changes to boating laws. In recent years, many of these recommendations have been implemented; however, the issue of long-term anchoring was not properly addressed until last session.

REQUESTED ACTIONS:

- ✓ **SUPPORT** modifications to current law resulting from SB 1086 to lower the number of required mooring balls from 300 to 100 (or lower based on the availability of additional moorings for liveboard vessels in the Key West Mooring Field), allow enforcement of the new anchoring limits on stored vessels and delay enforcement of new anchoring limits on occupied/liveboard vessels until those new moorings are in place, and
- ✓ **OPPOSE** further dilution of county authority to regulate vessels and waterways.

- **Derelict Vessel Removal Grant Funding:** In 2019, the Florida Legislature redirected approximately 30% of statewide recreational vessel registration fees into a Trust Fund for use in funding derelict vessel removals. The legislation also authorized FWC to administer a Derelict Vessel Grant Program for distribution of the funds. The State's primary purpose was to ensure more equitable distribution of funding across the state for derelict vessel removals, particularly to communities with minimal boating revenues, and allow FWC to utilize any unspent funds for agency-funded removals.

The Trust Fund currently generates approximately \$2.1 million dollars annually. Since the implementation of this law, Monroe County's portion of the revenues has decreased by approximately \$70,000 a year, while operational challenges have increased. The new program has:

- Created a heavy reliance on external funding for a continued level of service;
- Increased the vessels removal timeline by an average of 3-6 months due to restrictive programmatic guidelines, primarily due the inability to remove the vessel prior to execution of a grant agreement;
- Increased our administrative costs to prepare, submit and administer the numerous associated grant agreements (*9 were executed in FY20 alone*); and
- Required our staff to make subjective determinations on which vessels may or may not cause additional harm while awaiting the life cycle of the grant, which is especially problematic during hurricane season.

These challenges have resulted in increased boating safety issues, unnecessary environmental impacts, and additional removal costs for Monroe County. For example, a number of these vessels have either gone missing, relocated or sunk while awaiting the grant approval timeline which is particularly unfortunate.

Furthermore, because these revenues are part of a statewide trust fund, the annual budgetary approval and spending authority for funding distribution is determined by the state legislature. As a result, FWC has been challenged with inconsistent and/or significantly reduced spending authorization for this program.

In addition, FWC has utilized these funds in response to hurricane-related derelict vessels rather than distribution through the grant program. We do not believe the intent of this funding was to address natural disaster response for derelict vessels. Both of these issues have created unpredictable and unreliable funding availability for local governments to address this critical issue.

In response, Monroe has requested that FWC consider rulemaking changes to its Derelict Vessel Grant Program Guidelines to include the following recommendations:

1. Provide advance funding agreements to local governments to provide a set amount of annual funding;
2. Authorize pre-award costs for removal operations. (NOTE: Monroe County is willing to provide a 25% funding match for this request);
3. Authorize pre-agreement cost reimbursement for vessels that become an 'imminent threat to public safety' in the time period between application submittal and contract execution.

REQUESTED ACTIONS:

- ✓ **SUPPORT** rulemaking and/or legislative changes to the Derelict Vessel Program per the above staff recommendations.

- ✓ **SUPPORT** FWC's budget request for agency spending authority to utilize revenues in the Marine Resources Conservation Trust Fund for distribution via grant program to local governments for the removal of derelict vessels.

- **Vessel Pump-out Program:** The pristine waters of the Florida Keys attract high numbers of boaters from all over the State and country. These waters are within the Florida Keys National Marine Sanctuary and are designated as a No Discharge Zone (NDZ) by DEP and the Sanctuary. In 2013, Monroe County implemented a large-scale Mobile Vessel Pump-out Program to assist boaters in complying with the NDZ. Monroe County is also launching implementation of a Marina Pump-out Initiative to expand the number of available shoreside pump-out facilities throughout the Keys.
 - Monroe County requires occupied vessels to provide a "proof of pump-out" and provides a free weekly mobile pump-out service. Combined, these measures have ensured nearly 100% compliance with NDZ regulations.
 - To date, the Mobile Vessel Pump-out Program has captured over 2 million gallons of vessel sewage.
 - Monroe County supports this program through its Boater Improvement Funds, Clean Vessel Act funding, and direct legislative appropriations. 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 ensuring water quality protection for public health and our marine environment.

In the 2021 session, the Legislature transferred the management and administration of the Pump-out Program, along with the \$1M legislative appropriation for the program, to the Department of Environmental Protection. DEP is currently in the procurement process for a vendor. Staff discussions with DEP indicate that the agency's intention is to continue to provide the same service levels and service areas.

We are not yet certain of DEP or the legislature's plan for the program's oversight next year. DEP may include the funding in its agency legislative budget request (anticipating that it will continue to run the program). If not, then the County will again pursue a legislative appropriation to support the program. We are closely monitoring DEP's actions to determine next steps.

REQUESTED ACTIONS:

- ✓ **SUPPORT** a legislative appropriation of **\$500,000** to support Monroe County's Mobile Vessel Pump-out Program (if necessary.)

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.
- ✓ **SUPPORT** legislation that enhances Monroe County's ability to enforce local vacation rental regulations.
- ✓ **OPPOSE** legislation that preempts local communities from regulating vacation rentals, and legislation that threatens grandfathered protections.

AFFORDABLE HOUSING

CHALLENGE: The challenges facing citizens of finding and securing affordable housing in Monroe County are not new but have increased exponentially after Category 5 Hurricane Irma hit the Keys in 2017.

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. 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.

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 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.

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.

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.

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.

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.

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

CHALLENGES:

- **Preemption 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.
 - **Preemption Examples:** The State Legislature often pursues local government preemptions 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.

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** 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.

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** the continuation of a coordinated Transportation Disadvantaged (TD) system, and appropriate and dedicated State funding for the TD program; protect the TD trust fund.

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 that enhances State funding and resources for County Veterans Offices and 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.

LIBRARIES

REQUESTED ACTIONS:

- ✓ **SUPPORT** State Aid to Public Libraries Grant Program: Restore funding to \$23,000,000. This provides Monroe County with approx. \$40-50K each year.
- ✓ **SUPPORT** Library Cooperative Grant Program: Appropriate recurring \$2,000,000 (F.S. 257.40-42). This supplies many of the Libraries Databases and electronic resources that we would be unable to provide independently.
- ✓ **SUPPORT** Public Library Construction Grants: Appropriate funding of \$16,800,000 to support all eligible applications (F.S. 257.191). Monroe will apply for this grant for the Marathon library project.
- ✓ **SUPPORT** Career Online High School: Appropriate to \$750,000. This is a program that allows adults who did not graduate from high school to complete their education online and receive a credentialed diploma. Monroe will be applying for participation in the coming year.

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.

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.

OVERSEAS HERITAGE TRAIL: PEDESTRIAN BRIDGES

CHALLENGES:

- **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 Preliminary Design and Engineering study.

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.

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.

SUSTAINABILITY, PACE, RECYCLING AND SOLID WASTE

REQUESTED ACTIONS:

- ✓ **SUPPORT** the 2022 legislative initiatives of the SE Florida Regional Climate Compact’s Legislative Program.
- ✓ **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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