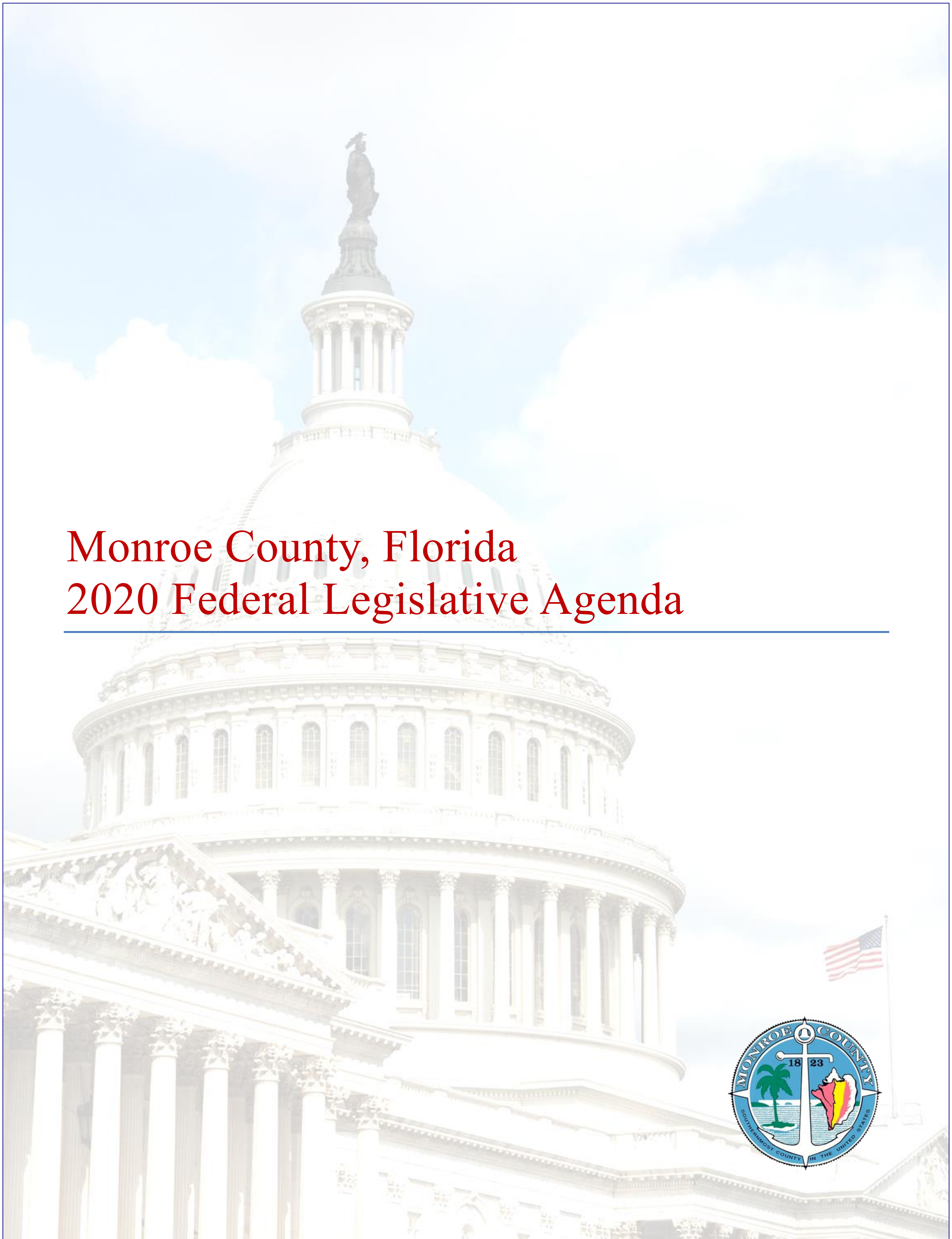

Monroe County, Florida
2020 Federal Legislative Agenda

Prepared by Thorn Run Partners for the

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April 2020

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Monroe County
2020 Federal Legislative Agenda

Primary Issues

COVID-19 Response and Recovery

Support an additional $250 billion in direct federal assistance to all local governments via the Phase IV or other COVID-19 response packages and ensure such funding can be used to cover revenue losses. ***Support*** elimination of the non-federal cost share for FEMA Public Assistance funding.

Hurricane Recovery

Support recovery efforts from hurricanes and other disasters, including funding for the Natural Resource Conservation Service Emergency Watershed Protection program, Community Development Block Grants-Disaster Recovery (CDBG-DR), Hazard Mitigation Grant Program, FEMA reimbursements, and other programs of importance to Monroe County. ***Support*** changes to the Emergency Watershed Protection program rules to ensure the program works as it had in the past and can more effectively respond to future disasters in the Keys. ***Support*** the expedited processing of FEMA reimbursements to local governments. ***Support*** the timely release of CDBG-DR mitigation funds.

National Flood Insurance Program

Support efforts to improve the National Flood Insurance Program for the benefit of all participants. ***Oppose*** reauthorization legislation that would be detrimental to policyholders and local governments. ***Support*** the provisions of the National Flood Insurance Program Reauthorization and Reform Act (NFIP Re). ***Support*** prohibition of the issuance of flood insurance for new development on properties in the Florida Keys that contain known or suitable habitat for federally-listed endangered species.

Higgs Beach Land and Water Conservation Grant Issues

Support inclusion of report language in the Fiscal Year 2021 Interior Appropriations bill to clarify that elements of a park that predate an original LWCF grant – in Monroe County's case the restaurant – should not be factored into such conversion decisions. Report language is as follows: *When evaluating local proposals to improve park land previously improved by a Land and Water Conservation (LWCF) State Assistance grant, the National Park Service should consider only those portions of the park being improved when determining whether such improvements are conversions. Elements of the park that predate the original LWCF grant should not be factored into such conversion decisions.*

Water Quality

Support full funding of the Florida Keys Water Quality Improvements Program via the Army Corps of Engineers Work Plan. ***Support*** continued additional funding for Army Corps of Engineers environmental infrastructure projects in future fiscal years. ***Support*** Monroe County's efforts and activities related to canal restoration.

Payments In Lieu of Taxes

Support full, long-term mandatory funding of the Payments In Lieu of Taxes (PILT) program, which enables local governments to rely upon PILT funds when budgeting.

Everglades Restoration and the Health of Florida Bay

Support efforts to improve the health of Florida Bay by restoring adequate fresh water flows through the Everglades, increasing water storage south of Lake Okeechobee, including the Everglades Agricultural Area Storage Reservoir Project, constructing the Central Everglades Planning Project, and completing the Modified Waters Delivery suite of projects and improved operational plan, including further modification to Tamiami Trail.

Oil and Gas Drilling and Oil Spill Protection
Oppose the inclusion of lease sales for oil and gas drilling within the boundaries of Florida's territorial seas in the Department of Interior's five-year National Outer Continental Shelf Oil and Gas Leasing Program. ***Support*** revisions to the Oil Pollution Act of 1990 and other associated laws to ensure that local governments may act as first responders in an effort to protect local communities, and be reimbursed for their actions undertaken to protect their resources and restore damaged areas during oil spill events, and the Oil Spill Liability Trust Fund is capable of addressing Spills of National Significance where there is no financially viable or legally responsible party.

Environment

Coral Reef Restoration
Support the Restoring Resilient Reefs Act (H.R. 4160 and S. 2429) and any efforts to address coral reef restoration.

Climate Change and Sea Level Rise
Monitor federal climate change legislation and executive actions. ***Support*** federal efforts to address climate change and mitigate sea level rise. ***Support*** the federal legislative priorities of the Southeast Florida Regional Climate Change Compact.

Land Acquisition
Support efforts by federal agencies to acquire appropriate properties to mitigate environmental resource or military encroachment concerns in Monroe County. ***Support*** reauthorization of the Land and Water Conservation Fund, full annual, mandatory funding for the program, and implementation of grant requirements by the National Park Service that enable future enhancement of parks awarded funds. ***Support*** increased funding of the Department of Defense's Readiness and Environmental Protection Integration program.

Property Assessed Clean Energy Legislation
Support regulatory efforts that maintain PACE programs and additional consumer protections.

Transportation

Federal Aviation Administration - Authorization and Issues
Support $3.35 billion in annual appropriations for the Airport Improvement Program. ***Support*** Monroe County's grant proposals for funding through the FAA Airport Improvement Program. ***Support*** an increase in the passenger facilities charge cap from $4.50 to $7.50. ***Support*** annual full and dedicated funding for the FAA Contract Tower Program. ***Oppose*** the elimination of the Law Enforcement Officer Reimbursement Program. ***Support*** the removal or relocation of the non-directional beacon at Higgs Beach. ***Support*** continued efforts to establish a joint-use airport at Naval Air Station Key West. ***Support*** federal funding for sound attenuation activities around military air facilities.

Transportation Authorization and Infrastructure Investment
Monitor proposed changes to federal highway programs. ***Support*** the passage of a long-term surface transportation reauthorization bill. ***Support*** the continuation of dedicated bridge funding through the Surface Transportation Program or other avenues. ***Support*** new federal investment in infrastructure. ***Support*** all opportunities to secure funding for Monroe County's infrastructure priorities.

Social Services

Veterans Affairs Issues

Support improvements to the VA Mission Act that will allow Monroe County veterans to fully benefit from the law. ***Support*** additional educational benefits for our nation's veterans to allow them to more quickly attend post-secondary schools after service concludes. ***Support*** improvements to the VA Transition Assistance Program that will help support veterans as they transition to civilian life, including an opportunity to reattend the program should they desire to in the future.

Continuum of Care Program – Federal Homeless Assistance

Support continued adequate annual funding for Department of Housing and Urban Development Homeless Assistance Grants, particularly for the Continuum of Care Program.

Aging Issues

Support continued adequate annual funding for Older Americans Act programs that support critical social service programs serving elder persons in Monroe County.

Social Services Block Grant

Support continued adequate funding for the Social Services Block Grant program.

Healthcare

Support expanded access to affordable healthcare insurance. ***Support*** increased funding for health services and programs. ***Support*** preservation of Medicare and Medicaid. ***Support*** legislation that responsibly expands treatment options and support for the mentally ill.

Public Safety

Public Safety Programs

Support continued funding for the wide variety of DOJ and DHS grants, i.e., Community Oriented Policing Services, Byrne Justice Assistance Grants, Emergency Management Preparedness Grants, Assistance to Firefighters Grants, Staffing for Adequate Fire and Emergency Response Grants, Urban Areas Security Initiative grants, and other security-specific grants. ***Support*** any Monroe County applications for these funds.

General Government Issues

Naval Air Station, Key West Base Realignment and Closure

Monitor activities related to the Department of Defense Base Closure and Realignment Commission for potential impacts to Naval Air Station, Key West.

Immigration

Oppose the routine separation of children and families as a part of immigration enforcement.

FEDERAL ISSUE: COVID-19 Response and Recovery

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: To respond to the ongoing COVID-19 pandemic, Congress has passed four bills costing nearly $3 trillion to help address a host of public health and economic challenges facing the country. Unfortunately, none of them yet include funding for all local governments, who also are facing significant revenue shortfalls due to stay-at-home orders and general economic unrest. The four bills that Congress has passed thus far include:

1) Phase I bill
    a. $8.3 billion bill
        i. Mostly focused on vaccine development at several federal agencies
2) Phase II bill
    a. Estimated to cost roughly $100 billion
        i. Free coronavirus testing including for the uninsured
        ii. Two weeks of paid sick and family leave
        iii. Increased federal funds for Medicaid and food security programs, like SNAP
        iv. Increased unemployment insurance benefits
3) CARES Act
    a. $2.2 trillion bill
        i. Direct payments to working Americans
        ii. Expansion of unemployment insurance programs
        iii. Small business loan programs and tax credits; Paycheck Protection Program
        iv. Treasury Department loan program, intended primarily for large businesses
        v. Coronavirus Relief Fund
            1. $150 billion to states and local governments with more than 500,000 people; funds can be suballocated at the discretion of the states or local larger governments
            2. Funding cannot be used to offset lost revenue
        vi. Funding provided for FEMA's Disaster Relief Fund, education, Community Development Block Grants, Airports, Transit Systems, and a number of other local government funding programs
4) Phase 3.5 bill
    a. $483.4 billion, including:
        i. $310 billion to replenish the Small Business Administration's (SBA) Paycheck Protection Program (PPP)
        ii. $75 billion for hospitals
        iii. $25 billion to boost testing capacity
        iv. $60 billion for the SBA's Economic Injury Disaster Loan (EIDL) program

Despite all this activity, most local governments including Monroe County have been denied the critical federal assistance needed to avert significant layoffs and furloughs, which would only exacerbate the economic damage being done by COVID-19. Many in Congress have fought for funding for all local governments, with the most recent Democratic offer on the Phase 3.5 bill including $150 billion that would have provided Monroe County with a direct payment of $6,581,581 with the money being able to be used to simply replace lost revenue. This approach was one of the few discussed thus far that was supported by the National Association of Counties, National League of Cities, and the U.S. Conference of Mayors.

Looking ahead to a Phase IV package, many in Congress remain focused on the need to provide direct federal assistance to all local governments. Various bills have been introduced to do that, but more likely, aid proposed by at least the House will look like what Democrats offered during negotiations on the Phase 3.5 package.

Ideally, Congress and the Administration would also waive the non-federal cost share (typically 25 percent – 12% State and 12% local government) for FEMA public assistance funding reimbursement, meaning that for all expenses incurred locally to respond to COVID-19, Monroe County would not pay the otherwise required local cost share.

POSITION: ***Support*** an additional $250 billion in direct federal assistance to all local governments via the Phase IV or other COVID-19 response packages and ensure such funding can be used to cover revenue losses. ***Support*** elimination of the non-federal cost share for FEMA Public Assistance funding.

FEDERAL ISSUE: Hurricane Recovery

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: In September 2017, Hurricane Irma made landfall as a Category 4 storm in Cudjoe Key, causing devastating damage across the islands to homes, business, the environment and public infrastructure. In the months after the storm, Congress passed three supplemental appropriations bills to attempt to assist in the recovery efforts from Hurricane Irma as well as several other hurricanes and wildfires. In total, these supplemental appropriations bills provided a total of $141.05 billion in funding to impacted areas.

Monroe County continues to have several needs for recovery assistance from rebuilding of affordable housing to repair of infrastructure and economic recovery, to name a few. The federal government provides assistance through a variety of different programs; this fragmented system means the County must deal with a myriad of federal agencies as well as coordinate with state and local partners.

FEMA Public Assistance Reimbursements

The Federal Emergency Management Agency (FEMA) assists local governments, through the state, after disasters with funding for recovery projects. This funding follows a specific process where counties seek reimbursement through the State Division of Emergency Management and FEMA for projects. It is essential that these reimbursements are processed in a timely manner to ensure the fiscal stability of local governments. Monroe County has submitted millions of dollars in project worksheets. The County has been working with FEMA and the County's Congressional delegation to process the remaining projects as quickly as possible.

NRCS EWP

The Department of Agriculture Natural Resources Conservation Service (NRCS) administers the Emergency Watershed Protection (EWP) program that is used to remove marine debris after natural disasters. Through the third disaster supplemental appropriations bill, NRCS was provided with $541 million. The County worked with NRCS to complete damage survey reports (DSR) where 258 out of 500 canals submitted by Monroe County were ultimately approved by NRCS. NRCS approved $49.2 Million work on these canals throughout Monroe County with a total dollar value approaching $32 million expended but the entire process was not without many challenges.

Most notably, the County believes that NRCS staff tightened the eligible canals/sendiment removal approval interpretations, denying some marine debris removal activities after Hurricane Irma that were previously approved after Hurricane Georges in 1998. With that in mind, Monroe County will work with its federal delegation to modify the rules to ensure the program works as it had in the past by protecting all of our natural marine resources and not just the most highly impacted waterways, so the County can more effectively respond to future disasters in the Keys.

CDBG-DR

Community Development Block Grants Disaster Recovery (CDBG-DR) are among the most flexible funding available through the federal government to recover from disasters. Once Congress has appropriated funding after a disaster, the Department of Housing and Urban Development will use their formula to determine the allocations between the jurisdictions that have been impacted by the disasters covered in that particular appropriation, which will then be published in the Federal Register. The funds that are allocated to any jurisdiction in Florida are administered by the Department of Economic Opportunity (DEO).

Community Development Block Grant Mitigation program
Congress created the CDBG-MIT program after disasters of 2016 and 2017, leaving much of the implementation up to HUD and individual states to ultimately disburse. In early 2018, HUD notified Florida that it would receive more than $633 million in CDBG-MIT money for disaster events that occurred during 2016 and 2017. In the middle of 2019, HUD finally released a Federal Register notice to formally disburse the funds to the states who are eligible, once states submitted their individual State Action Plans. Florida submitted the second iteration of its State Action Plan to HUD in February 2020. HUD should have sixty days to either approve or disprove of the plan, after which Florida should be able to finally access and spend the funding.

Building Resilient Infrastructure and Communities
The Disaster Recovery Reform Act (DRRA) from 2018 included reforms to federal disaster programs and amended many sections of the Robert T. Stafford Disaster Relief and Emergency Act including Section 203, Pre-Disaster Mitigation. Among others, Congress created BRIC which will be funded through the Disaster Relief Fund as a six percent set aside from estimated disaster grant expenditures.

BRIC expands the concepts of pre-disaster mitigation by prioritizing the building of resilient infrastructure to make communities better prepared to withstand the next disaster. It will provide incentives for states to work with local communities to identify their most pressing hazards and encourage innovative solutions for building a culture of preparedness. BRIC is expected to favor risk-based approaches and will emphasize projects that build a community's capability and capacity to manage emergencies and buy down the impacts and risk from future disasters. BRIC is likely to favor projects that have whole community partnerships and look at the bigger picture.

FEMA estimates that the program will be funded at $300 million to $500 million per year, with significantly greater amounts of money in years that have a high number of catastrophic disaster obligations. The federal/nonfederal match is expected to be 75/25, with possible exceptions for smaller, low-income communities.

The rules for the BRIC program are expected to be finalized sometime in early 2020.

POSITION: ***Support*** recovery efforts from hurricanes and other disasters, including funding for the Natural Resource Conservation Service Emergency Watershed Protection program, Community Development Block Grants-Disaster Recovery (CDBG-DR), Hazard Mitigation Grant Program, FEMA reimbursements, and other programs of importance to Monroe County. ***Support*** changes to the Emergency Watershed Protection program rules to ensure the program works as it had in the past and can more effectively respond to future disasters in the Keys. ***Support*** the expedited processing of FEMA reimbursements to local governments. ***Support*** the timely release of CDBG-DR mitigation funds.

FEDERAL ISSUE: National Flood Insurance Program

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: In 1968, Congress established the National Flood Insurance Program (NFIP) to address the nation's flood exposure and challenges inherent in financing and managing flood risks in the private sector. Private insurance companies at the time claimed that the flood peril was uninsurable and, therefore, could not be underwritten in the private insurance market. A three-prong floodplain management and insurance program was created to (1) identify areas across the nation most at risk of flooding; (2) minimize the economic impact of flooding events through floodplain management ordinances; and (3) provide flood insurance to individuals and businesses.

Until 2005, the NFIP was self-supporting, as policy premiums and fees covered expenses and claim payments. Today, the program is roughly $25 billion in debt due to several large storms.

In mid-2012, Congress passed, and the President signed, the Biggert-Waters Flood Insurance Act (BW12), a 5-year reauthorization of the NFIP that attempted to restore the program to firmer financial footing by making a number of changes to the program that impacts the Key's residents. Then, in early 2014, the Homeowner Flood Insurance Affordability Act (HFIAA), was enacted to address some of the so-called unintended consequences of BW12. While HFIAA delayed many of the premium increases implemented by BW12, the only real difference between rate increases envisioned by the two bills is that HFIAA reinstated grandfathering and eliminated the sales trigger. Grandfathering, originally ended by BW12, allows property owners to pay flood insurance rates based on original risk, not that which is determined by new community flood maps.

Authorization of the NFIP will expire September 30, 2020. In Monroe County, there are 30,956 NFIP policies for both homes and commercial properties.

116th Congressional Approach

In the summer of 2019, House Financial Services Committee Chair Maxine Waters (D-CA) and Ranking Member Patrick McHenry (R-NC) released a compromise bill to reauthorize the National Flood Insurance Program for five years, among other things. Given that the bill is a compromise, it appears less consumer-friendly or far-reaching than the bills that Chairman Waters released on her own in March 2019. While the compromise bill unanimously passed the Committee, it never saw action on the House floor. It also faced stiff criticism from several Senators who argue that the bill's consumer protections are not robust enough and do not do enough to keep rates affordable, particularly with FEMA's Risk Rating 2.0 initiative looming. Meanwhile, Senate Banking leadership remains relatively unengaged in the debate and Senate Majority Leader McConnell will not be eager to spend a week on the NFIP as he prefers any bill in that chamber to clear via unanimous consent. Future discussion of long-term reauthorization of the NFIP remains murky.

Risk Rating 2.0

"Risk Rating 2.0" will dramatically change the way the NFIP prices flood policies and is now expected to be released in April 2021 and go into effect in October 2021. All 5 million NFIP policyholders are expected to have different policy premiums under the new system. Among the new changes impacting policy prices will be the cost of rebuilding an insured structure, the potential impact of different types of flooding, and the distance of a property to a coast or river. It will also introduce new sources of flooding, such as intense rainfall, that have not previously been considered in the NFIP rating structure. Risk Rating 2.0 could create policy premiums that will remind policyholders of increases routinely faced after passage of the so-called Biggert-Waters NFIP reauthorization in 2012.

Monroe County Position
Monroe County supports reauthorization of the National Flood Insurance Program (NFIP) with legislative, policy and programmatic modifications to improve the affordability and transparency of the program through reforms in the following areas:

1) Affordability/Rate Structure
    a. Maintain a focus on affordability; however, if rates must rise, provide a more reasonable glide path for all properties, such as no greater than a 10 percent increase per year
    b. Ensure rates are consistent for all properties, including second homes and businesses
    c. Ensure NFIP rates are not excessive or unfair by making the rate-setting process more transparent to the public
2) Programmatic Modifications to Enhance NFIP's Financial Sustainability
    a. Consider Write-Your-Own reforms including reducing commissions while further incentivizing NFIP policy sales efforts
    b. Encourage greater participation by those outside of the 100-year floodplain via expanded use of the Preferred Risk Policy
    c. Further strengthen enforcement responsibilities to ensure those in the 100-year floodplain have and maintain flood insurance
    d. Privatization that maintains affordability and requires whole profile of risk (no cherry picking)
3) Mitigation
    a. Increase funding for existing flood mitigation programs which are shown to save $6 for every $1 invested in such programs
    b. Establish tax credits for mitigation efforts
    c. Consider voucher/loan programs to further emphasize mitigation, particularly for lower-income participants
4) Endangered Species Protection
    a. Support prohibition of the issuance of flood insurance for new development on properties in the Florida Keys that contain known or suitable habitat for federally listed endangered species.

Monroe County Endangered Species Considerations
In addition, Monroe County is home to over a dozen species that are listed by the federal government as either being threatened or endangered under the Endangered Species Act. This led to decades long litigation by environmental groups who challenged the issuance of flood insurance in the Keys on the basis that this insurance encourages and subsidizes development which ultimately jeopardizes the listed species. That litigation led to an injunction against the issuance of flood insurance on up to 50,000 parcels of property in the county which lasted for seven years. Amending the NFIP to prohibit the issuance of flood insurance for new development on known or suitable habitat for listed species would protect those species, conserve the expenditure of federal resources, and help the County reduce its exposure to property rights claims brought due to federal, state, and local regulations that have been developed to preserve this same habitat.

POSITION: ***Support*** efforts to improve the National Flood Insurance Program for the benefit of all participants. ***Oppose*** reauthorization legislation that would be detrimental to policyholders and local governments. ***Support*** the provisions of the National Flood Insurance Program Reauthorization and Reform Act (NFIP Re). ***Support*** prohibition of the issuance of flood insurance for new development on properties in the Florida Keys that contain known or suitable habitat for federally-listed endangered species.

FEDERAL ISSUE: Higgs Beach Land and Water Conservation Grant Issues

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: Monroe County, Florida has for several years developed a comprehensive Master Plan to redesign Higgs Beach Park in Key West. This project will include a realignment of a portion of Atlantic Boulevard, the existing road that traverses the Park to improve the Park's recreational value. Higgs Beach Park is locally owned and maintained. The roadway realignment and other Park improvements will be completed at the expense of the County. The County is not seeking any federal funds to complete this project. The realignment of Atlantic Boulevard will provide many benefits, including better usability and safety, while also protecting and preserving historic and cultural resources on the Park site:

- The new Atlantic Boulevard will occupy a smaller footprint
- The new route will eliminate the need for cars to back into oncoming traffic when exiting parking spaces
- Eliminate the need for park visitors (many of whom are children) to cross the roadway to access park restrooms
- Eliminate a segment of roadway that requires drivers to maneuver near a museum
- Uncover a historic African gravesite the County recently discovered in preparation for the project which exists under the current roadway, thereby allowing for a historical marker and appropriate recognition of the burial ground

LWCF Compliance Issue

- Monroe County received a Land and Water Conservation Fund (LWCF) grant in 1983 for $110,223.56, of which $82,159.80 was expended on Higgs Beach Park.
- Per the terms of the 1983 grant agreement, the County must seek approval of any project within the Park limits.
- Despite the fact that the road realignment will *reduce* the amount of paved area in the Park and *improve* recreation and safety, the County has been informed by the National Park Service (NPS) that they must go through the conversion approval process.
- The County has submitted an application for a small conversion to the Florida Department of Environmental Protection (FDEP) which would then need to be approved by the NPS.
- FDEP has stated that the National Parks Service has taken the position that this project is a large conversion. Not only does this process trigger a full NEPA review, it may result in an estimated three-year delay in addressing the roadway realignment and other Park improvements.
- The conversion process is typically used when public, green space is being lost and must be replaced by land of equivalent value. The County's project to realign a portion of the park access road will result increasing green space in the park by reducing the footprint of the road and improving overall recreational value of the Park, making the conversion process of acquiring additional land redundant.
- **The County has offered to repay NPS the grant in order to move forward with the project, however, they have been told that would not release them from their obligations.**
- **The County is looking for a common-sense solution that will allow them to proceed with their project that will increase green space, improve safety, and enhance recognition of cultural and historic assets.**

Most recently, FDEP and NPS have focused their concerns on the presence of a restaurant that has been in place in Higgs Beach since 1949, believing that the operation of the restaurant automatically triggers a conversion. The report language below seeks to clarify that elements of a park that predate an original LWCF grant – in Monroe County's case the restaurant – should not be factored into such conversion decisions.

Report language is as follows: *When evaluating local proposals to improve park land originally improved by a Land and Water Conservation (LWCF) State Assistance grant, the National Park Service should consider only those portions of the park being improved when determining whether such improvements are conversions. Elements of the park that predate the original LWCF grant should not be factored into such conversion decisions.*

POSITION: ***Support*** inclusion of report language in the Fiscal Year 2021 Interior Appropriations bill to clarify that elements of a park that predate an original LWCF grant – in Monroe County's case the restaurant – should not be factored into such conversion decisions. Report language is as follows: *When evaluating local proposals to improve park land previously improved by a Land and Water Conservation (LWCF) State Assistance grant, the National Park Service should consider only those portions of the park being improved when determining whether such improvements are conversions. Elements of the park that predate the original LWCF grant should not be factored into such conversion decisions.*

FEDERAL ISSUE: Water Quality

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: Nutrients commonly found in wastewater and stormwater are one of the major contributors to the decline in water quality in the Florida Keys.

Florida Keys Water Quality Improvements Program

For these reasons, Congress directed the U.S. Army Corps of Engineers to assist with implementation of infrastructure improvements in the Florida Keys to improve nearshore water quality within the Sanctuary. In 2001, Public Law 106-554 authorized the Florida Keys Water Quality Improvements Program (FKWQIP), whereby the Corps may provide up to $100 million in technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Sanctuary. The primary purpose of this effort is to improve water quality in the Florida Keys through implementation of several wastewater and stormwater master plans previously prepared for Monroe County's municipalities. The South Florida Water Management District is the non-federal Sponsor for FKWQIP.

To fund environmental infrastructure projects that are not budgeted for by the Administration, such as FKWQIP, Congress has provided additional funding for what Congress terms "Additional Funding for Ongoing Work." Among these accounts, Congress has for the past several years provided money for Environmental Infrastructure projects such as FKWQIP. Most recently, the Corps provided $5 million in additional funding for FKWQIP through their FY 2020 Work Plan. FKWQIP over the years has received $61 million in funding from the federal government.

Canal Restoration

Canals within the Florida Keys have received considerable attention from regulatory agencies due to poor water quality. 195 of the 500 canals do not meet the State's minimum water quality criteria and are a potential source of nutrients and other contaminants to nearshore waters designated as Outstanding Florida Waters. As a result, a comprehensive Canal Management Master Plan (CMMP) was commissioned by Monroe County with financial assistance from the Environmental Protection Agency and with approval from the Florida Keys National Marine Sanctuary (FKNMS) Water Quality Protection Program (WQPP).

One of the main objectives of the CMMP was to prioritize the residential canals within Monroe County related to the need for water quality improvements. A process was developed that classified canals by water quality characteristics into "Good", "Fair", and "Poor" categories. Canals receiving a "Poor" classification were considered as potential candidates for certain restoration technologies. Restoration technologies reviewed in the CMMP include removal of accumulated organics, incorporation of weed gates or similar weed barrier structures, addition of culverts, construction of pumping systems, and backfilling. The ultimate goal of this work is to restore the environmental health of Monroe County's canals, and subsequently its nearshore waters.

The County Commission previously approved moving forward with a series of seven canal restoration demonstration projects. Those projects were complete by June 2016. The preliminary results have indicated immediate improvement to the water quality of the majority of restored canals. The results are being used to further define restoration costs and for information in future grant applications to state and federal sources.

To be eligible for federal funding, canal restoration efforts would require a new authorization through Congress. Under the Water Resources Reform and Development Act (WRRDA) of 2014, the Army Corps of Engineers is required to seek proposals for water resources studies and project modifications on an annual basis. From the proposals submitted by local sponsors, the Corps identifies those that meet certain criteria and recommend them to Congress for authorization within an Annual Report. The Report will also include an Appendix listing those proposals that are not recommended for authorization and the reasons for the lack of recommendation. Congress will then have the opportunity to authorize the recommended studies and project modifications through a yes or no vote, rather than a traditional Water Resources Development Act (WRDA). This process provides an opportunity to seek future assistance from the Corps for canal restoration activities.

Monroe County is also slated for approximately $20 million funding for the CMMP through the RESTORE Act.

<u>POSITION</u>: ***Support*** full funding of the Florida Keys Water Quality Improvements Program via the Army Corps of Engineers Work Plan. ***Support*** continued additional funding for Army Corps of Engineers environmental infrastructure projects in future fiscal years. ***Support*** Monroe County's efforts and activities related to canal restoration.

FEDERAL ISSUE: Payments In Lieu of Taxes

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: Under law, federally-owned lands within a local government's boundary cannot be taxed, but these lands still create a demand for services, including firefighting and police protection, construction of roads, and search-and-rescue operations. Congress has created several programs in an attempt to compensate local governments, particularly counties, for these losses to their tax base. One of these programs from which Monroe County benefits is the Payments in Lieu of Taxes program (PILT).

Congress passed the Payments In Lieu of Taxes Act in 1976 (Public Law 94-565) to help offset the impact from these losses to local governments' tax bases through annual compensation. The PILT program is administered by the Department of Interior.

Payments are made annually for tax-exempt federal lands administered by the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, the U.S. Forest Service, and for federal water projects and some military installations. The authorized level of PILT payments is calculated under a complex formula that includes five factors affecting Monroe County's compensation: the number of acres eligible for PILT payments, the County's population, payments in prior years from other specified federal land payment programs, state laws directing payments to a particular government purpose, and the Consumer Price Index. The following are Monroe County's PILT payments for the last four fiscal years: $1,180,195 in 2016, $1,206,542 in 2017, $1,231,768 in 2018, and $1,259,020 in 2019. A total of 454,867 acres, which is roughly 19 percent of the County's land, is eligible for compensation.

In 2008, Congress reauthorized PILT and changed it from a discretionary to a mandatory program through FY 2012. As a mandatory program, authorized eligible local governments are able to automatically receive their full PILT payments. As a discretionary program, however, PILT is subject to the annual, and often arbitrary, appropriations process.

As of now there is no concrete long-term nor short-term solution for providing additional PILT funding in future years. There has been some discussion of tying mandatory funding for the program to receipts from the Land and Water Conservation Fund (LWCF). The LWCF is currently a discretionary program that is routinely funded well below its authorized amount. Because of this, many believe the LWCF should also be moved to the mandatory side of the budget in order to provide as much funding as possible for the program without crowding out discretionary funding for other high-priority needs. Tying PILT, the LWCF, and other programs together as mandatory funding provides an opportunity for many programs to receive full funding on a regular basis, providing stability for local governments, as well as conservation opportunities. Because both programs tend to have support from a bipartisan coalition of lawmakers, the largest challenge for this proposal is how to pay for it.

POSITION: ***Support*** full, long-term mandatory funding of the Payments In Lieu of Taxes (PILT) program, which enables local governments to rely upon PILT funds when budgeting.

FEDERAL ISSUE: Everglades Restoration and the Health of the Florida Bay

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: Florida Bay is a large shallow lagoon bordered to the north by the Florida peninsula and to the south and east by the Florida Keys. A portion of the bay is located within Everglades National Park and is protected by the National Park Service (NPS), with the remainder lying within the Florida Keys National Marine Sanctuary, which falls under the jurisdiction of the National Oceanic and Atmospheric Association. The Bay provides unique and critical habitat for many plants and animals, including several endangered species such as the Florida Manatee.

The NPS began long-term monitoring of Florida Bay in 1988 in order to collect and analyze hydrologic and salinity data from the Bay. At this same time, the Bay was suffering from tremendous (approximately 23,000 acres) of sea grass die off from hyper saline conditions with resulting algal blooms. Salinity levels are considered the primary driver of ecological conditions within the bay. Salinity levels are also the driver to maintain the state-established Minimum Flow and Level (MFL) for Florida Bay, an ecosystem-based protective standard established under Florida law.

The construction of water control structures and facilities within the Everglades throughout the 20th century has altered the natural hydrologic patterns of water in the region. Overtime, this has reduced the flow of freshwater into Florida Bay and changed the ecosystem of the Bay and other connected coastal regions. Managing these water flows to reduce the severity and frequency of hypersalinity events and algal blooms are among the goals of the Comprehensive Everglades Restoration Plan (CERP).

There are several projects under various stages of development that will improve the health of Florida Bay. These include the Central Everglades Planning Project, Modified Water Deliveries, including the bridging of portions of Tamiami Trail, C-111 South Dade, and the C-111 Spreader Canal project, among others.

Recently, the biggest news for Everglades restoration is the unprecedented level of funding provided to or recommended for restoration. Specifically, the federal government provided the program with $235 million in Fiscal Year (FY) 2020 and the Administration recommends $250 million for FY 2021. While it will be some time before the Administration releases budget justification documents to show how they intend to spend $250 million next year, we do know the following regarding the FY 2020 allocation:

- Central Everglades Planning Project ($109.945 million)
- Biscayne Bay Coastal Wetlands ($41.1 million)
- Indian River Lagoon South ($31.5 million)
- Picayune Strand ($30 million)
- Broward County Water Preserve Area ($11,000,000)
- Other ($8.455 million)
- CERP Gen 2 ($1.8 million)
- Kissimmee River ($1 million)
- C-111 South Dade ($200,000)

Lake Okeechobee System Operating Manual Update

The Army Corps of Engineers has begun the process to update the Lake Okeechobee Regulation Schedule to reflect new infrastructure that has or will be coming online (such as the Herbert Hoover Dike rehabilitation). The regulation schedule regulates the management of lake levels. As a part of this process, the Corps hosted public meetings and accepted written comments. Since then, they have hosted monthly Project Delivery Team meetings to develop alternative options for management of the Lake. The Corps anticipates having a final report completed in September of 2022.

POSITION: ***Support*** efforts to improve the health of Florida Bay by restoring adequate fresh water flows through the Everglades, increasing water storage south of Lake Okeechobee, including the Everglades Agricultural Area Storage Reservoir Project, constructing the Central Everglades Planning Project, and completing the Modified Waters Delivery suite of projects and improved operational plan, including further modification to Tamiami Trail.

FEDERAL ISSUE: Oil and Gas Drilling and Oil Spill Protection

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: Active energy drilling currently occurs in both the western and central Gulf of Mexico, while nearly the entire eastern Gulf is protected from drilling until 2022 by the Gulf of Mexico Energy Security Act of 2006 (GOMESA).

For many years, the federal government has developed five-year Outer Continental Shelf (OCS) Oil and Gas Leasing programs to guide energy exploration activities in federal waters. On January 17, 2017, the Secretary of the Interior approved BOEM's finalized OCS Oil and Gas Leasing Program for 2017-2022. No lease sales were proposed for the Eastern Gulf and the area is currently under a moratorium through 2022.

Although typically a new five-year plan would not be developed for several years, in 2017, President Trump signed the America First Offshore Energy Strategy Executive Order. The Executive Order aims to increase domestic energy production and reduce the use of foreign oil by, in part, expanding offshore drilling. As a part of implementing that order, BOEM began to develop a new 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program.

In 2018, BOEM released a draft proposed program (DPP) for the National Outer Continental Shelf Oil and Gas Leasing Program for 2019-2024. The DPP included 47 potential lease sales in 25 of the 26 planning areas throughout the coastal U.S., which is the largest number of lease sales ever proposed for a 5-year lease schedule. The DPP included two sales in the Eastern Gulf of Mexico after the expiration of the moratorium. The County has commented in opposition to these sales.

In 2019, due to recent litigation the Department of Interior postponed the release of its new five-year OCS drilling plan "indefinitely." Despite the indefinite postponement, we know there is bipartisan opposition to offshore drilling from all 17 governors of coastal states in the continental U.S. that could see new drilling under the plan and that the oil industry hopes to still fight for an eventual limited expansion of drilling in Alaska, the eastern Gulf of Mexico near Florida and parts of the Atlantic.

The Department will at some point have to release a new plan, with or without court decisions influencing the proposal, but it may be that political realities caused the White House to back off the release of the plan until after the 2020 elections.

Congressional Action

In early 2019, Representatives Kathy Castor and Francis Rooney re-introduced their Florida Coastal Protection Act. The bill would make the current moratorium on oil and gas drilling in the Eastern Gulf of Mexico, which is set to expire in June of 2022, permanent. The bill is also cosponsored by Representatives Charlie Crist and Vern Buchanan. In conjunction with the introduction of the bill, seven other bills were filed to curtail offshore oil and gas drilling throughout the country, two of which would also curb offshore drilling in Florida. Taken together, these bills would either ban or place a ten-year moratorium on offshore drilling in the Atlantic, Pacific, and Arctic Oceans, in addition to the Eastern Gulf of Mexico. While the bills may pass the House, it is unlikely they will be signed into law.

Oil Spill Protection

The Oil Pollution Act (OPA) was passed by Congress and signed into law in August 1990 in response to rising public concern following the 1989 Exxon Valdez oil spill to expand the authority of the federal government to prevent and respond to oil spills.

The OPA created the Oil Spill Liability Trust Fund, from which one billion dollars per spill is available for such activities as expediting payments for cleanup efforts, payment of claims for uncompensated removal costs and damages, and payments to a state or local governments for increased public services and the net loss of government revenue. The Trust Fund is primarily funded by a 9 cents per barrel tax on oil.

Under OPA, holders of leases or permits for offshore facilities are liable for all cleanup costs, plus non-cleanup and containment damages up to $133.65 million.

In addition, the Foreign Spill Protection Act, was passed into law in December of 2017. This amended the OPA to impose penalties and provide for the recovery of removal costs and damages in connection with discharges of oil from foreign offshore units that reach or threaten United States navigable waters. Due to Monroe County's close proximity to Cuba, this legislation may provide an important resource if there are any future spills in foreign waters near Monroe's shores.

Monroe County would like to see additional changes to OPA to ensure that the Oil Spill Liability Trust Fund is capable of addressing Spills of National Significance where there is no financially viable or legally responsible party, and that local governments may act as first responders during oil spill events.

<u>POSITION</u>: ***Oppose*** the inclusion of lease sales for oil and gas drilling within the boundaries of Florida's territorial seas in the Department of Interior's five-year National Outer Continental Shelf Oil and Gas Leasing Program. ***Support*** revisions to the Oil Pollution Act of 1990 and other associated laws to ensure that local governments may act as first responders in an effort to protect local communities, and be reimbursed for their actions undertaken to protect their resources and restore damaged areas during oil spill events, and the Oil Spill Liability Trust Fund is capable of addressing Spills of National Significance where there is no financially viable or legally responsible party.

FEDERAL ISSUE: Coral Reef Restoration

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: The Florida Reef Tract stretches from the Dry Tortugas in Monroe County to the St. Lucie Inlet in Martin County. It is the only barrier reef in the continental United States and is the third largest barrier reef in the world. The Florida Reef Tract is currently facing the most serious coral disease epidemic on record globally. The disease outbreak began in 2014 near Key Biscayne in Miami-Dade County. The disease has since spread across the Reef Tract, both north and south. To date, over half of the Reef Tract has been impacted, including at least 23 of the 45 reef-building coral species. The disease has been detected in the reef area off of Long Key. Once infected, coral colonies typically die within weeks or months. The disease has yet to be identified and a diagnosis is needed in order to adequately address the outbreak. Hurricane Irma also had a negative impact on the health of the Reef Tract with shifting sand and sediment damaging the structure of the reefs. Florida's coral reefs attract over 16 million visitors a year and provide over 71,000 local jobs.

Congress passed the Coral Reef Conservation Act in 2000, which authorized appropriations to the National Oceanic and Atmospheric Administration (NOAA) for coral reef protection and management activities through 2004 and, among other activities, authorized the Coral Reef Conservation Program (CRCP) to provide matching grants to states, territories, educational and non-governmental institutions, and fishery management councils for coral reef conservation projects. While the authorization for the overall program expired in 2004, Congress has continued to fund the CRCP through the annual appropriations process. Funding for coral reel programs has remained stable over the past few years, with the program receiving nearly $30 million for the past several fiscal years.

Senators Marco Rubio (FL), Brian Schatz (HI), Rick Scott (FL), and Mazie Hirono (HI) introduced the Restoring Resilient Reefs Act of 2019 (S. 2429), which would modernize the Coral Reef Conservation Act of 2000, fifteen years after its expiration. A House companion bill (H.R. 4160) was also introduced by Representative Darren Soto (FL) and includes:

- A 5-year authorization with an explicit focus on restoration activities where natural disasters and human activities have degraded reef ecosystems;
- Directed federal funding and technical assistance so States and impacted communities can drive priorities and management of coral reef ecosystems, such as a State Block Grant, and other incentives for further community participation and investment through new Coral Reef Stewardship Partnerships;
- Overlapping federal, state, and local planning responsibilities and inducements for collaboration to support improved capacity-building at the State and local levels;
- Enhanced assessment and reporting procedures to document, measure, and analyze planning, management, and restoration outcomes to drive increasing efficacy in future coral reef interventions;
- New avenues for the provision of emergency funds to ensure rapid and effective responses to coral reef emergencies including disease outbreaks, invasive species, coral bleaching, natural disasters, vessel groundings, hazardous spills, and coastal construction accidents;
- The bill also codifies and updates the U.S. Coral Reef Task Force previously established by Executive Order, and provides the Secretary of the Interior with the authority to provide scientific expertise, technical assistance, and financial assistance for management and restoration activities.

The Senate version of the bill has been referred to the full Senate after having cleared the Senate Commerce Committee by a voice vote in 2019. The House has yet to act on the companion version of the bill, but it is cosponsored by 14 members of the House, including a nearly equal number of Democrats and Republicans. Nine of those Members are from Florida, including Mr. Soto. Monroe County has a long history of championing protections for the Florida Reef Tract at both the state and federal level.

POSITION: ***Support*** the Restoring Resilient Reefs Act (H.R. 4160 and S. 2429) and any efforts to address coral reef restoration.

FEDERAL ISSUE: Climate Change and Sea Level Rise

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: The Florida Keys is on the front lines of climate change, facing such potential impacts as sea level rise and increased hurricane intensity. Given the County's unique vulnerabilities to sea-level rise, as well as its international presence as a premier tourist destination, Monroe County has an opportunity to demonstrate leadership on this issue through the implementation of key policies, practices and investments that will prepare the County for the impacts of climate change. As a result, the County is acting now to enact local policies to combat the future effects of climate change.

In 2016, Monroe County completed a comprehensive study on the effects of local sea level rise and climate change mitigation strategies called GreenKeys. The study utilizes a planning scenario for sea level rise of 9 to 24 inches in the next fifty years. The data also shows that even using a conservative estimate of sea level rise, numerous County roads and portions of the County can expect to see significant flooding on a regular basis.

Sea Level Rise predictions were update by the Climate Change Compact in December 2019. The 2019 projection, the Compact's third *Unified Regional SLR Projection*, provides an update to the amount of anticipated sea level rise in Southeast Florida through 2120. These projections represent a consensus from a technical Work Group consisting of members from the academic community and federal agencies, with support from local government staff, and incorporates the most up-to-date, peer-reviewed literature, and climate modeling data.

Mean sea level rise (above the 2000 mean sea level in Key West) is projected to be the following:

- 10 to 17 inches by 2040
- 21 to 54 inches by 2070, and
- 40 to 136 inches by 2120.

In 2013, the County developed the Monroe County Community Climate Action Plan (MCAP), which outlines a course of action for the County to minimize climate change impacts and increase the sustainability of the Florida Keys. MCAP includes initiatives to reduce energy use and waste, create local jobs, improve air quality, and preserve Monroe's local landscape and history. These initiatives were rolled into the County's GreenKeys Plan in 2016.

Other communities in Florida also recognize the risk climate change poses to their citizens, infrastructure, and economies. Monroe County partnered with Miami-Dade, Broward, and Palm Beach Counties in 2010 to form the Southeast Florida Regional Climate Change Compact to coordinate climate mitigation and adaptation activities across county lines. The Compact represents a new form of regional climate collaboration designed to allow localities to plan for adaptation while providing an efficient means for state and federal agencies to engage with technical assistance and support. Monroe County hosted the 11th Annual Florida Regional Climate Leadership Summit in December 2019.

The new majority of the 116th Congress has frequently focused on climate change over the past year. In early 2019, Speaker Nancy Pelosi (D-CA) created the House Climate Crisis Select Committee chaired by Representative Kathy Castor (D-FL), and tasked the Committee with releasing a report outlining solutions by this spring. Meanwhile, House Democrats recently unveiled the "The Climate Leadership and Environmental Action for our Nation's (CLEAN) Future Act," which aims to achieve net-zero emissions for the United States by 2050.

Additionally, other Members have introduced climate change-related bills, although none are expected to become law before the end of the 116th Congress.

<u>POSITION:</u> ***Monitor*** federal climate change legislation and executive actions. ***Support*** federal efforts to address climate change and mitigate sea level rise. ***Support*** the federal legislative priorities of the Southeast Florida Regional Climate Change Compact.

FEDERAL ISSUE: Land Acquisition

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: The federal nexus for Monroe County's land acquisition challenges are generally based upon two basic principles: a) rigorous preservation of the Florida Keys' unique environmental resources, which are protected under a variety of federal laws including the Endangered Species Act, and b) the need to protect Naval Air Station Key West, one of the military's premier air combat training facilities, from encroachment.

Monroe County contains a number of unique environmental resources of national significance. In recognition of the value of these resources and features, the federal government has created four national wildlife refuges (Crocodile Lake, Great White Heron, Key Deer, and Key West), three national parks (Everglades, Biscayne, and Dry Tortugas), as well as a National Marine Sanctuary (Florida Keys) and a National Preserve (Big Cypress), all of which are located in whole or in part in Monroe County. In addition, Monroe County is also home to a world renowned coral reef and over 30 listed species protected under the Endangered Species Act (ESA).

In order to protect these scarce yet vital natural resources, development on private property in Monroe County is heavily controlled by federal, state, and local regulations. To see the significant impact of federal regulations on the County's ability to regulate local development, one need to look no further than the Florida Key Deer v. the Federal Emergency Management Agency (FEMA) & US Fish & Wildlife Service (USFWS) suit settled in 2012 after more than 20 years of litigation. USFWS and FEMA negotiated a settlement agreement with environmental advocates that forced the County to adopt regulations and procedures to assist the USFWS with performing its obligations under the ESA or face expulsion from the National Flood Insurance Program (NFIP). The County had little choice but to implement procedures that essentially shifted the burden of implementation of the ESA from the USFWS to Monroe County.

That settlement agreement was predicated upon the USFWS's revised Biological Opinion (BO) on the NFIP in Monroe County. The BO contained reasonable and prudent alternatives (RPA) that required the Florida Keys communities to revise their Flood Damage Prevention programs to include the review of floodplain development applications for potential impacts to nine endangered species – a review the ESA requires FEMA and USFWS to undertake, not local governments.

According to the data contained in the BO, there are 63,411 acres of suitable habitat for listed species in unincorporated Monroe County. Approximately 7,193 privately owned vacant parcels, having an approximate combined value of $240,088,014 within USFWS designated potentially suitable habitat. While the BO only addresses protections for nine species, twenty-two federally-listed species live in the Florida Keys and critical habitat has been designated for eleven of these species. In addition, the USFWS currently proposes to list (and subsequently designate critical habitat for) an additional five (5) species in the Florida Keys in the near future.

The limitations upon development imposed by the ESA and other federal, state, and local regulations impose severe restrictions on private property owners who desire to develop their properties. The U.S. and Florida Constitutions require government to compensate private property owners when those regulations result in a taking.

The County realizes the importance of preserving and sharing the benefits of our unique natural resources, and has conducted the reviews for FEMA and FWS, including restricting development based on this process, but federal support is required to maintain the protection of our significant environment. The Keys supports and encourages the federal government to target the acquisition of lands containing suitable habitat for and known populations of federally-designated wildlife species.

In addition to the land acquisition challenges resulting from environmental protection regulations, the County faces challenges in the area surrounding Naval Air Station (NAS) Key West, one of the military's premier air combat training facilities. The airfield is located just outside of Key West in the most densely populated area of the County. The impact of encroachment from development, both past and future, in the vicinity of NAS Key West further exacerbates the land acquisition challenges for Monroe County. While the County wants to foster the continued use of the airfield, it must also be mindful of encroachment challenges due to property owners in the adjacent community. Acquisition of nearby properties can help solve that challenge.

In order to proactively address these land acquisition challenges, the County has engaged in land acquisition efforts primarily through the Monroe County Land Authority. The Land Authority has two dedicated revenue sources through which it funds land acquisition (half of the one cent tourist impact tax, and a State park surcharge). Unfortunately, these sources are insufficient, as they generate only about $900,000 annually. However, in Fiscal Year 2015, the County Commission budgeted $10 million in local funds to serve as a match for federal and state land acquisition projects. Even with that additional funding, the County lacks the financial resources to meet all of the land acquisition needs that result from federal and state environmental protection regulations as well as encroachment issues arising near NAS Key West. Solving the County's land acquisition challenge can only be done through a combination of federal, state, and local efforts.

The Land and Water Conservation Fund

The Land and Water Conservation Fund Act of 1965 was enacted to help preserve, develop, and assure access to outdoor recreation facilities for our nation. The law created the Land and Water Conservation Fund (LWCF) in the U.S. Treasury as a funding source to implement outdoor recreation goals.

The LWCF has been the principal source of monies for land acquisition for outdoor recreation by four federal agencies—the National Park Service, Bureau of Land Management, Fish and Wildlife Service, and Forest Service. The LWCF also funds a matching grant program via the National Park Service to assist states (and local governments as sub-recipients) in acquiring recreational lands and developing outdoor recreational facilities. A portion of the appropriation is divided equally among the states, with the remainder apportioned based on need, as determined by the Secretary of the Interior. The states award their grant money through a competitive selection process based on statewide recreation plans, as well as establish their own priorities and criteria.

The LWCF is authorized at $900 million annually. While the fund accrues revenues and collections from multiple sources, most revenues are derived from oil and gas leasing in the Outer Continental Shelf. Congress determines the level of appropriations each year, and yearly appropriations have fluctuated widely since the origin of the program.

For FY 2020, Congress funded the State Assistance Programs at $140 million. In FY 2020, the House and Senate both propose $140 million for the program. In FY 2018, with slightly less funding available, Florida received $4.6 million for their state program.

DoD Readiness and Environmental Protection Integration Program

The Department of Defense's (DoD) Readiness and Environmental Protection Integration Program (REPI), which was authorized by Congress in 2002, funds cost-sharing partnerships for the military with state and local governments in order to address incompatible development and loss of habitat around DoD installations. These partnerships obtain easements or other interests from willing sellers that preserve critical buffer areas around DoD facilities in order to protect the military's ability to accomplish its training, testing, and operational missions by helping to remove or avoid land-use conflicts, as well as addressing regulatory restrictions that inhibit military activities. Through Fiscal Year (FY) 2018, the REPI Program has protected 586,665 acres in 106 locations across 33 states. The REPI program may provide an opportunity for land acquisition for those parcels located near DoD facilities within Monroe County.

Since the program's inception, Congress has increased REPI's original funding from $12.5 million to over $70 million annually. Total service requests average $140 million annually, which greatly exceeds available REPI funding. To make up some of the difference, federal REPI funding is augmented by cost-shares from partner contributions, including other federal grants, state and local grants or cost-share programs, private capital, donations, and in-kind services, among others.

POSITION: ***Support*** efforts by federal agencies to acquire appropriate properties to mitigate environmental resource or military encroachment concerns in Monroe County. ***Support*** reauthorization of the Land and Water Conservation Fund, full annual, mandatory funding for the program, and implementation of grant requirements by the National Park Service that enable future enhancement of parks awarded funds. ***Support*** increased funding of the Department of Defense's Readiness and Environmental Protection Integration program.

FEDERAL ISSUE: Property Assessed Clean Energy Legislation and Guidance

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: Property Assessed Clean Energy (PACE) programs aim to support energy efficiency, clean energy, and wind resistance, investments by homeowners and commercial property owners. This eliminates the upfront cost barriers of those investments and ensures that current and future property owners fairly share the costs and benefits of the improvements.

PACE is a financing tool that allows a home or property owner to receive low-interest financing for energy efficiency, renewable energy and wind resistance improvements, thereby saving that property owner money on their utility bills. PACE financing is repaid through a voluntary long-term assessment on a homeowner's property taxes over a longer time period that matches the useful life of those improvements. If a property owner sells their property, the repayment obligation, as well as the benefits of the energy improvements, can transfer to the next property owner.

In 2010, Fannie Mae and Freddie Mac raised concerns due to the senior lien status PACE financing takes over a mortgage as a local government assessment. Because Fannie and Freddie underwrite nearly ninety percent of new mortgages, this slowed the development of PACE programs. In December of 2017, the Federal Housing Finance Agency stated that it will no longer allow buyers with FHA loans to purchase properties with PACE assessments in place. If an FHA approved buyer wants to purchase a home with PACE financing, that loan must be paid off at or prior to closing. Additionally, properties with PACE financing will not be eligible for FHA mortgage insurance and it requires additional reporting during the appraisal process for properties with PACE obligations. FHA controls approximately 13 percent of the mortgage market.

In May 2018, Congress passed, and the President signed into law, S. 2155 which made several banking related legislative changes. The bill directs the Consumer Financial Protection Bureau to take up rulemaking to ensure that regulated entities' (Freddie, Fannie, Federal Home Loan Banks) PACE financing complies with the Truth in Lending Act.

In addition, the Federal Housing Finance Agency is seeking input as to how the regulated entities should address PACE financing.

Commercial PACE is not impacted by these agency activities.

POSITION: ***Support*** regulatory efforts that maintain PACE programs and additional consumer protections.

THORN RUN PARTNERS
GOVERNMENT RELATIONS

FEDERAL ISSUE: Federal Aviation Administration - Authorization and Issues

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: In October 2018, Congress passed and the President signed, a five year reauthorization of the Federal Aviation Administration (FAA). The bill authorized level funding for the Airport Improvement Program (AIP), at $3.35 billion for each of the next five years, while also authorizing an additional $1 billion annually for supplemental airport discretionary grants, with half prioritized for small airports should Congress provide such funding. The bill also extended the contract tower program.

Passenger Facility Charge
While passenger traffic through airport facilities continues to grow a record pace, outdated aviation infrastructure cannot keep pace with demand. As airports work to modernize their infrastructure, it can be challenging to secure funding. Infrastructure projects at airports in the United States are funded through three key mechanisms: federal grants through the AIP, the Passenger Facility Charge (PFC) local user fee, and tenant rents and fees.

The PFC has been unchanged for almost 20 years and is capped at $4.50. Allowing for an increase will help restore the PFC's lost purchasing power and provide airports with the ability to set their own levels based on locally determined needs. Airports rely on the PFC to fund infrastructure projects and is only paid by travelers using the airport. Allowing airports to raise the PFC to $7.50 will help spur additional airport infrastructure development and improve the service for the flying public.

Fish Hook Non-Directional Beacon at Higgs Beach
The County would like the FAA to remove or relocate the Fish Hook non-directional beacon (NDB) currently located at Higgs Beach in Key West. The circa World War II radio tower and surrounding fencing occupies nearly an acre of a 16.5 acre County beach park in Key West. The park is undergoing a major revitalization and Master Redevelopment Plan which calls for green space where the tower now stands. The park is at the southern terminus of the Florida Keys Overseas Heritage Trail bicycle pedestrian path and is a major tourist attraction and community amenity. In September 2009, FAA Technical Support Staff conducted a cursory review of the County's request and determined the NDB facility building and older antenna may be eliminated or the fenced area significantly reduced if replaced by a smaller and more modern antenna. However, in December 2012, FAA regional staff conducted a site survey to determine the scope of work and availability of suitable sites for potential relocation of the NDB. Less than a month later, the FAA released its report and concluded the following:

- The existing NDB shelter and tower are not suitable for relocation and would need to be replaced.
- No suitable location for the NDB was found (Two alternate locations were found to be unsuitable).
- Due to the heavy density and nature of the island, land acquisition of private property would be timely and costly.

The County met with the FAA in 2013, at which time they were told the NDB is needed for redundancy purposes and could not be removed or relocated. The FAA argued that should all other technologies fail, the NDB is needed because it would still function during an emergency. Then, in April 2015, Rep. Curbelo sent a letter to the FAA requesting the agency consider relocating the beacon, to which the FAA again indicated that no suitable location is available.

Most recently in November 2016, Monroe County approved an expenditure of more than $40,000 to fund an FAA study to relocate the tower. In May 2017, the County met with the FAA to discuss how long a response from the FAA may take to complete the study. In 2018, the County met with the FAA again to discuss next steps forward.

Joint-Use of Naval Air Station Key West

Naval Air Station (NAS) Key West is located on Boca Chica Key near Key West. NAS Key West's national security mission provides operational and readiness support for the Department of Defense, Department of Homeland Security, Air National Guard, Army National Guard, and allied military forces.

The County has expressed an interest in utilizing NAS Key West as a joint-use facility due to limited runway length at Key West International Airport. At 4,801 feet, the runway is currently the shortest commercial runway in the country, which has deterred carriers from servicing the airport, thereby driving up ticket costs. Since the 1990's, the County has discussed joint-use of NAS Key West with the Navy. In 1995, however, the Navy issued a report disapproving joint-use at NAS Key West on the grounds that it would interfere with operational readiness. Since then, conversations between the County and the Navy regarding joint-use have occurred sporadically.

POSITION: ***Support*** $3.35 billion in annual appropriations for the Airport Improvement Program. ***Support*** Monroe County's grant proposals for funding through the FAA Airport Improvement Program. ***Support*** an increase in the passenger facilities charge cap from $4.50 to $7.50. ***Support*** annual full and dedicated funding for the FAA Contract Tower Program. ***Oppose*** the elimination of the Law Enforcement Officer Reimbursement Program. ***Support*** the removal or relocation of the non-directional beacon at Higgs Beach. ***Support*** continued efforts to establish a joint-use airport at Naval Air Station Key West. ***Support*** federal funding for sound attenuation activities around military air facilities.

FEDERAL ISSUE: Transportation Authorization and Infrastructure Investment

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: In January 2020, House Democrats unveiled an ambitious and extensive infrastructure investment proposal entitled, *Moving America and the Environment Forward*. The $760 billion proposal – to be spent over five years – would dramatically increase federal spending on a host of infrastructure categories, including the nation's roads, bridges, transit systems, railways, airports, ports, inland waterways, wastewater and drinking water systems, brownfields, and broadband. Meanwhile, Speaker Nancy Pelosi (D-CA) indicated additional components for housing and education infrastructure, including school construction, will be added to the proposal before moving the legislation in the House this year.

However, in many ways, the package is simply an amalgamation of several bills that could (or should) move on their own, including a transportation reauthorization (the next iteration of the FAST Act, the existing $305 billion, five-year transportation package that expires September 30, 2020), and a Water Resources Development Act (WRDA) reauthorization (which many hope to reauthorize in 2020), among other items.

Not only are House Democrats aiming to show they can legislate while impeaching President Trump, but this is also a redux of infrastructure discussions that have occurred over the past several years. The proposal also seeks to focus attention on climate change, adding climate-focused or resilience elements to most items to ultimately attempt to meet many of the goals of the Green New Deal.

To put the total price tag of the House Democratic plan in perspective, you may recall that the American Recovery and Reinvestment Act (ARRA, more commonly known as the Stimulus package) ended up as a $787 billion bill. Many do not recall, however, that more than one-third of the total cost of that bill was for tax cuts ($288 billion), while only $111 billion was for infrastructure and science and nearly ten percent of that amount was for broadband.

Moving America and the Environment Forward
At this point, the bill is merely a framework; there is no legislative language to scrutinize, making it more difficult to provide specific details outside of the 19-page framework leadership has released. House leaders believe they may be able to get 70 Republican votes on the House floor in favor of the measure should it come up for a vote this spring or summer. Following are the items included in the framework released by the House.

- Modern Highways & Highway Safety Investment — $329 Billion
- Transit Investment — $105 Billion
- Rail Investment — $55 Billion
- Airport Investments — $30 Billion
- Clean Water & Wastewater Infrastructure — $50.5 Billion
- Drinking Water —$25.4 Billion
- Water Infrastructure — $10 Billion
- Harbor Infrastructure — $19.7 Billion
- Brownfield Restoration — $2.7 Billion
- Clean Energy— $34.3 Billion
- Broadband & Communications — $86 Billion
- Public Safety Communications — $12 Billion

Financing the House Plan
Recently, the House Ways and Means Committee held a hearing entitled "Paving the Way for Funding and Financing Infrastructure Investments" in which Members discussed various funding mechanisms for infrastructure projects. Although this hearing was not specifically on financing the House Democratic infrastructure plan, clearly the Committee discussed broadly how Congress can generate revenue to fund the $760 billion proposal.

Members on both sides of the dais agreed on the need to increase investment in infrastructure. However, they did not display bipartisan agreement on how exactly to do that. Democratic members and panel witnesses emphasized the need to raise the federal gas tax — noting that it has not been increased since 1993 — while Republican members argued against the idea, noting that many states have raised their own gas taxes in recent years. Some Republicans, however, have suggested we transition from the gas tax to a vehicle miles traveled fee in order to generate revenue.

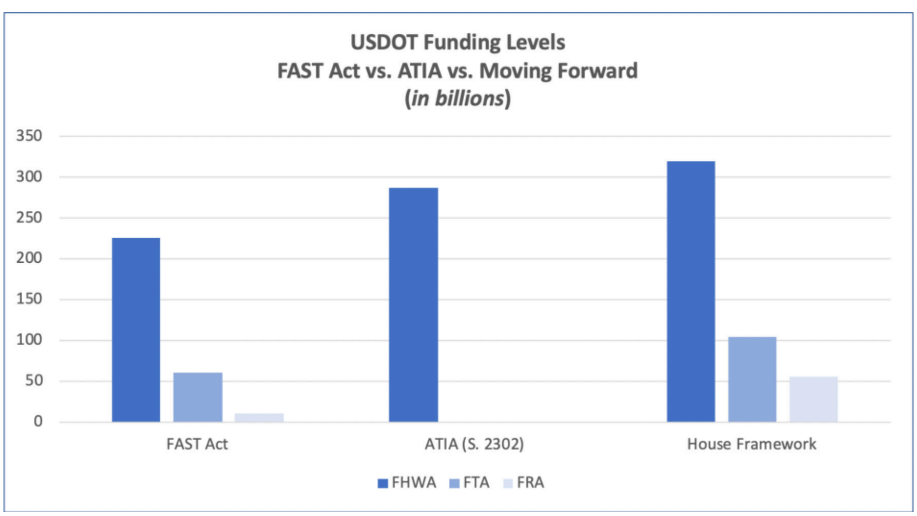
GOP lawmakers also displayed frustration regarding the electric vehicle tax credit, maintaining that it does not help lower-income individuals who are also left to pay more in taxes through the gas tax. Meanwhile, Democrats stressed the need to consider climate change and include resiliency components when funding major infrastructure projects.

Senate Transportation Authorization Proposal
You may recall that last summer, the Senate Environment and Public Works Committee took Congress' first formal step towards more traditionally reauthorizing surface transportation programs from 2020 to 2025 after the existing FAST Act expires. At the time, the Committee approved the America's Transportation Infrastructure Act (ATIA) of 2019, which proposed to increase outlays from the HTF by 27 percent above current levels to a five-year funding level of $287 billion. Under the bill, like recent surface transportation authorizations, more than 90 percent of the funding would be distributed to states by formula.

Given the level of funding proposed, the bill did still provide for several new, increased, or improved local grant funding opportunities, while also focusing on resiliency and continued efforts to streamline federal permitting requirements.

Like the House proposal, the Senate bill did not include revenue-raising provisions, which are necessary but must come from the Senate Finance Committee. It also did not include transit provisions developed by the Senate Banking Committee, nor other portions from the Senate Commerce Committee.

Overall Transportation Funding
For comparison, following is how the House and Senate bills compare with the FAST Act in terms of how much transportation funding is proposed.



Card Sound Bridge
Card Sound Bridge connects southern Miami-Dade County to Monroe County via toll. Monroe County is primarily responsible for operating and maintaining the bridge. It is one of only two roads that connect the Keys with mainland Florida. The bridge is roughly 50 years old and currently undergoing a ten-year update. However, it will likely need to be fully replaced after that time.

MAP-21 eliminated the Highway Bridge Program in 2012. Instead, bridges located on the Interstate or the National Highway System were eligible to receive funding through the National Highway Performance Program (NHPP). Bridges that were not located on this federal-aid system, such as Card Sound Bridge, as well as many others in Monroe County, were provided a separate set-aside in the Surface Transportation Program (STP). This resulted in a nearly 30 percent decrease in funding for on- and off-system bridges. The FAST Act, however, attempted to correct this by expanding the NHPP to allow funding for on-system bridges. This more than restored the cut to on-system bridges under MAP-21. Meanwhile, the bill maintains the STP set-aside for off-system bridges.

POSITION: ***Monitor*** proposed changes to federal highway programs. ***Support*** the passage of a long-term surface transportation reauthorization bill. ***Support*** the continuation of dedicated bridge funding through the Surface Transportation Program or other avenues. ***Support*** new federal investment in infrastructure. ***Support*** all opportunities to secure funding for Monroe County's infrastructure priorities.

FEDERAL ISSUE: Veterans Affairs Issues

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: Congress last passed significant veterans-related legislation in mid-2018, titled the VA Mission Act. The bill primarily intends to improve the Department of Veterans Affairs (VA) healthcare system for the nation's veterans by consolidating and modernizing the VA's community care program, establishing an Asset and Infrastructure Review process, expanding the VA's Family Caregiver Program to pre-9/11 veterans, and increasing the VA's capacity to care for veteran patients in VA medical facilities.

Community Care Program
The largest part of the law establishes a consolidated VA community care program referred to as the Veterans Community Care Program. Under certain circumstances, veterans enrolled in the VA healthcare system can receive health care in their community rather than just from a VA facility. Access to community care is required under the Program if:

a) VA does not offer the care or services that the veteran requires
b) VA does not operate a full-service medical facility in the state which the veteran resides in
c) The veteran is eligible for care in the community under the Choice Program 40-mile rule
d) If the veteran and the referring clinician agree that providing care in the community is in the best interest of the veteran
e) VA is not able to provide care within standards that were developed by VA
f) A medical service within a VA facility fails to meet VA quality standards or if veterans in need of an organ or bone marrow have a medically compelling reason to search outside of the Organ Procurement and Transplantation Network

Furthermore, eligible veterans are authorized two visits per calendar year at participating walk-in or federally qualified health care clinics.

To carry out the Program, VA will enter contracts to create a network of community care providers. Title I authorizes VA to pay for services not included in the contract but deemed necessary. In these circumstances, VA will be required to take appropriate steps to enter into a contract or agreement to ensure that future care provided by the provider in question will be covered.

The law requires VA to reimburse community care providers under the Program at Medicare rates in a timely manner, to pay higher rates in rural areas, and to incorporate value-based reimbursement models to promote high-quality care.

Improvements to Health Care in Underserved Areas
The Department of Health and Human Services defines a medically underserved area as an area that has too few primary care providers, high infant mortality, high poverty, or high elderly population. In an effort to improve care in those areas, the legislation requires VA to carry out a three-year pilot program to provide mobile deployment teams of medical personnel to underserved VA facilities and to consider the size, composition, and specialties needed at any given facility. The law also requires VA to establish a program to create medical residency programs at VA facilities, federally qualified health centers, or a DOD facility.

Other Matters
The legislation also promotes the use and integration of mental health, substance use disorder, and behavioral health services in a primary care setting at the VA by placing peer specialists in care teams.

Monroe County Priorities

1) VA Mission Act - Community Care
   a. Increase the number of non-VA health care providers in Monroe County
   b. Mandate payment timeframes to non-VA health care providers
   c. Prohibit billings to veterans by these medical providers
2) Compensation and Pension – non-VA medical provided services
   a. Increase the number of contracted medical providers in Monroe County
   b. Implement an evaluation survey on appointment contractor companies and contracted medical providers
3) Education Benefits
   a. Require accredited Universities and Colleges to defer tuition, allowing veterans and active duty members to start attending college immediately
   b. Allow accredited Universities and Colleges to have direct access when requesting eligibility
4) Transition Assistance Program (TAP)
   a. Amend the Department of Veterans' Affairs (DVA) Act for the Transition Assistance Program (TAP)
      i. Require transitioning veterans consult with an accredited veterans service officer
      ii. Add a multi-phased "civilian life" phase for veterans and their spouses
         1. Allow veterans to re-attend TAP after separation from service
         2. Amend the Solid Start Program requiring the DVA outreach with veterans at 90 days, 6 months, then at 1, 3, and 5 years from separation providing them data on how to seek assistance services
5) Record Requests
   a. Allow Veteran Service Officers direct access to archived military discharge documents, improving document request wait times and access to benefits
6) Concurrent Retirement Disability Pay/Disabled Veterans Tax Termination Act
   a. Amend title 10, United States Code, permitting retired servicemembers of the Armed Forces with service-connected disabilities rated less than 50 percent to receive concurrent retirement disability pay and to extend eligibility for concurrent receipt to chapter 61 disability retirees with less than 20 years of service
      i. Support H.R. 333 Disabled Veterans Tax Termination Act introduced in the House 1/08/2019

POSITION: ***Support*** improvements to the VA Mission Act that will allow Monroe County veterans to fully benefit from the law. ***Support*** additional educational benefits for our nation's veterans to allow them to more quickly attend post-secondary schools after service concludes. ***Support*** improvements to the VA Transition Assistance Program that will help support veterans as they transition to civilian life, including an opportunity to reattend the program should they desire to in the future.

FEDERAL ISSUE: Continuum of Care Program – Federal Homeless Assistance

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: In 1987, Congress passed the McKinney-Vento Homeless Assistance Act as a response to the increase in homelessness in the United States. It originally created several programs within the Department of Housing and Urban Development (HUD) that focused on combating the root causes of homelessness. The McKinney-Vento Act has been amended many times, most recently in 2009 via the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act. The HEARTH Act updated and expanded the definition of homelessness and made changes to existing programs under McKinney-Vento and created the Continuum of Care (CoC) Program.

The CoC program provides mostly formula grant funding to local governments and non-profits. It requires communities seeking funds to develop a Continuum of Care system designed to address the critical problem of homelessness through a coordinated community-based process of identifying needs and building a system to address them.

Under the CoC program, the Supportive Housing Program provides assistance to help the homeless transition from their current state to a more stable living situation. The goals of the program are to provide assistance to help the homeless achieve residential stability and foster independence through programs that increase skills and/or income levels.

The Shelter Plus Care program provides rental assistance that, when combined with social services, provides supportive housing for homeless people with disabilities and their families. The program allows for a variety of housing choices, such as group homes or individual units, coupled with a range of supportive services.

The Single Room Occupancy program was created to expand suitable residential opportunities for homeless individuals. This has been accomplished through compensating owners of eligible SRO residences, for a period of 10 years, for improvements made to kitchen and bathroom facilities, as well as providing rental assistance for the residents that occupy those units.

The Monroe County Continuum of Care is the lead agency designated by HUD and the State of Florida for coordinating and planning homeless services in the Florida Keys. The CoC organizes the collaboration of local agencies, including Monroe County Social Services and the Monroe County School District, to provide critical supportive services for the homeless.

In Fiscal Year (FY) 2020, Congress provided $2.8 billion for Homeless Assistance Grants. Meanwhile, the Administration requested level funding in its FY 2021 budget.

POSITION: ***Support*** continued adequate annual funding for Department of Housing and Urban Development Homeless Assistance Grants, particularly for the Continuum of Care Program.

THORN RUN PARTNERS
GOVERNMENT RELATIONS

FEDERAL ISSUE: Aging Issues

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: Created in 1965, the Older Americans Act (OAA) supports more than 11 million senior Americans each year — particularly those who are low-income — through programs that promote nutrition (e.g. Meals on Wheels), improve transportation options, support caregivers, offer employment and community service opportunities, and prevent abuse and neglect. The law was last reauthorized in 2016.

In late 2019, Senate Special Committee on Aging Chair Susan Collins (R-ME) and ranking member Bob Casey (D-PA) introduced S. 3057, Modernization of the Older Americans Act Amendments (MOAA). The bill is a bipartisan effort to reauthorize the OAA through 2026. This bill will provide the Senate Health, Education, Labor and Pensions (HELP) Committee – the committee with legislative responsibility for the Older Americans Act – with a framework to move from committee to the floor for consideration by the full Senate, hopefully sometime in 2020.

Specifically, the Senate bill authorizes an array of services through a network of 56 State Units on Aging and more than 600 Area Agencies on Aging (AAAs):

- Reauthorize the OAA for seven years, which is two years longer than the House-passed Dignity in Aging Act (H.R. 4334) and four years longer than the prior reauthorization
- Increase funding by seven percent the first year and six percent in each subsequent year through fiscal year 2026
- Allow AAAs to engage in private pay, integrated care and other arrangements to expand services
- Remove the Title III-E funding cap on grand-families and older relative caregivers; and
- Enhance the capacity of Title VI, Native American aging programs

The bill does not adopt a White House proposal to eliminate local governments' right of first refusal to serve as the AAA, something many organizations adamantly oppose.

Recent appropriations provided for the ACL have remained relatively stable. In FY 2020, Congress provided $2.3 billion. Meanwhile, the Administration requested $2.072 billion for the program in its FY 2021 budget.

POSITION: ***Support*** continued adequate annual funding for Older Americans Act programs that support critical social service programs serving elderly persons in Monroe County.

FEDERAL ISSUE: Social Services Block Grant

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: The Social Services Block Grant (SSBG) is a federal program administered by the U.S. Department of Health and Human Service's Administration for Children and Families that provides funding to the states for social services for eligible populations. The program is permanently authorized under the Social Security Act.

States have broad discretion over how to utilize the funds, but SSBG is generally used to meet at least one of the following goals: 1) achieving or maintaining economic self-support; 2) achieving or maintaining personal self-sufficiency; 3) preventing or remedying neglect; 4) preventing or reducing inappropriate institutional care by providing for community-based care; and 5) securing referral or admission for institutional care when other forms of care are not appropriate. Services may include daycare, protective services, services to persons with disabilities, foster care, adoption, case management, health-related services, transportation, meal delivery, or any other services found necessary by the state that meets eligible criteria.

The SSBG program has seen stable funding over the past several years. It has been funded at $1.7 billion for the last several fiscal years, including FY 2020.

POSITION: ***Support*** continued adequate funding for the Social Services Block Grant program.

FEDERAL ISSUE: Healthcare

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: Throughout the Trump Administration, there have been active efforts to restrict Medicare and Medicaid eligibility while also providing opportunities to states to effectively reduce the amount spent on each program, whether through block grants or other means.

The most recent effort is a November 2019 proposed rule entitled the "Medicaid Fiscal Accountability Rule" (MFAR). However, the rule is highly controversial, with the DeSantis Administration recently commenting that the rule would be "crippling." Medicaid provides health-care services to 3.8 million poor, elderly and disabled Floridians.

The Florida Health Care Association estimated the proposed changes could jeopardize $660 million in Medicaid funding for the state's nursing-home industry. Also, the Safety Net Hospital Alliance of Florida indicated they believe the changes would amount to a $631 million hit for hospitals that are members of the organization, including Jackson Health System in Miami, Orlando Health, UF Health Jacksonville, and UF Health Shands Hospital in Gainesville.

Mental Health

It is estimated that more than 50 million Americans experience some form of mental illness each year, with 11 million considered severely mentally ill. Approximately 40 percent of those who suffer however, are not able to access the treatment they need. Even when care is delivered, it is often delayed for more than two years after the illness first appears.

There has been a renewed interest in mental health care over the past several years. The Patient Protection and Affordable Care Act (ACA, also known as "Obamacare") included significant reforms to mental health coverage. Specifically, the legislation named mental health treatment as an essential health benefit that insurance plans are required to cover. While most large-group plans previously offered some kind of mental health benefits, only 18 percent of small-group and individual plans covered mental health. Furthermore, it is estimated that the Medicaid expansion under the ACA has provided as many as 2.8 million people who suffer from a serious mental illness with coverage. During efforts to repeal the ACA in the 115th Congress, there was discussion of allowing states to opt out of requiring essential health benefits, however these efforts were not successful. In addition to these provisions, the Administration the 2008 Mental Health Parity and Addiction Equity Act, which requires insurers to cover mental health at a level that is comparable to their physical health coverage, has now been implemented.

In 2016, President Obama signed into law the 21st Century Cures Act, which includes a number of provisions related to healthcare, mental health, and addiction. Among other things, the bill reauthorizes several key mental health and substance abuse programs, such as the Community and Mental Health Services block grant, the Substance Abuse Prevention and Treatment block grant, and the Mentally Ill Offender Treatment and Crime Reduction Act. It also includes a provision to strengthen the Mental Health Parity and Addiction Equity Act.

The Helping Families in Mental Health Crisis Act was rolled into the 21st Century Cures Act. This legislation proposed reorienting the mental health system from its focus on serving the largest number of highest functioning patients towards providing treatment for the most seriously mentally ill instead. Specific initiatives within the legislation include: lifting a 16-bed cap on inpatient psychiatric hospital beds under Medicaid, advancing tele-psychiatry to link primary care doctors with mental health providers in areas where patients do not have access to such services, increasing funding for brain research to better understand the underlying causes of mental illness, extending healtha IT so mental health providers can better coordinate with primary care physicians, and implementing criminal justice reforms so patients are treated within the healthcare system and not through the justice system, among several other provisions.

POSITION: ***Support*** expanded access to affordable healthcare insurance. ***Support*** increased funding for health services and programs. ***Support*** preservation of Medicare and Medicaid. ***Support*** legislation that responsibly expands treatment options and support for the mentally ill.

FEDERAL ISSUE: Public Safety Programs

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: Federal grant funding for many Department of Justice (DOJ) and Department of Homeland Security (DHS) programs are provided as block grants with each state receiving a certain amount of funding, generally linked to population. That funding is then passed through to local jurisdictions to help support police, fire, emergency management, and homeland security functions. Examples of these formula programs include the Emergency Management Performance Grant (EMPG) and the Byrne Justice Assistance Grant (JAG).

In other instances, funding from federal programs is made available to local governments via competitive grant solicitations. Competitive program funds can be used to hire police officers through Community Oriented Policing Services (COPS) or firefighters through Staffing for Adequate Fire & Emergency Response Grants (SAFER), and purchase equipment through the Assistance to Firefighters Grant (AFG). There is also another category of grants that are distributed to certain recipients based on specific criteria, such as the Urban Area Security Initiative (UASI), which provides funds to eligible regions to help communities prepare for, prevent, respond to, and recover from potential attacks and other hazards.

Monroe County has benefited from several of these federal programs in the past, while other programs offer competitive grant opportunities from which the County may seek funds.

For FY 2020, Congress provided $547 million for the JAG program and $343 million for the COPS program. With regard to the homeland security programs, the House and Senate provided $355 million for the SAFER, AFG, and EMPG programs.

POSITION: ***Support*** continued funding for the wide variety of DOJ and DHS grants, i.e., Community Oriented Policing Services, Byrne Justice Assistance Grants, Emergency Management Preparedness Grants, Assistance to Firefighters Grants, Staffing for Adequate Fire and Emergency Response Grants, Urban Areas Security Initiative grants, and other security-specific grants. ***Support*** any Monroe County applications for these funds.

FEDERAL ISSUE: Naval Air Station, Key West

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: Naval Air Station (NAS) Key West is located on Boca Chica Key in Monroe County, Florida, 10 miles north of the City of Key West. NAS Key West has several annexes throughout Monroe County including on Key West. The U.S. Navy's presence in Key West dates to 1823, when a Naval Base was established to stop piracy in the area.

Naval Air Station Key West's national security mission supports operational and readiness requirements for Department of Defense, Department of Homeland Security, National Guard units, federal agencies, and allied forces. What makes the southernmost air station attractive to the war fighter is access to unencumbered air space and sea space, the Tactical Combat Training System (TCTS), year-round great weather, the piers/harbor, the visitor quarters complex and the Gulf range complex. As such, NAS Key West is the Navy’s premier East Coast transient pilot training facility for tactical aviation squadrons. The airfield hosts aviation squadrons from around the country on a regular basis to fulfill the mission.

NAS Key West encompasses more than 5,800 acres, and the Gulf water and air ranges span 134,000 square miles. Air station facilities can support up to 100 aircraft and more than 800 personnel at one time, as well as provide port operations for visiting ships. More than 30 tenant commands call Key West home.

These commands include:

- Joint Interagency Task Force South
- Coast Guard Sector Key West
- U.S. Army Special Forces Underwater Operations School
- Naval Branch Health Clinic
- VFC-111 “Sun Downers” Adversary Squadron
- VFA-106 “Gladiators” Detachment Key West
- U.S. Naval Research Lab

The air station’s customers include active and Reserve fighter/strike fighter communities, Chief of Naval Air Training (CNATRA) units, Fleet Replacement Squadrons (FRSs), Fleet Forces Command units and other military service users.

Department of Defense Base Realignment and Closure Commission

The history of the Defense Base Closure and Realignment Commission dates to the Kennedy Administration, which began to reconfigure and consolidate military bases to better meet the threats the United States faced during the Cold War. As the Cold War began to wind down and U.S. defense needs evolved, Congress passed legislation in 1988 to create the independent Defense Base Closure and Realignment Commission (BRAC).

BRAC is a bipartisan group of nine individuals who are appointed by the President to analyze recommendations of the Department of Defense and make decisions regarding base closures or reorganizations. BRAC attempts to remove political considerations from the decision-making process. Congress ultimately must vote simply yes or no on BRAC’s entire list of recommendations. There have been five BRAC rounds in 1988, 1991, 1993, 1995 and 2005.

The President’s FY 2021 budget submission to Congress did not include a request for another BRAC Commission and Congress also did not include another BRAC round in the 2020 National Defense Authorization Act. Some have advocated for another BRAC for several years, arguing that DOD’s domestic footprint is too large given equipment modernizations and reductions in force in recent years. DOD estimates that 20-22% of its facilities are underused or obsolete.

While NAS Key West's unique mission and location make it an unlikely target for future elimination, the County should remain engaged in order to be prepared for any contingency.

POSITION: ***Monitor*** activities related to the Department of Defense Base Closure and Realignment Commission for potential impacts to NAS Key West.

FEDERAL ISSUE: Immigration

BACKGROUND; HOW IT MAY AFFECT MONROE COUNTY: Several Administrations have struggled to address the issue of dealing with families illegally crossing the Southern Border with Mexico. Under the Bush Administration, the Department of Homeland Security's Inspector General released a report stating that family separation happened only when a parent was criminally charged or when there was no availability in family shelters. The Obama Administration sought to detain families together and only detained minors separately when there were concerns regarding human trafficking, danger to the child or unclear claims of parentage.

The Flores Settlement, a 1997 legal agreement, puts limits on how long children can be detained, even with their parents, requirements for how and to whom the government can release them and states that they should be housed in the "least restrictive setting" if they cannot be released immediately. When the Department of Homeland Security was created in 2002, the Office of Refugee Resettlement (ORR) was created and tasked with overseeing the care of unaccompanied minors. ORR follows the principals of the Flores Settlement, anti-trafficking laws, and states that it tries to prioritize keeping siblings or other family units together.

In 2018, former-Attorney General Jeff Sessions announced a new zero tolerance policy on illegal border crossings. He stated that, "if you are smuggling a child then we will prosecute you, and that child will be separated from you as required by law. This policy did not provide any flexibility for those crossing the border to seek asylum in the United States. As a result of this policy, thousands of children have been detained by the federal government and questions have been raised about the policy, the conditions in which children are being held, and the government's ability to reunite them with their parents or other guardians. The Trump Administration has defended their stance, stating that they are following existing law and that previous Administrations also separated families at the border, however, the zero tolerance policy is new in this Administration. Later, the President signed an executive order aimed to address the issue that reiterated that the Administration will continue to criminally prosecute all those who cross the border illegally, but that it is also the Administration's policy to keep families together. The order calls for federal agencies to make existing facilities available to serve as ad-hoc family detention facilities.

POSITION: ***Oppose*** the routine separation of children and families as a part of immigration enforcement.