MONROE COUNTY
BOARD OF COUNTY COMMISSIONERS
STATE LEGISLATIVE AGENDA
2018

Keys Recovery.org

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

October 18, 2017

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

Mayor George Neugent, District 2

Mayor Pro Tem David Rice, District 4

Danny Kolhage, District 1

Heather Carruthers, District 3

Sylvia Murphy, District 5

COUNTY ADMINISTRATOR

Roman Gastesi

LEGISLATIVE DISTRICTS

House District 120: Representative Holly Raschein

Senate District 39: Senator Anitere Flores

MEMBERSHIPS IN LEGISLATIVE ALLIANCES

Florida Association of Counties

Small County Coalition

Southeast Florida Climate Compact

National Association of Counties

International City/County Management Association

TABLE OF CONTENTS

REPORT AND DISCUSSION (including Hurricane Irma)…. 3

STATE LEGISLATIVE PRIORITIES:

Land Acquisition…….. 6
Water Quality…… 7
Wind and Flood Insurance…… 8
Emergency Operation Center…….. 9
Resilience Hardening and Planning…….. 9
Marine Protection (Derelict Vessels and Pump Out Program)…… 10
Overseas Heritage Trail (Sugarloaf Section and Pedestrian Bridges)…. 10
Vacation Rentals…….. 11
Single Use Plastic Bags …….. 11
Everglades Restoration…… 12
Tourist Impact Tax…… 12
Drilling/Fracking…… 12
Medical Marijuana…… 12
Clerks' Funding/Judgeships……. 13
Unfunded Mandates, County Revenues, Home Rule…… 13
Appropriations…….. 14

GENERAL STATE LEGISLATIVE ISSUES:

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

CONTACT INFORMATION ……. 19

REPORT AND DISCUSSION

LEGISLATIVE AGENDA DEVELOPMENT

Staff is seeking Board approval of the issues presented herein to be included in the County's 2018 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 2018.

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

Each year, the BOCC and staff evaluate the trends and issues affecting all County programs and services to identify potential policy or substantive legislative issues. Staff has provided a list of substantive priorities and a list general issues that we should monitor for the 2018 State legislative session; and welcomes the addition or deletion of issues that the Board deems appropriate for the County's 2018 legislative efforts.

HURRICANE IRMA

On September 10, 2017, Category 4 Hurricane Irma struck the Florida Keys. We are at this time still in the midst of determining the full extent of its catastrophic impacts. To date, we estimate that the storm destroyed 10,000-15,000 of our homes (about 1/4 to 1/3 of our entire housing stock.) The storm resulted in approximately 2.5M cubic yards of debris that must be collected and hauled away. Over a thousand derelict vessels and significant amounts of appliances and other household debris litter the nearshore and canal waters. Monroe County's need for an Emergency Operation Center was never more evident. Typically in a storm event we convert an existing County facility into a makeshift EOC, which must be evacuated for any storm that is Category 2 or higher because it fails to meet safety and survivability standards. Cat 4 Hurricane Irma forced us to evacuate our own EOC and disrupt emergency operations while we moved to a safer location.

As we slowly sort through the myriad immediate challenges, some have become readily identifiable (emergency housing and EOC, for example), others will emerge. Many of these challenges will require a local and state partnership, and we will be seeking legislative and appropriations support from the State of Florida. These will be added to our normal slate of legislative priorities included and discussed in this document.

We expect that Hurricane Irma's impacts will also bring an additional dimension to, and possibly make more acute, many of our standard legislative issues including water quality, canal restoration, derelict vessels, affordable housing, and affordable wind and flood insurance.

LEGISLATIVE PRIORITIES

Like most legislation, 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 2018 session.

Notwithstanding yet to be identified storm-related issues and appropriations needs, 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 water quality funding may be drawn from the Mayfield authorization via bonding or via cash appropriation. The FKSA expanded the authorized the uses for remaining $100M in the Mayfield authorization (originally limited to wastewater treatment projects) for water quality projects like canal restoration and storm water.

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, 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.

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

As always, it remains important for the lobbying teams to monitor the budgetary and programmatic decisions made by the Legislature to determine their impact on local governments in the form of pre-emptions, revenue reductions, cost shifts and unfunded mandates.

The spate of pre-emption bills introduced in recent legislative sessions such as those related to vacation rentals, single use plastic bags, fracking, business regulation, firearms in Commission meetings, and county rights of way, represent a significant challenge to home rule. We expect these State legislative efforts to continue. Another State legislative action this past session, HJR 7105, which broadens the homestead exemption, heads to the ballot for 2018. If passed, it will dramatically reduce local government revenue; FAC estimates the State legislative initiative will cost local governments $637M in 2019.

Finally, while not strictly legislative in nature, we will be monitoring the meetings, discussions and recommendations of the Constitutional Review Committee (CRC). The CRC is convened once every 20 years to review and make recommendations for changes to the State Constitution. Given the wide breadth of its purview, the CRC's recommendations, which all become referenda on the 2018 ballot, carry significant potential impacts to local governments' operations, structure, home rule, and legislative interests.

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

LOBBYING CONTRACTS

The County utilizes contract lobbying services at the State level to further Monroe County's legislative goals and to secure vital appropriations. Monroe County currently contracts with Robert Reyes with Capital Group, John Wayne Smith of Peebles Smith (with a sub-contract with Gray-Robinson), and Frank Bernardino with Anfield

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 2018 State legislative issues, with a brief discussion on each.

KEY DATES

- September 27, 2017: Florida Association of Counties Legislative Policy Development Conference
- September-December, 2017: Legislative Committee Weeks
- January 9, 2018: State Legislative Session Opens
- February 7, 2018: Florida Association of Counties Legislative Day
- TBD, 2018: Florida Keys Legislative Day
- March 9, 2018: Last Day of Regular Session

LEGISLATIVE PRIORITIES

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

CHALLENGES:

- **Area of Critical State Concern:** The State of Florida designated the Florida Keys an Area of Critical State Concern, in recognition of its unique and significant environmental resources, and through the Administration Commission, the State maintains oversight of the growth and development issues in the Florida Keys.
- **Hurricane Evacuation:** The State's hurricane evacuation rules for the Keys mandate that the Keys be safely evacuated within 24 hours. This limits the number of cars on the road, which limits the number of people that can live here, which the State accomplishes through an annual rationing of building permits, until we reach a cap or "build out."
- **Development Permits:** The State caps the total number of permits in the Keys. In 2013 that cap was set at 3,550. Each year, the State then allocates to the Keys, a specific limited number - 355. At this rate, we will reach build out in 2023, after which no further development will be permitted.
- **Property Rights/Legal Liability**: After we apply all of the available permits (3,550), there will still be 7,800 privately owned, undeveloped parcels, potentially with no ability to develop. The deficit of permits could trigger takings lawsuits against the local governments and the State from owners who may have been denied the ability to build a home on their property. The total value of the remaining 7,800 parcels, and the liability of potential takings claims, is conservatively estimated at **$317M**. The County and the State have already been named as co-defendants in property rights suits filed as a result of ACSC regulations, and are jointly defending those suits.
- **LOCAL COMMITMENT**: The Monroe County Board of County Commissioners has committed $10M to land acquisition to start to reduce this liability. The Monroe County Land Authority has expended $4.6M in land acquisition in FY 16 and 17, and has committed an additional $6M.

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

- ✓ **Florida Forever: 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 retire development rights AND conserve environmentally sensitive land. Of the 7,800 privately-owned, undeveloped properties that could be left without permits *approximately 3,400 lie within Florida Forever* project boundaries.
- ✓ **Military Base Protection Program: SUPPORT Military Base Protection Program funding for Naval Air Station Key West encroachment threats**, and **SUPPORT statutory language to enable the State to purchase Florida Keys military buffer parcels to through this program**: The Keys are home the U.S. Naval Air Station Key West; to be prioritized within the State's Military Base Protection Program, land that presents encroachment threats to the base's operation, would advance our land acquisition/retirement of development rights needs. Approximately 500 of the 7,800 privately-owned, undeveloped parcels lie within military buffer areas.
- ✓ **State Non-Conservation Land Buying in Florida Keys Area of Critical State Concern**: **SUPPORT new statutory language to enable the State to acquire land for the express purpose of reducing potential legal liability for private property rights claims that are anticipated** to arise as a result of State imposed growth restriction due to the State's designation of the Florida Keys as an Area of Critical State Concern.

WATER QUALITY PROTECTION: WASTEWATER TREATMENT, STORMWATER, CANALS

CHALLENGES:

- **Unique Ecosystem**: The Florida Keys lie within the waters of the Florida Keys National Marine Sanctuary. This fragile and complex marine ecosystem of the Florida Keys is one of the unique ecosystems in the world and is home to the **only living coral reef** in the continental U.S. and the third largest barrier reef in the world, the largest sea grass meadow in the hemisphere, and 6,000 species of marine life. Leaching cesspits, runoff and degraded canal waters pollute the nearshores waters of the Sanctuary and threaten the ecosystem.
- **Unrivaled Economic Impact:** This ecosystem is the lifeblood of marine-based tourism and fisheries economy unrivaled in the State of Florida generating over **$4B in economic activity**, enabling the Keys to generate **$200M in sales tax revenue** for the State last year.
- **Federal State Water Quality Mandates:** The implementation of Advanced Wastewater Treatment standards, storm water management and canal water restoration in the Florida Keys are all pursuant to and in furtherance of the Federal Water Quality Protection Program mandates that apply to all of the waters surrounding the Florida Keys. Congress created the Florida Keys National Marine Sanctuary in 1990, and directed US EPA and the State to develop a Water Quality Protection Program to restore and protect water quality.
- **Wastewater Implementation:** The State, through Florida Administrative Code 28-20, mandated that The Florida Keys Area of Critical Concern construct a centralized wastewater treatment system in compliance with FS 381 and 403 across the span of the 100+ mile archipelago. This has cost the local governments of the Florida Keys $900M. The State has invested $100M in that system.
- **Storm Water and Degraded Canal Waters:** With wastewater treatment system improvements almost complete, the Keys must now address two remaining areas of water quality concern, storm water and degraded canal waters. Runoff and poor canal water leach into the nearshore waters of the Florida Keys National Marine Sanctuary and threaten its fragile ecosystem. Environmental testing has determined that many canals in the Keys have poor water quality that fall below the State water quality standards.
- **LOCAL COMMITMENT:**
  - County Funds: The Monroe County Board of County Commissioners expended $7M in local funds to conduct a Restoration Pilot Program, wherein we implemented a number of different restoration technologies on seven different canals to determine the costs and benefits of each technique.
  - RESTORE funds: The Monroe County Board of County Commissioners has committed its Pot 1 and Pot 3 funds (approximately $20M in total) to canal water quality restoration projects.

REQUESTED ACTIONS:

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

WIND INSURANCE AND FLOOD INSURANCE: AFFORDABILITY AND ACCESSABILITY

CHALLENGES:

- **Single provider of wind insurance:** Citizens Property Insurance Company provides wind insurance coverage for approximately 90% of Keys' homes, and is limited to homes valued up to $750,000. Those properties valued over $750,000 must use surplus lines.
- **Affordability**: Property insurance affordability is a key component in preserving the Keys' strong local economy that is a valuable economic engine for the State, and critically important to our residents and business community.
  - 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."*
- **Premium increases and depopulation:** Each year Citizens lobbies the State Legislature to increase its premiums and limit its availability; higher costs and limited coverage negatively impact our citizens, our real estate market and our economy. Monroe County opposes any legislation that increases present premiums or efforts to further depopulate (for example, prohibiting homes over a certain market value, or second homes, from coverage). We urge the legislature, Citizens and OIR to consider the current and any further rate increases given the following:
  - From 2004-2015 Monroe paid $769M in premiums to Citizens, and filed only $83M in claims.
  - Monroe's claims have never exceeded its premiums in any of those years, including 2004 and 2005.
  - Monroe County's claim to premium ration is .11 as compared to a statewide ratio of .64.
  - Yet, Monroe's premium rate is 8.10 per 1,000 of exposure, the highest in the State and 175% higher than the median coastal rate.
- **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 property owners. We are working with Citizens to account for Monroe's building code in mitigation credit calculations and supports legislation that establishes premium rates that are commensurate with actual risk.
- **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:

- ✓ **OPPOSE** the 2018 rate increase in Citizens Wind Insurance for Monroe County and suspend any future rate increases for five years, pending the completion of the following:
  - Application of mitigation credits that account for Monroe's rigorous building standards;
  - Consider converting Monroe County from a single geographic area into smaller discreet geographic areas. There is a strong correlation between rate levels and total amount of insurance and loss projections in a geographic area; smaller, more discreet areas have lower total insured amounts and loss projections. Smaller, discreet areas carry lower storm hit prediction likelihoods than larger areas, have lower risk, and ultimately lower rates.

- Application of 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** State legislative efforts that recognize the importance of affordable flood insurance to homeowners and local businesses, particularly in coastal communities, and to their local economies, which in turn contribute tremendously to the overall State economy; and that seek to address flood insurance premium rate hikes associated with changes to the National Flood Insurance Program.

✓ **SUPPORT** the legislative efforts of Fair Insurance Rates for Monroe (FIRM) related to both wind and flood insurance affordability and availability for Monroe County.

EMERGENCY OPERATION CENTER

CHALLENGES:

Need: Monroe County is threatened by more hurricanes than any other location in the State, yet has no safe, survivable facility from which to coordinate vital emergency operations. Monroe County has the highest risk of hurricane strike in the State of Florida. In addition, due to its linear geography, there is a single evacuation route for residents and tourists, underscoring the need for vigilant preparation and management of emergency operations before, during and after major storm events. Unincorporated Monroe County is charged with operational leadership and coordination of all municipalities and myriad local, State, and Federal agencies during emergencies.

Despite this responsibility and the high frequency of storm events, Monroe County does not have a stand-alone Emergency Operations Center (EOC). For each storm event, we convert an existing County facility into a makeshift EOC that is severely deficient for this purpose, failing to meet minimum criteria for safety, self-sustainability and survivability of an EOC structure as mandated by State law.

Cost-Effective, Multi-Use Solution: Monroe County proposes to construct a new EOC, co-located on property already owned by Monroe County, the Florida Keys-Marathon International Airport. This location is in the heart of the Florida Keys, directly on US 1. Monroe County will utilize the new building as a mixed use facility, providing a hardened facility for the Sheriff's 911 Center (currently in rented space) and the County's IT network servers, and a permanent space for the administrative, training and planning functions of the County's Emergency Management Department.

REQUESTED ACTIONS:

✓ **SUPPORT** request to State Division of Emergency Management for funding for design and construction.

✓ **SUPPORT** request to Florida Department of Transportation for funding for construction (50/50 Grant program.)

✓ **SUPPORT** legislative appropriation toward the overall cost.

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.

MARINE PROTECTION: DERELICT VESSELS VESSEL AND PUMP OUT PROGRAM

CHALLENGES:

- **Derelict Vessels**: The generation of derelict vessels Statewide has been recognized by the Florida Legislature and FWC as posing significant navigational and environmental impacts to be addressed. In 2014, the FWC held a series of workshops throughout the State to consider options for the development of anchoring restrictions, acknowledging the issue of long-term anchoring (storage) of vessels, and recognizing that such vessels often degenerate to derelict condition. Monroe County has the highest number of derelict vessels in the State. Consistent with FWC and Statewide goals, Monroe County supports legislation that: 1) reduces the number of derelict vessels, including specifically addressing long-term anchoring (storage) of vessels that often leads to degeneration and ultimately to derelict condition, and 2) ensures sufficient funding to remove and dispose of derelict vessels, such as adding an additional surcharge to the vessel registration fee, both Statewide, and in Monroe County.

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

REQUESTED ACTIONS:

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

OVERSEAS HERITAGE TRAIL –PEDESTRIAN BRIDGES AND SUGARLOAF SECTION

CHALLENGES:

- **Sugarloaf Segment of OHT:** The segment of the trail required redesign because the former design did not include work to mitigate erosion that occurred along shoreline during storms. FDOT funded the design in FY 18, with $740,000 in Transportation Alternative Program (TAP) funds. The design will start in October 2107 and will take 12 months. The focus now is on funding the construction, which is estimated to cost approximately $8.5M. Because TAP is limited to a $1M/yr for three years, this funding source isn't workable for a project of this cost, unless the project is split into smaller projects. the redesign combined the two

smaller projects in order to reduce costs. Consequently, FDEP will be applying for the $8.5M from FDOT's SUN Trail Grant Program in the spring of 2018 for funding in FY 2019. Local district staff have indicated FDOT will support the application.

- **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 $7M. Possible sources for funding include the following: DEP will include this its legislative budget request for FY 2018, but DEP funds are limited. TAP funds are also a possibility, but TAP funds are also limited.

REQUESTED ACTIONS:

- ✓ **SUPPORT** DEP's efforts to fund the construction of the Sugarloaf segment of the Florida Keys Overseas Heritage Trail, including specifically:
  - Request FDOT support DEP's SUN Trail application for construction funds.
  - Request FDOT provide Transportation Alternative Program funds if necessary.
- ✓ **SUPPORT** DEP's efforts to fund the Preliminary Design and Engineering study to address the poor conditions of DEP's pedestrian bridges on the Overseas Heritage Trail, including specifically:
  - Supporting DEP's FY 2018 legislative budget request.
  - Requesting FDOT provide funding assistance.
  - Requesting a direct appropriation.
  - Requesting FDOT support DEP's efforts.

VACATION RENTALS

REQUESTED ACTIONS:

- ✓ **OPPOSE** legislation that preempts local communities from regulating vacation rentals.
- ✓ **SUPPORT** legislation that protects grandfathered vacation rental ordinances and that would allow local governments with grandfathered ordinances to amend and update their regulations without losing their grandfathered status.

SINGLE USE PLASTIC BAGS

REQUESTED ACTIONS:

- ✓ **OPPOSE** preempting 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.

EVERGLADES RESTORATION

REQUESTED ACTIONS:

- ✓ **SUPPORT** legislation and funding supporting complete implementation of the Comprehensive Everglades Restoration Plan.

TOURIST IMPACT TAX

CHALLENGE: As an Area of Critical State Concern with a Land Authority, Monroe County is empowered to implement Tourist Impact Tax, a one-cent tax that is collected on transient accommodations. A half-penny of this tax funds land acquisition and the other half-penny goes to the County's general fund to offset the loss of ad valorem taxes due to those land acquisitions and to offset the impacts of tourism. For the Florida Keys, tourism is the most significant economic sector, creating jobs and bolstering the local economy. Tourism also increases the costs for public safety, sanitation, additional infrastructure and utilities like water, sewer, power, roads, bridges, sidewalks, lighting, parking, boat ramps, mooring fields, parks and beaches. It also increases the cost of living and the costs of land and housing, and places demands on the environment and the water quality.

Monroe County implemented this Tourist Impact Tax in 1988 and has remained unchanged since then. Given the challenge of land acquisition to mitigate the potential financial and legal liability associated with the Keys' "build out" scenario in 2023, and the costs of addressing the impacts of climbing tourism numbers, Monroe County will seek a statutory change to increase this tax by an additional penny to generate additional revenue to meet these needs. This second penny will approximately generate an additional $4M for land acquisition, and $4M to general fund to offset impacts, annually.

REQUESTED ACTIONS:

- ✓ **SUPPORT** a statutory change (125.0108, FS) to add one-cent to the Tourist Impact Tax.

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.

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.

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.

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

CHALLENGES:

- ➢ **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.
- ➢ **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.

REQUESTED ACTIONS:

- ✓ **OPPOSE** legislation that preempts the legislative and policy-making powers of counties used to regulate land use and implement local zoning controls.
- ✓ **OPPOSE** efforts to shift cost of services, unfunded mandates, pre-emption of local government authority

(home rule), 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 without requisite increases in local property taxes.

- ✓ **OPPOSE** legislation that would revise current law in a manner that reduces or eliminates current local government-related revenues including but not limited to Communication Services tax, Local Business Tax, concurrency and impact fees, existing recapture provisions for homesteaded and non-homesteaded property, modifying current aviation fuel taxes in a manner that would negatively impact counties or the State's ability to provide resources in support of aviation transportation-related operation, and State park admissions fees.

APPROPRIATIONS

REQUESTED ACTIONS:

- ✓ **SUPPORT** $20M legislative appropriation for water quality projects in the Florida Keys.
- ✓ **SUPPORT** $5M legislative appropriation for land acquisition in the Florida Keys through Florida Forever set-aside.
- ✓ **SUPPORT $**500,000 legislative appropriation for pump-out services in the Florida Keys.
- ✓ **SUPPORT** $7M legislative appropriation to DEP for Overseas Heritage Trail Pedestrian Bridges for the Preliminary Design and Engineering study to assess the conditions and repair options for Trail's bridges.
- ✓ **SUPPORT** $8.5M in DOT SUNTrail Grant funding or legislative appropriation to DEP for Overseas Heritage Trail for construction of Sugarloaf section of Trail.
- ✓ **SUPPORT** funding from DEM, DOT, and Legislature for the construction of an Emergency Operation Center.
- ✓ **SUPPORT** legislative appropriations and or agency funding for emergency costs related to Hurricane Irma.

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.
- ✓ **OPPOSE** any changes to the definition that have the effect of transferring large quantities of wetlands and uplands from State ownership to private ownership.
- ✓ **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.
- ✓ **OPPOSE** legislation that preempts local government's ability to establish and maintain local ordinances that regulate billboards.

EMERGENCY MANAGEMENT

REQUESTED ACTIONS:

- ✓ **SUPPORT** State funding for a county Emergency Operations Center to ensure it is able meet the minimum structural survivability and operational space criteria established by the State and federal government.
- ✓ **SUPPORT** assistance for building/identifying Out of County Shelter for residents of Monroe County in cases of mandatory evacuation during storm-related events and other emergencies.
- ✓ **SUPPORT** an increase to the county base grant funding, which has remained unchanged for nearly a decade.
- ✓ **SUPPORT** maintaining the original intent and purpose of the Emergency Management Preparation And Assistance Trust Fund, which is to serve as a funding source for State and local emergency management programs, by ensuring that all monies collected for purposes of funding emergency management, preparedness and assistance are deposited into the EMPA Trust Fund and spent on emergency management activities, and opposing legislative sweeps of these trust fund monies.
- ✓ **SUPPORT** changes to the EMPA trust fund by ensuring the $2.00 and $4.00 annual surcharge on all homeowner and business insurance policies is assessed on either a per-parcel or per-unit basis of coverage, rather than on a single policy and a repeal of the service charge to general revenue on the EMPA trust fund and redirect these monies back to the counties in the same manner in which the EMPA base grant is distributed.

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

AFFORDABLE HOUSING /HOMELESSNESS

REQUESTED ACTIONS:

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

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

REQUESTED ACTIONS:

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

- ✓ **SUPPORT** efforts to increase supportive housing, employment and education initiatives for people with behavioral health issues and/or disabilities.
- ✓ **SUPPORT** appropriate funding for children in early learning and school age care to ensure children's access to educational, enrichment and readiness programs; and continuation of funding for the Florida Healthy Start and Healthy Families program.
- ✓ **SUPPORT** restoration and expansion of State funding for the Community Care for the Elderly Program, which provides cost efficient diversion from nursing home placement for impaired elders.
- ✓ **SUPPORT** the continuation of a coordinated Transportation Disadvantaged (TD) system, and appropriate and dedicated State funding for the TD program; protect the TD trust fund.

LIBRARIES

REQUESTED ACTIONS:

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

TRANSPORTATION

REQUESTED ACTIONS:

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

VETERANS

REQUESTED ACTIONS:

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

COUNTY JAILS, INMATE MEDICAL COSTS, JUVENILE JUSTICE

REQUESTED ACTIONS:

- ✓ **OPPOSE** sentencing of State inmates to county jails, but support counties' ability to contract with the Department of Corrections for housing State inmates.

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

SUSTAINABILITY, PACE, RECYCLING AND SOLID WASTE

REQUESTED ACTIONS:

- ✓ **SUPPORT** the 2018 legislative initiatives of the SE Florida Regional Climate Compact's State Energy and Climate Legislative Program.
- ✓ **SUPPORT** amending statutory language to clarify that in addition to energy retrofits and wind mitigation, that flood mitigation is also an allowable use.
- ✓ **SUPPORT** incentives for local governments to assist in furthering State energy policies such as green building and carbon emissions reductions, and the technical assistance to implement these programs and legislation that provides appropriate resources and incentives to local governments to achieve any statewide recycling goals.
- ✓ **SUPPORT** State legislation that encourages vulnerability assessments, coordinates resources and supports the efforts of local governments to mitigate and adapt to sea level rise, increasing storm severity and other climate changes, and State funding for adaptation planning and investments in areas such as roads and other infrastructure projects that provide hazard mitigation and serve to reduce immediate and long-term risks to critical infrastructure.
- ✓ **SUPPORT** a State comprehensive climate change action plan, energy policies, and other initiatives to reduce carbon dioxide and other compounds in the atmosphere which will help provide solutions to present and future generations, including ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic growth and prosperity.
- ✓ **SUPPORT** State funding of Solid Waste Management Grants.

STATE PENSION (FRS)

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.

CONTACT INFORMATION:

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

- **Mayor George Neugent, District 2**
  BOCC2@monroecounty-fl.gov 305-292-4512
- **Mayor Pro Tem David Rice, District 4**
  BOCC4@monroecounty-fl.gov 305-289-6000
- **Danny Kolhage, District 1**
  BOCC1@monroecounty-fl.gov 305-292-3440
- **Heather Carruthers, District 3**
  BOCC3@monroecounty-fl.gov 305-292-3430
- **Sylvia Murphy, District 5**
  BOCC5@monrocounty-fl.gov 305-453-8787

COUNTY ADMINISTRATOR

- Roman Gastesi
  Gastesi-roman@monroecounty-fl.gov
  Office: 305-292-4441
  Cell: 305-394-1332

DIRECTOR OF LEGISLATIVE AFFAIRS

- Lisa Tennyson
  Tennyson-lisa@monroecounty-fl.gov
  Office: 305-292-4444
  Cell: 305-509-1709

COUNTY ATTORNEY

- Bob Shillinger
  Shillinger-bob@monroecounty-fl.gov
  Office: 305-292-3470
  Cell: 305-747-4717

LOBBYISTS:

- Capitol Group, Robert Reyes, Tallahassee, Fl *850-425-4050*
- Peebles-Smith, John Wayne Smith, Tallahassee, Fl *850-681-7383*
- Anfield Consulting, Frank Bernardino, Tallahassee, Fl *866-960-5939*