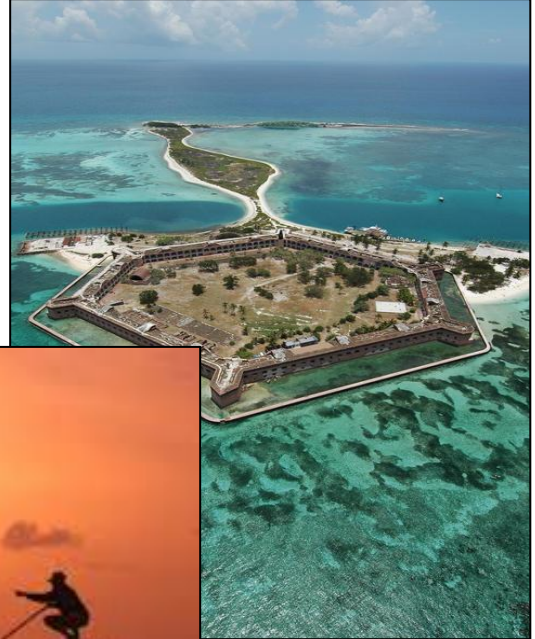




MONROE COUNTY BOARD OF COUNTY COMMISSIONERS STATE LEGISLATIVE AGENDA

2021



MONROE COUNTY BOARD OF COUNTY COMMISSIONERS
Office of Legislative Affairs
January 20, 2021

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

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Mayor Pro Tem David Rice, District 4

Commissioner Craig Cates, District 1

Commissioner Eddie Martinez, District 3

Commissioner Mike Forster, District 5

COUNTY ADMINISTRATOR

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Senate District 39: Senator Ana Marie Rodriguez

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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

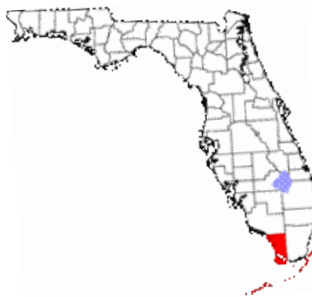


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REPORT AND DISCUSSION

LEGISLATIVE AGENDA DEVELOPMENT

Staff is seeking Board approval of the issues presented herein to be included in the County's 2021 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 2021.

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 works collaboratively to help develop the Compact's 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 2021 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 **authority from the State to levy an extra 1-penny sales tax**. The ultimate levy of the 1-penny tax, if State authority were to be secured, would be subject to the approval of our local voters via a local referendum. The revenue raised from this 1-penny sales tax would be used to implement a

road elevation program to respond to the severe and persistent flooding of the County's roads from sea level rise, King Tides, and storm inundation.

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 10% cap on annual increases, 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.

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 and Ryan Matthews of Peebles Smith (with a sub-contract with Dean Canon 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.

Please find on the following pages a listing of the proposed Monroe County 2021 State legislative issues, with a brief discussion on each.

KEY DATES

2021 Legislative Session

- ❖ December 2-4: FAC Legislative Conference
- ❖ January 6: Local Delegation Meeting
- ❖ January 20: Approval of BOCC Legislative Agenda
- ❖ January-February: Legislative Committee Weeks
- ❖ March 2: First Day of Session
- ❖ March 17: Florida Association of Counties Legislative Day
- ❖ TBD: Keys Day
- ❖ April 20: Last Day for Committee meetings
- ❖ April 30: Last Day of 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 **\$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 **\$18.9M** 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 **\$4.5M**. To date, **327** development rights have been retired (251 by the County and 76 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.

FUNDING TO BUILD RESILIENCY TO SEA LEVEL RISE, KING TIDES AND STORM INUNDATION ON COUNTY ROADS

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.)
- ✓ Many communities are currently impacted by severe and persistent flooding on their roads. This flooding affects 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, 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.) We utilize the revenue from this 1-cent sales tax for critical infrastructure needs including firehouses, jail facilities, wastewater treatment facilities, courthouses, facilities for all constitutional officers, air ambulance helicopters, and land acquisition.
- ✓ 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 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.

REQUESTED ACTION:

- ✓ **SUPPORT** legislative authority for Monroe County to levy, by referendum, an additional 1-cent sales tax for roadway elevation to mitigate impacts of severe and persistent flooding from sea level rise, King Tides, and storm inundation.

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."*
 - *There has been some pre-session discussion by Citizens and lawmakers about raising Citizens' rates, and eliminating the 10% rate cap. We will monitor this discussion closely, and work with FIRM to advocate against any legislation that would increase or eliminate this 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 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.
- ✓ **OPPOSE** legislation what would increase the annual cap on premium increases above 10% or that would eliminate the cap.
- ✓ **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** 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 (DVs) around the State has been recognized by the Florida Legislature and the Florida Fish and Wildlife Conservation Commission (FWC) as posing significant navigational and environmental impacts. In the past several years, new legislation has addressed several issues related to DVs; however, additional legislative focus will continue to be critical for significant improvements towards the reduction and prevention of DVs.

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. This has resulted in a revenue reduction of approximately \$70,000 annually for Monroe County. 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 this associated grant funding became available in March, Monroe County has secured over \$168,000 in DV removal funding from FWC. However, recent Legislative actions have significantly reduced FWC's spending authority for distribution of these funds. In addition, current remaining funds have been reprioritized for use in response to hurricane-related derelict vessels rather than distribution through the grant program. Marine Resources staff do not believe the intent of this funding was to address natural disaster response for derelict vessels, and doing so in the future creates unpredictable and unreliable funding availability for local governments, particularly Monroe County.

Consistent with FWC and Statewide goals, Monroe County supports legislation that:

- Authorizes FWC's budget request for agency spending authority to utilize revenues in the Derelict Vessel Trust Fund for distribution via grant program to local governments for the removal of derelict vessels
 - Excludes the use of the Derelict Vessel Trust Fund revenues for hurricane response activities.
 - Reduces the number of derelict vessels, including specifically addressing long-term anchoring of vessels that often leads to vessels becoming derelict, and
 - Encourages prevention efforts, such as enhancement to at-risk vessel laws and establishment of a Statewide Derelict Vessel Prevention Program.
- **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 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 Pumpout Program to assist boaters in complying with the NDZ. Monroe County is also launching implementation of a Marina Pumpout Initiative to expand the number of available shoreside pumpout 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 Pumpout 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.

Consistent with Statewide goals, Monroe County supports legislation that:

- Secures a continued legislative appropriation for mobile vessel pump out services in Monroe County.
- Establishes a statewide No Discharge Zone including a requirement that boaters provide proof that their vessel was pumped out.

- **Anchoring Laws:** 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 and still presents significant challenges for Monroe County such as boating safety, public waterway access and environmental damage.

Consistent with Statewide goals, Monroe County supports legislation that:

- Addresses the issue of long-term anchoring of vessels throughout the state, such as time limits for both occupied and stored vessels, and
- Grants local governments more authority to regulate vessel anchoring while retaining statewide uniformity.

REQUESTED ACTIONS:

Derelict Vessels:

- ✓ **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.
- ✓ **SUPPORT** exclusion of the use of the Marine Resources Conservation Trust Fund revenues for hurricane response activities for derelict vessels to ensure continuous, sufficient funding to local governments for routine derelict vessel removal needs.
- ✓ **SUPPORT** establishment of a statewide Derelict Vessel Prevention Program to provide funding for preventative efforts such as statewide Vessel Turn-In Program.
- ✓ **SUPPORT** statutory changes to define a vessel with three (3) or more at-risk citations as a 'public nuisance' and allow law enforcement to relocate, remove and/or destroy these vessels to reduce the number of derelict vessels.
- ✓ **SUPPORT** statutory change to allow law enforcement the ability to relocate at-risk vessels tied to mangroves to protect habitat and discourage inappropriate shoreside access.

Vessel Sewage:

- ✓ **SUPPORT** a legislative appropriation of **\$750,000** to support Monroe County's Mobile Vessel Pump Out Program.
- ✓ **SUPPORT** establishment of a statewide No Discharge Zone including a requirement that boaters provide proof that their vessel was pumped out (similar to Monroe County's existing 'Proof of Pumpout')

requirement). These measures would improve water quality, provide statewide consistency, and provide additional pumpout opportunities for boaters.

Anchoring Laws:

- ✓ **SUPPORT** legislation authorizing local governments to set anchoring time limits in certain designated areas upon approval by FWC when alternative options such as public mooring fields and/or suitable anchorages are available. These measures would retain statewide uniformity and regulation, reduce long-term anchoring of stored and/or unattended vessels, improve boating safety and public waterway access, and reduce environmental damage.
- ✓ **OPPOSE** further dilution of county authority to regulate vessels and waterways.

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.

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.

EMERGENCY MANAGEMENT

REQUESTED ACTIONS:

- ✓ **SUPPORT** legislation creating a public records exemption for after action reports, assessments, and databases that may be used to support response efforts (like WebEOC), emergency management database platforms, applications, programs, software, and the data 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.

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.

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.

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:

- **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.

APPROPRIATION REQUESTS

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.
- ✓ \$200,000 legislative appropriation for facility and security upgrades to the Guidance Care Center's Baker Act facility.

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 after action reports, assessments, and databases that may be used to support response efforts (like WebEOC), emergency management database platforms, applications, programs, software, and the data 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.

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 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 2021 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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