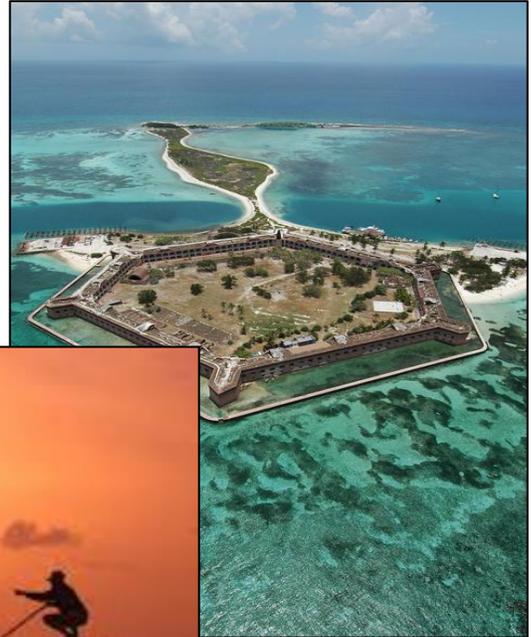




# MONROE COUNTY BOARD OF COUNTY COMMISSIONERS STATE LEGISLATIVE AGENDA

2023



MONROE COUNTY BOARD OF COUNTY COMMISSIONERS  
Office of Legislative Affairs  
November 15, 2022

**MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**

**Mayor Craig Cates, District 1**

**Mayor Pro Tem Holly Merrill Raschein, District 5**

**Commissioner Michelle Lincoln, District 2**

**Commissioner Jim Scholl, District 3**

**Commissioner David Rice, District 4**

**COUNTY ADMINISTRATOR**

**County Administrator Roman Gastesi**

**LEGISLATIVE DISTRICTS**

**House District 120: Representative Jim Mooney**

**Senate District 39: Senator Ana Maria Rodriguez**

**MEMBERSHIPS IN LEGISLATIVE ALLIANCES**

**Florida Association of Counties**

**Small County Coalition**

**Southeast Florida Regional Climate Change Compact**

**South Florida Regional Planning Association**

**National Association of Counties**

**Gulf States Counties and Parishes Caucus**



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## REPORT AND DISCUSSION

### LEGISLATIVE AGENDA DEVELOPMENT

Staff is seeking Board approval of the issues presented herein to be included in the County's 2023 State Legislative Program. Upon Board approval, staff and the contract lobbying teams will pursue all of the legislative issues approved by the Board, and in so doing, place appropriate priority on the issues that the Board directs to receive a special level of attention in 2023.

Annually, the Board reviews legislative priorities and gives direction on and approval of priority legislative issues to guide the County's lobbying efforts at both the State and federal level. Typically, the County identifies as priorities only its most pressing issues and then supports the Florida Association of Counties (FAC) and the Small County Coalition (SCC) in achieving their broader substantive initiatives. As a member of the Southeast Florida Regional Climate Compact, Monroe County collaborates on the Compact's annual legislative program.

Each year, the BOCC and staff evaluate the trends and issues affecting all County programs and services to identify potential policy or substantive legislative issues. Included herein are the substantive priorities and general issues to be pursued and supported during the 2023 State Legislative session.

### LEGISLATIVE PRIORITIES

The County's legislative efforts are incremental and focused on issues that are built upon throughout several sessions, such as funding for water quality infrastructure and land acquisition, and protecting Citizen's wind insurance affordability; others are new, prompted by recent legislation or newly identified needs. The County's priorities for the 2023 session include:

- The County's number one priority is to **secure a \$25M appropriation through the Florida Keys Stewardship Act (FKSA)**, of which \$20M is to fund water quality projects and \$5M is for land acquisition. The County utilizes its share of Stewardship funding for the canal restoration program.
- An important additional goal is to have **the Florida Keys Stewardship Act included as a funded project in State's Land Acquisition Trust Fund**. The Land Acquisition Trust Fund ("LATF") is funded with documentary stamp taxes directed there by Amendment 1. Projects currently funded in the LATF include some of the State's highest environmental priorities, such as Everglades Restoration and springs restoration. Inclusion of the Keys' Stewardship Act into the LATF would elevate our Stewardship Act to Statewide importance and help secure annual funding.
- The FKSA authorizes an **annual \$5M set-aside of Florida Forever funding** for the next ten years, dedicated specifically to enable Florida Department of Environmental Protection to renew an aggressive land acquisition program in the Florida Keys. As the universe of development permits shrinks, and the County reaches "build out," there is a need to keep our State legislators mindful about the impacts and consequences of Monroe County's challenge of protecting both environmentally sensitive lands while balancing private property rights. The State of Florida, having designated the Florida Keys as an Area of Critical State Concern, is a partner with Monroe County in this challenge and we continue to work closely with the State's ACSC oversight agency, the Department of Economic Opportunity (DEO) on these issues, and the State's main environmental regulatory agency, the Department of Environmental Preservation.
- Another top priority is to secure **funding for resiliency projects**. The County has submitted its funding requests into the new DEP Resiliency Funding portal as required by the new law passed in 2021. The

County's legislative team will then advocate with the Governor's office and DEP to secure the funding for those project submittals.

- We will continue to work to protect our marine environment by addressing the proliferation of **derelict vessels and by developing new mooring fields**. Pursuant to legislation passed in 2021 enacting new anchoring limits in the waters of the Florida Keys and subsequent amendment of that the new law in 2022, requiring the installation of 100 new moorings before the new limits may be applied, Monroe has just completed the feasibility for the new mooring field, complete with scope of work and cost estimates. We will be seeking State assistance to help fund the design, engineering and installation costs of the new moorings. The new moorings, along with the new anchoring limits, promise to help reduce vessel dereliction.
- Once again, we will pursue **authorization to levy an additional penny tax for resilient infrastructure needs**. Specifically, this year, we will seek legislative authority to levy a Charter County and Regional Transportation System surtax. Currently only charter counties and entities with a regional transportation system are eligible to levy this tax. We will seek a legislative change that would add non-charter counties as an eligible entity. The proceeds of this surtax revenue would help fund the County's transportation-related infrastructure like road elevation and transportation capital projects. The Board recently directed staff to petition FAC to add this issue to its own legislative agenda. FAC will be considering it their Legislative Conference at the end of November.
- On behalf of the County's hundreds of small contractors and tradespeople, Monroe will pursue the **repeal or amendment of HB 735**, a local government preemption bill that prohibits local government occupational licensing programs, passed by the Legislature in 2021. Without a local licensing program, small contractors and tradespeople remain unlicensed, and therefore have no ability to file for permits for their work, affecting their livelihoods. Consumers also miss the protection of vetted contractors. We hope to convince legislators that local licensing programs help, not harm, small contractors and tradespeople, as well as protect consumers. Monroe has requested that FAC also add this issue to its legislative agenda.
- **Wind insurance affordability** is yet another critical need for our constituents and a key component in preserving the Keys' strong local economy that is a valuable economic engine for the State. The vast majority of wind policies in Monroe are with state-backed Citizens Property Insurance Company ("insurer of last resort.") Preserving affordable wind insurance requires working with Citizens, legislators and the Office of Insurance Regulation to oppose efforts to increase premiums, eliminate the cap on annual increases, reduce coverage, and reduce eligibility. Citizens is under increasing pressure as the crisis in the State's broader property insurance market grows worse. Citizens' policies now exceed 1M as it continues to have to pick up the policy holders from the private sector insurance companies that have failed or left the State. We must closely monitor Citizens' response to the current insurance crisis, and potential impacts to its wind insureds.
- **Balancing ROGO protection with needs for affordable housing** remains an important focus. In 2018, the State gave the County and the municipalities 1,300 "early evacuation" ROGOS for building affordable housing following Hurricane Irma. Key West, Marathon, and Islamorada adopted ordinances accepting those ROGOS, which were challenged. The municipalities prevailed at the Administrative Hearing but the Third District Court of Appeal reversed that decision with respect to Marathon and Islamorada only. Those two municipalities are seeking discretionary review in the Florida Supreme Court. Per the Third DCA's decision, Marathon and Islamorada may not accept their share of these early evacuation ROGOS, and by inference Monroe County may not either. Marathon and Islamorada may seek a legislative change that would enable their use of the new ROGOS. That legislation may seek to amend F.S. 380.0552(9) (Florida Keys Area Protection Act's 24-hour evacuation rule) and/or F.S. 166.04151 (Affordable Housing). If the cities seek a change to F.S. 166.04151, a similar change to F.S. 125.01055 (Affordable Housing) would be necessary for it to benefit Monroe County. The County will closely monitor proposed legislation. Further, Monroe will be seeking an amendment to clarify that

sections in FS 125.01055 referring to affordable housing do not negate Monroe County's Rate of Growth Ordinance.

- Monroe County broke ground on its new **Emergency Operation Center** on its Marathon Airport property in October, and we anticipate completion of this critical new facility in February 2024. Current market conditions have resulted in unanticipated cost escalations, and a funding shortfall of \$6M. We will seek assistance from the State to help with this shortfall with a legislative appropriation request.
- The spate of **preemption bills** introduced last session, and increasingly over recent legislative sessions, such as those related to vacation rentals, emergency powers, contractor licensing, home-based businesses, cruise ship activity in local ports, single use plastic bags, business regulation, use of county rights of way, affordable housing, and local referenda represent a significant challenge to home rule. We expect these State legislative efforts to continue.

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

## LOBBYING CONTRACTS

The County utilizes contract lobbying services at the State level to further Monroe County's legislative goals and to secure vital appropriations. Monroe County currently contracts with Robert Reyes with Capital Group, Ryan Matthews and Dean Cannon of Gray-Robinson, Frank Bernardino with Anfield Consulting, Nick Iarossi with Capital City Consulting and Noah Valenstein with Brightwater Strategies Group. These firms provide a daily presence in Tallahassee and advocate for the County's legislative priorities.

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

## KEY DATES

2023 Legislative Session Dates:

- November 8: Election Day
- November 15: Approval of BOCC Legislative Agenda
- November 30-Dec 2: FAC Legislative Conference
- December-February : Interim Committee Weeks
- March 7: First Day of Regular Session
- TBD: Local Delegation Meeting
- March 15: Florida Association of Counties Legislative Day
- TBD: Keys Day
- April 25: Last Day for Committee meetings
- May 5: Last Day of Regular Session

## LEGISLATIVE PRIORITIES

### FLORIDA KEYS STEWARDSHIP: WATER QUALITY PROTECTION

#### CHALLENGES:

- **Unique Ecosystem:** The Florida Keys lie within the waters of the Florida Keys National Marine Sanctuary. This fragile and complex marine ecosystem of the Florida Keys is one of the unique ecosystems in the world. It is home to the **only living coral reef** in the continental U.S. and the third largest barrier reef in the world, the largest sea grass meadow in the hemisphere, and 6,000 species of marine life. Cesspits, runoff and degraded canal waters pollute the nearshores waters of the Sanctuary and threaten the ecosystem.
- **Unrivaled Economic Impact:** This ecosystem is the lifeblood of marine-based tourism and fisheries economy unrivaled in the State of Florida generating over **\$5.7B in economic activity**, enabling the Keys to generate over **\$257M in sales tax revenue** for the State.
- **Federal State Water Quality Mandates:** The implementation of Advanced Wastewater Treatment standards, storm water management and canal water restoration in the Florida Keys are all pursuant to and in furtherance of the Federal Water Quality Protection Program mandates that apply to all of the waters surrounding the Florida Keys. Congress created the Florida Keys National Marine Sanctuary in 1990, and directed US EPA and the State to develop a Water Quality Protection Program to protect water quality.
- **Wastewater Implementation:** The State mandated that The Florida Keys Area of Critical Concern construct a centralized wastewater treatment system in compliance with FS 381 and 403 across the span of the 100+ mile archipelago. This has cost the local governments of the Florida Keys \$900M. The State has invested \$100M in that system. These wastewater treatment system improvements near completion.
- **Storm Water and Degraded Canal Waters:** The Keys must now address two remaining areas of water quality concern: storm water runoff and degraded canal waters. Runoff and poor canal water leach into the nearshore waters of the Sanctuary. Environmental testing has determined that hundreds of canals in the Keys have poor water quality that fall below the State water quality standards.
- **Canal Restoration Program:** In 2020, the State added Canal Restoration as a mandated component to Monroe County's ACSC annual work plan. The cost of this work is in the hundreds of millions. State funding assistance for this ecosystem restoration work via the Stewardship Act is critical.
- **Land Acquisition Trust Fund:** Inclusion of the Stewardship Act into the State's LATF would significantly enhance efforts to secure annual Stewardship funding.
- **LOCAL COMMITMENT:**
  - **County Funds:** The Monroe County Board of County Commissioners expended **\$7M in local funds** to develop a Restoration Work Plan and to conduct a Restoration Pilot Program, wherein we implemented a number of different restoration technologies on various canals to determine the costs and benefits of each technique.
  - **RESTORE Act funds:** Monroe has committed all of its RESTORE Act **\$20M** to Canal Restoration.
  - **Natural Resources Conservation Service Funds:** The County secured a **\$45M federal grant** in 2018 to remove hurricane-related debris from almost 200 canals.

#### REQUESTED ACTIONS:

- ✓ **SUPPORT** a \$20M appropriation for the implementation of The Florida Keys Stewardship Act.
- ✓ **SUPPORT** inclusion of the Florida Keys Stewardship Act in the State's Land and Water Trust Fund.
- ✓ **SUPPORT** creation of a recurring five-year water-related work plan (similar to the FDOT five year work plan model) for the distribution of State funding for local water-related infrastructure projects and support increased State funding for local water infrastructure projects.

## FLORIDA KEYS STEWARDSHIP ACT: LAND ACQUISITION

### CHALLENGES:

- **Area of Critical State Concern:** The State of Florida designated the Florida Keys an Area of Critical State Concern, in recognition of its unique and significant environmental resources, and through the Administration Commission, the State maintains oversight of the growth and development issues in the Florida Keys.
- **Hurricane Evacuation:** State law limits residential housing growth in the Keys so that permanent residents can be safely evacuated within 24 hours. U.S. 1 has limited capacity for cars on the road, which limits the number of people that can live here. The State accomplishes this through an annual rationing of building permits, until we reach a cap or “build out.”
- **Development Permits:** The State caps the total number of new building permits in the Keys. In 2013 that cap was set at 3,550. Each year, for the next ten years, the State allocates 355 permits to the Keys. We will reach build out in 2026, after which there will be no more permits, and no further development will be permitted.
- **Property Rights/Legal Liability:** After we apply all of the available permits (3,550), there will still be approximately 6,000 privately owned, undeveloped parcels, potentially with no ability to develop. The deficit of permits could trigger property rights lawsuits against the local governments and the State from owners who may have been denied the ability to build a home on their property. The total value of the remaining 6,000 parcels, and the liability of potential takings claims, is conservatively estimated at **\$627M** (2022 data). The County and the State have been named as co-defendants in property rights suits filed as a result of ACSC regulations, and jointly defended those suits.
- **Conservation and Non-Conservation Lands:** Florida Forever provides a programmatic funding source through which the State can acquire lands to retire development rights, as long as those properties are conservation lands within the Florida Forever project boundaries. Of the 6,000 privately-owned, undeveloped properties that could be left without permits *approximately 3,500 lie within Florida Forever project boundaries*. In 2018, we secured legislative changes that authorizes the State to acquire non-conservation lands in ACSC to retire development rights. However, this type of acquisition requires a State funding source.
- **Military Base Buffering:** The Keys are home to the U.S. Naval Air Station Key West. Approximately 500 of the 6,000 privately-owned, undeveloped parcels lie within NASKW’s military buffer areas. In 2018, we secured legislative changes that prioritized NASKW within the State’s military buffer lands program, but the program requires greater State funding in order to acquire more base buffer land.
- **LOCAL COMMITMENT:** Since August 1, 2016 through October 1, 2022, Monroe County has expended a total of \$22.3M in local funds (a combination of infrastructure sales surtax and Monroe County Land Authority) to reduce this liability by acquiring land and retire the development rights. The County has an additional \$16.9M budgeted. The State has expended \$5.4M. During this period, 422 development rights have been retired (321 by the County and 101 by the State).

### REQUESTED ACTIONS:

- ✓ **SUPPORT** appropriation of \$5M within Florida Forever as authorized in The Florida Keys Stewardship Act for land acquisition within the Florida Keys that will both conserve environmentally sensitive land and retire development rights to mitigate future takings liability.
- ✓ **SUPPORT** continued partnership with FDEP and DEO to fund and implement an aggressive, long-term land acquisition strategy aimed at reducing the total inventory of privately owned vacant land to curtail the threat of significant future takings liability.

## ENHANCING MONROE COUNTY'S RESILIENCE TO SEA LEVEL RISE

### CHALLENGES:

- Estimated Costs: In 2018, Monroe County embarked on a comprehensive study to examine the impacts of sea level rise, King Tides and storm inundation on the County's road system. This study, completed in 2021, produced initial **cost estimates of \$1.8B to elevate roads and otherwise mitigate flooding impacts.** (This estimate does not include roadways within the Keys' municipalities.)
- Severe and persistent road flooding is impacting many communities affecting public safety, commerce, property values and quality of life.
- The County is charting a course to pursue all available funding streams to assist with this comprehensive effort, including federal and state grants, Congressional appropriations, special assessments and local funding.
- In 2020, The Legislature passed the Resilience Act, creating the Resilient Florida ("RF") Grant Program within DEP to allow local governments to apply for grants to address resilience needs, and .
- Monroe County's residential communities and privately owned housing stock also require resilience investment. The Federal Army Corp of Engineers has conducted a study of the Florida Keys and within unincorporated Monroe County alone there are over 1,800 residential structures at risk for flooding and recommended for elevation.
- There are several federal-state grant programs including the Hazard Mitigation Grant Program (HMGP) and the Flood Mitigation Assistance (FMA) program that provide funding for acquisition, elevation, and demolition/reconstruction, enabling local governments to facilitate rebuilding their communities to be flood resistant and eliminate flood risk. These programs are vital to the changing climate and risks associated with flooding related to storms and sea level rise; they also require significant staff expertise and time.
- During the past legislative session, the powers and responsibilities of the Monroe County Land Authority were expanded to enable it to assist the County in activities related to enhancing residential resiliency to flooding and sea level rise, including seeking and administering grants, such as HMGP and FMA to the County to elevate/rebuild/buyout flood-vulnerable homes.
  - Since Hurricane Irma, the County has submitted 23 applications for home elevations through HMGP, with 4 applicants currently under review by FEMA for \$756,147 in funding requested.
  - Since 2021, the County has submitted 11 elevation projects, for a total funding request of \$2,142,210 with \$535,552 match, to be paid by the private property owners. Of those requests, none were recommended for funding by FDEM because they lacked repetitive loss attributes.
  - Also since 2021, the County has submitted 5 mitigation reconstruction projects for a total funding request of \$1,094,175 with \$406,294 to be paid by the private property owners. Of those requests, 4 were recommended by DEM to be reviewed by FEMA for a total funding request of \$785,160 with \$275,040 to be paid by the private property owners.

### REQUESTED ACTIONS:

- ✓ **SUPPORT** funding for projects submitted to DEP through the Resilient Florida grant program for road elevation/flood mitigation projects.
- ✓ **SUPPORT** full funding for the Statewide Resilient Florida Grant program.
- ✓ **SUPPORT** funding for projects submitted to DEM through FEMA-funded HMGP and FMA grant programs for residential home elevations, buyouts and demolition/rebuild.

## EXTENDING THE CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX TO NON-CHARTER COUNTIES

**CHALLENGE:** Monroe County, like counties across the State, are facing increased costs related to roads and transportation needs. The costs are magnified in coastal counties such as Monroe that need to elevate roads to address frequent, persistent flooding and prolonged inundation from heavy rainfall, storm surge, seasonal King Tides, or “sunny day” flooding.

In addition, as a community with one main roadway that is often snarled in traffic, Monroe County would benefit from additional funds to finance an improved transit system, whether it be buses, ferries and water taxis, or other types of transportation.

Postponing such investment in critical infrastructure like roads and transit for lack of funds, will only be more costly for taxpayers, homeowners, and businesses. We seek to address these challenges before they become more expensive, and before they become actual interruptions to property values, business activity, and travel.

F.S. 212.055(1) currently allows charter counties, consolidated counties, and those counties which are members of or operating under an interlocal agreement with regional transportation authority the option of levying a 1 cent sales surtax the proceeds of which must be used for roads and transportation related expenses. The levy can be for up to 30 years.

The statute as currently worded leaves a non-charter county, which is not a member of an RTA or under an ILA with an RTA, no option to levy this surtax without joining an RTA, which can syphon millions of dollars of those tax proceeds for its use or become a charter county, a process which can create additional bureaucracy and additional expense to the taxpayers. The statute, as it currently exists, encourages more and unnecessary layers of government. Allowing non-charter counties to levy the tax after voter approval, will ensure that more of those dollars are used to fund solutions, not pay for unnecessary bureaucracy.

Monroe currently levies a one penny infrastructure sales surtax, which generates approximately \$50 million per year. If the legislative change is made and the voters approve the levy, the transportation surtax would generate an additional \$50 million per year in Monroe County.

In 2021, Monroe received estimates that it will **cost approximately \$1.8 billion to address its road elevation** issues for our roughly 300 miles in County roads. The statute allows for an up to 30-year levy. At \$50 million a year, this tax would generate \$1.5 billion over 30 years, a significant step in meeting those projected costs.

### **REQUESTED ACTIONS:**

- ✓ **SUPPORT** legislation to amend F.S. 212.055(1), the Charter County and Regional Transportation System Surtax to open up this optional surtax to non-charter counties.

## WIND INSURANCE AND FLOOD INSURANCE: AFFORDABILITY AND ACCESSABILITY

### **CHALLENGES:**

- **Importance of wind insurance and Citizens Property Insurance Company (“Citizens”):** The vast majority of wind policies in Monroe are with state-backed Citizens, the “insurer of last resort.” Preserving affordable wind insurance requires working with Citizens, the Office of Insurance Regulation, and legislators to oppose

efforts to increase premiums, eliminate the cap on annual increases, reduce coverage, and reduce eligibility.

- **Current Property Insurance Crisis in Florida:** Citizens is under increasing pressure, as the crisis in the State's broader property insurance market grows worse. As the "insurer of last resort" Citizens continues to have to pick up the policyholders from the private sector insurance companies that have dropped policies, and in some cases gone insolvent, amid financial losses. After years of actively trying to reduce its number of policies, Citizens' policies now exceed 1M. This is a significant concern, as is the rising cost of property insurance in general. We will continue to monitor Citizens' and the Legislature's response to the current insurance crisis, and potential impacts to its wind insureds.
- **Wind insurance rates:** Monroe's residential and commercial Citizens' wind insurance rates are the highest in the State. Monroe's premium rate 175% higher than the median coastal rate. High costs and limited coverage negatively affect our citizens, our workforce, our property values, and our economy.
- **Monroe's building standards:** Monroe County's building standards are among the most rigorous in the State, yet this is not reflected in Citizens' rate calculations for Monroe.
- **Premiums vs. Claims:** Premiums charged by Citizens are not commensurate with actual risk.
  - From 2004-present Monroe paid in total more than a half billion dollars in premiums over claims.
- **Affordability and Annual Glide path:** Monroe's already high rates are compounded with annual 10% increases. These costs exacerbate the County's housing cost crisis. Property insurance affordability is a key component in preserving the Keys' strong local economy. The legislature recognized the importance of affordable property insurance, but Citizens has failed to apply an "affordability" definition or standard (beyond capping annual increases to 10%.)

Citizens Property Insurance Corporation statute reads: *"The absence of affordable property insurance threatens the public health, safety, and welfare and likewise threatens the economic health of the State. The State therefore has a compelling public interest and a public purpose to assist in assuring that property in the State is insured and that it is insured at affordable rates so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare, to the economy of the State, and to the revenues of the State and local governments which are needed to provide for the public welfare."*

- During the 2021 Legislative session, lawmakers increased the annual rate cap in Citizens' premiums 1% each year for the next 5 years. Citizens and lawmakers continue to discuss raising Citizens' rates, and eliminating the rate cap altogether. We will monitor this discussion closely, and work with FIRM to advocate against any legislation that would further increase or eliminate the cap.

#### **REQUESTED ACTIONS:**

- ✓ **SUPPORT** legislation that exempts Monroe County from the annual wind insurance rate increase passed last session (11-15% over the next five years) and maintaining the County's rate cap at 10%, recognizing Monroe's unique housing affordability issues and strong building codes.
- ✓ **SUPPORT** legislation to help lower premiums and annual rate increases by requiring Citizens to:
  - Apply mitigation credits that account for Monroe's rigorous building standards;
  - Apply an affordability definition or standard, per the statutory language mandating affordability.
- ✓ **OPPOSE** legislation that limits the availability of Citizens' coverage (particularly in areas such as Monroe, where there is no reasonable degree of competition for windstorm insurance.)
- ✓ **SUPPORT** the legislative efforts of Fair Insurance Rates for Monroe (FIRM) related to both wind and flood insurance affordability and availability for Monroe County.

**MARINE PROTECTION:  
ANCHORING LIMITS, MOORING FIELD DEVELOPMENT, DERELICT VESSEL  
REMOVAL FUNDING, AND PUMP-OUT PROGRAM**

**CHALLENGE:** Balancing the preservation of our marine environment while supporting a robust boating community.

The protection of our marine environment and water quality is of utmost importance to Monroe County. Our marine environment is the lifeblood of our economy and a cultural touchstone. Monroe has a robust boating community ranging from recreational boaters, to commercial and charter fishing boats, to live-aboard boaters. The high number of boaters that visit and live on our waters unfortunately generates undesirable impact. Monroe County has the highest number of derelict vessels in the State. The Florida Legislature and the Florida Fish and Wildlife Conservation Commission (FWC) have recognized the proliferation of derelict vessels (DVs) around the State, and the significant navigational safety and environmental impacts they pose. The costs of their removal are an unnecessary financial burden for taxpayers. Monroe County supports regulations and services that mitigate vessel dereliction like anchoring limits and mooring fields. Additionally, compliance with No Discharge Zone regulations requires continuous vigilance along with the provision of a no-charge vessel pump out service.

- 1) **Anchoring Limits and Mooring Fields: Anchoring limits and identification of at-risk vessels are important strategies for reducing dangerous and costly vessel dereliction. To facilitate and encourage responsible anchoring, the County will embark on the development of additional mooring fields.**

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

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

In 2021, the Legislature recognized the issue of long-term storage, and enacted a new 90-day anchoring limit. It also required that 300 new public mooring balls be placed in the waters around the City of Key West before the new limit can be enforced in Keys’ waters. This requirement is difficult if not impossible to meet, and therefore precludes the new law’s use and benefit. In 2022, the requirement for 300 new moorings was lowered to 100 new moorings.

With the recent completion of a comprehensive feasibility study, the County will now embark on the design, engineering and implementation of a new 100- mooring ball mooring field in the Wisteria Island area. The County will also be embarking on the same for an additional 40-ball mooring field in the Boca Chica area. The early estimated costs for the design, engineering and implementation of both moorings fields is about \$1.6M. County staff is already actively working with DEP to facilitate the permitting process and preemptively address any issues and with FWC for funding assistance.

**REQUESTED ACTIONS:**

- ✓ **SUPPORT** efforts to facilitate new mooring fields, to include expediting permitting and securing State funding assistance for mooring field design, engineering and implementation.

2) **Costs of Derelict Vessel Removal: Monroe County has the highest number of derelict vessels in the State. State funding assistance for DV removal costs is critical.**

Monroe County has the **highest number** of derelict vessels in the State. Derelict vessels pose **significant navigational safety and environmental impacts**. Prevention of derelict vessels and funding process for expeditious removal of derelict vessels are significant needs.

The County’s Marine Resources Office works cooperatively with FWC and other law enforcement partners to remove derelict vessels. When all attempts to locate and hold the boat owner responsible fail, the vessel is referred to the Marine Resources office for removal. Each year, the Marine Resources Office removes an average of **60-80 derelict vessels** utilizing pre-qualified marine contractors that competitively bid each job. Removal of these vessels represents **more than \$340,000** in annual expenses.

**State Derelict Vessel Removal Grant Program (DVGP):** State assistance with the costs of vessel removal is critical to Monroe County. Prior to 2019, the State assisted with DV removal costs by distributing to each individual county an annual allotment of statewide vessel registration, which worked well. In 2019, the Florida Legislature changed the process for DV removal funding to counties, by directing 30% of vessel registration fees into a derelict vessel removal trust fund and authorizing FWC to administer a grant program through which counties must first apply for and obtain approval to remove a DV before receiving DV removal funding.

**DVGP Challenges:** The merits of the grant program are worthy, however the overly-bureaucratic process negatively affects our DV removal operations by increasing the removal timeline by up to 6 months due to the restrictive guidelines (cannot remove a vessel prior to the execution of a grant agreement), increases our administrative costs to prepare, submit and administer the numerous associated grant agreements (14 in the last two years, hundreds of hours), and requires our staff to make subjective determinations about which vessels may or may not cause additional harm while awaiting the life cycle of the grant (especially problematic during hurricane season). Since the implementation of this law, Monroe County’s portion of the revenues has decreased by approximately \$70,000 a year, while operational challenges have increased.

**Comparison of County-funded vs DVGP-grant funded DV removal:**

|                        | <i>Number of Vessels Removed</i> | <i>Average Removal Time</i> | <i>Number of Vessels Missing Prior to Removal</i> |
|------------------------|----------------------------------|-----------------------------|---|
| <i>County Funded</i>   | <b>28</b>                        | <b>70 days</b>              | <b>4</b>  |
| <i>DV Grant Funded</i> | <b>98</b>                        | <b>136 days</b>             | <b>12</b>   |

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

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

In addition, FWC has utilized these funds in response to hurricane-related derelict vessels rather than distribution through the grant program. We do not believe the intent of this funding was to address

natural disaster response for derelict vessels. Both of these issues have created unpredictable and unreliable funding availability for local governments to address this critical issue.

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

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

**REQUESTED ACTIONS:**

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

- 3) **Funding and Management of Monroe County Vessel Pump-out Program:** The pristine waters of the Florida Keys attract high numbers of boaters from all over the State and country. These waters are within the Florida Keys National Marine Sanctuary and are designated as a No Discharge Zone (NDZ) by DEP and the Sanctuary. In 2013, Monroe County implemented a large-scale Mobile Vessel Pump-out Program to assist boaters in complying with the NDZ. Monroe County is also launching implementation of a Marina Pump-out Initiative to expand the number of available shoreside pump-out facilities throughout the Keys.

Monroe County requires occupied vessels to provide a "proof of pump-out" and provides a free weekly mobile pump-out service. Combined, these measures have ensured nearly 100% compliance with NDZ regulations.

To date, the Mobile Vessel Pump-out Program has performed 171,000 pumpouts and has captured over 2.4 million gallons of vessel sewage.

Monroe County has traditionally supported this program through its Boater Improvement Funds, Clean Vessel Act funding, and direct legislative appropriations. This funding makes it possible to provide the pump-out service at no charge, which is highly effective at incentivizing boaters to pump-out and ensuring water quality protection for public health and our marine environment.

In the 2021 session, the Legislature transferred the management and administration of the Pump-out Program to DEP. In late 2022, contract and funding issues at DEP led to a return of the program to Monroe County for the duration of FY 2022. The Department of Environmental Protection and County staff have collaborated closely to ensure program continuity, proper management and oversight of the program through these transitions.

Moving forward into the next year, we have requested that DEP include the funding, and program management, in its agency legislative budget request. If not included, then the County will again pursue a legislative appropriation to support the program. We are closely monitoring DEP's actions to determine next steps.

**REQUESTED ACTIONS:**

- ✓ **SUPPORT** DEP funding for and continued management of the pump out program.

## ROGOS AND WORKFORCE HOUSING

**CHALLENGE:** Balancing the protection of Monroe County's Rate of Growth Ordinance (ROGO) with needs for additional workforce housing remains an important focus.

In 2018, the State gave the County and the municipalities 1,300 "early evacuation" ROGOS for the purpose of building affordable housing following Hurricane Irma. Key West, Marathon, and Islamorada adopted ordinances accepting those ROGOS, which were challenged.

The municipalities prevailed at the Administrative Hearing but the Third District Court of Appeal reversed that decision with respect to Marathon and Islamorada only. Those two municipalities are seeking discretionary review in the Florida Supreme Court.

Per the Third DCA's decision, Marathon and Islamorada may not accept their share of these early evacuation ROGOS, and by inference Monroe County may not either.

Marathon and Islamorada may seek a legislative change that would enable use of these 1,300 early evacuation ROGOS. That legislation may seek to amend F.S. 380.0552(9) (Florida Keys Area Protection Act's 24-hour evacuation rule) and/or F.S. 166.04151 (Affordable Housing). If the cities seek a change to F.S. 166.04151, a similar change to F.S. 125.01055 (Affordable Housing) would be necessary for it to benefit Monroe County.

The County will monitor proposed legislative changes.

Further, Monroe will be seeking an amendment to clarify that sections in FS 125.01055 referring to affordable housing do not negate Monroe County's Rate of Growth Ordinance. Specifically:

- a. Clarify that a provision in FS 125.01055 (SB 962, 2022) that allows for residential development regardless of zoning or a comprehensive plan, as long as 10% of the units are used for affordable housing does not apply in Areas of Critical State Concern, and does not override Monroe County's ROGO.
- b. Amend a "glitch" in a separate provision of FS 125.01055 (HB 7103, 2019) that sets out local requirements for inclusionary affordable housing. The section that exempts Areas of Critical Concern mistakenly refers to wrong subsection, which effectively carves ACSC out of a provision we support, and includes us in the provision that intended to exempt ACSC. We also want to clarify that this provision does not override Monroe County's ROGO.

### **REQUESTED ACTIONS:**

- ✓ **MONITOR** legislation that will allow the local governments in the Florida Keys to accept the 1,300 early evacuation allocations previously awarded by the State.
- ✓ **SUPPORT** legislation to amend FS 125.0155 to exempt Areas of Critical State Concern and to clarify that the statute's provisions do not override Monroe County's ROGO ordinance requirements.

## WORKFORCE/AFFORDABLE HOUSING FUNDING

**CHALLENGE:** In the Florida Keys, the development restrictions, lack of building land and the expense of construction significantly add to the cost of workforce housing development.

In recognition of our unique affordable housing challenges as an "Area of Critical State Concern," Monroe receives a special set aside in the State's competitive annual allocation of Housing Tax Credits.

Staff works in partnership with Florida Housing Finance Corporation for awards of Tax Credits and SAIL funding, as well with DEO to highlight the importance of funding and other incentives for preserving and developing new workforce/affordable housing, and to address Monroe County's unique constraints.

Monroe would also benefit from changes to property taxation or other measures that incentivize long-term rental housing over short-term/vacation rental, or vacancy, and from allowing greater flexibility in the use of SHIP funds. Escalating housing costs are increasingly challenging our ability to meet the statutorily required set asides for very low and low income categories, which may preclude the County's ability to use up to 2/3rds of our SHIP allocation. This year's allocation is \$807k.

**REQUESTED ACTIONS:**

- ✓ **SUPPORT** award of Tax Credits to Monroe County, and protection of the Florida Keys set-aside;
- ✓ **SUPPORT** award of SAIL funding to Monroe County;
- ✓ **SUPPORT** legislation that would authorize local governments to adopt ordinances to grant ad valorem tax relief to residential properties used for the public purpose of providing affordable/workforce rental housing;
- ✓ **SUPPORT** legislation that allows flexibility in SHIP funds to ensure that we can distribute the County's full SHIP allocation; and
- ✓ **SUPPORT** legislation that requires all monies from Sadowski and Local Housing Trust Funds be used only for affordable housing.

**VACATION RENTAL IMPACTS ON WORKFORCE HOUSING**

**CHALLENGE:** Vacation rentals deplete Monroe County's already limited rental housing stock for its workforce.

In the Florida Keys residential development – both market rate and affordable – is severely restricted. With only a single transportation egress, and to ensure a 24-hour evacuation time prior to a major storm event, the number of building permits allowed for Monroe County is limited by the State.

As we cannot build new housing units as needed, the proliferation of short-term vacation rentals has a particularly severe impact. With each new vacation rental, we lose an existing, irreplaceable housing unit once available for long-term workforce rental housing.

In order to maintain our workforce, which is critical to our tourism-based local economy, Monroe County must be able to protect its rental housing stock, and limit its conversion/loss to vacation rentals.

Monroe County has some regulatory authority that has been "grandfathered" but it is not sufficient to contain the conversion of housing units to short-term rentals.

**REQUESTED ACTIONS:**

- ✓ **SUPPORT** legislation that provides a "carve out" for Monroe County from preemptive vacation rental regulations via the County's status as an Area of Critical State Concern to enable the County to amend/update our vacation rental regulations in order to preserve/increase supply of workforce housing.
- ✓ **SUPPORT** legislation that protects Monroe County's grandfathered vacation rental ordinance and that would allow local governments with grandfathered ordinances to amend and update their regulations without losing their grandfathered status.
- ✓ **SUPPORT** legislation that enhances Monroe County's ability to enforce local vacation rental regulations, including allowing for higher penalties for violations.
- ✓ **SUPPORT** legislation that restores authority to local communities for the regulation of vacation rentals, as necessary for quality of life, public safety and preservation of a traditional residential communities and accessible and affordable permanent and long-term rental housing stock.

## OCCUPATIONAL LICENSING PREEMPTION

**CHALLENGE:** In 2021, the Legislature passed, and the Governor signed into law HB 735, enacting Chapter 2021-214, Laws of Florida preempting local governments' ability to issue new local contractors' licenses. Current licenses expire on July 1, 2023, after which time only State-licensed general contractors and homeowners will be able to obtain work permits. Without a local license, small specialty contractors may not obtain work permits, preventing them from being able to perform work in their trade.

Monroe County has over 300 local contractors many of whom have spent years working only under their local specialty license, who no longer may pull permits as they have been doing their entire careers. The loss of this licensing threatens their livelihoods and businesses, and they are urging Monroe County to help them by asking state lawmakers to repeal this law.

Local licenses enable local contractors the ability to pull permits and perform work without having to obtain a state license that may require knowledge or skills that exceed the scope of specialty contractors. Some local contractors have been unable to qualify to test for a state specialty license because their experience is only local and not under a licensed state contractor, even if that experience is several decades.

Local licenses provide small contractors with a valuable marketing tool because they serve as an official, scrutinized demonstration of their backgrounds and qualifications, enabling them to differentiate themselves from contractors without that vetted experience.

Local licensing benefits small contractors' ability to be hired by licensed general contractors as sub-contractors. Because general contractors are required to carry insurance for themselves and subs, they prefer to hire sub-contractors that are already licensed and insured, to save them the cost of having to carry additional insurance.

Local licensing also exists to protect consumers by giving consumers a tool for differentiating between contractors with experience and qualifications from those without, and ensuring qualified workmanship by contractors with sufficient insurance to protect homeowners and workers. Additionally, insured contractors protect homeowners who often are not properly informed that they are at risk of liability for any harm that befalls unlicensed, uninsured contractors working on their property.

Finally, the local licensing ensures compliance with federal regulations by requiring that contractors have knowledge of unique local environmental regulations, like federal floodplain or Endangered Species Act requirements. For example, fence installations in Key Deer habitat is a violation of federal law. An unlicensed contractor may not be aware of such regulations banning fences. Violations of federal laws leave the homeowner and the County liable.

### **REQUESTED ACTIONS:**

- ✓ **SUPPORT** legislation repealing Chapter 2021-214, Laws of Florida, including all the created or amended statutory provisions presently in effect, such as s. 163.211, F.S., to allow counties to retain the authority to operate programs requiring the licensure, certification, or registration of local contractors, and other occupations as determined by each county's governing body by ordinance or resolution.
- ✓ **SUPPORT** amending the law to exempt Monroe County as an Area of Critical State Concern, based on the its unique environmental sensitivity and patchwork of state and federal environmental regulations.
- ✓ **SUPPORT** amending the law to grant local governments the ability to require special licensure if that licensure is part of an effort to comply with the Endangered Species Act or another state or federal law.
- ✓ **SUPPORT** amending the law to remove the expiration date of local government occupational licensing requirements and programs existing on or before the effective date of Chapter 2021-214, Laws of Florida, to ensure the health, safety and welfare of county residents and businesses.
- ✓ **SUPPORT** changes to the requirements of State licensure to account for experience obtained under local licensure, and any other changes that may facilitate State licensure for small contractors and tradespeople.

## EMERGENCY OPERATIONS CENTER

**CHALLENGE: Unanticipated cost escalation related to the construction of a permanent, hardened and elevated Emergency Operations Center in Monroe County.**

Monroe broke ground on its new EOC on October 18, 2022. The new scheduled date for substantial completion is February 2, 2024.

The new 28,000 sq-ft EOC facility, 220 mph wind rated facility will house and support emergency preparation, response, and recovery operations. The design is based on a 500-year storm and will include:

- Impact Rating: Windborne Debris Missile Criteria for Hurricane Shelter Safe Room (FEMA P-361 / ICC-500);
- First-floor elevation of 20.16 ft. NAVD-88 (17 ft. above ground) due to wave action (above Base Flood Elevation code +3);
- Self-sustaining for 72 hours for up to 150 emergency response staff, including food, drinking water, electric power, and wastewater storage;
- Emergency communications via satellite phone/internet service.

The EOC will provide the required communications technology, power supply, and square footage space required for the personnel from the County, State DEM, FEMA and other federal agencies, law enforcement, and other local jurisdictions who work in the EOC to adequately conduct their emergency management activities and coordinate their respective agency's response with overall operations.

The Monroe County multi-use EOC, **centrally located on the County's Marathon Airport property**, is designed to enhance preparation and coordination with law enforcement, fire/rescue, and public works to reduce delays, expedite recovery, and enhance interoperability pre and post storm event.

The County's First Amendment to the CMAR agreement with Ajax Building Company adjusted the Guaranteed Maximum price (GMP) for the construction of the new Emergency Operations Center from \$27,865,199 to \$31,856,275. **The \$4M increased cost from the original GMP is based on escalation of the costs of construction materials and labor.** Additionally, there is **\$2M in other costs and associated escalation of costs and associated expenses not included in the GMP's construction cost, such as FF&E, technology, additional design costs, etc.** The total estimated project funding shortfall is approximately **\$6M**.

The project is funded by three grants from FDOT, FDEM (direct appropriation), and FDEM (HMGP), with the site provided by Monroe County. Monroe County seeks State assistance for the unanticipated cost escalation.

### **REQUESTED ACTIONS:**

- ✓ **SUPPORT** a legislative appropriation request for \$6M to assist with the cost escalations associated with the new Emergency Operation Center.

## AGRICULTURAL/AGRITOURISM PREEMPTIONS

In 2021, the Legislature passed SB 88 Farming Operations/Right to Farm and SB 1186 Agritourism to strengthen the State's Right to Farm law and adding local preemption protections for agritourism-based activities.

Local governments may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation or limits an agritourism activity on land classified as agricultural land where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental Protection, the Department of Agriculture and

Consumer Services, or water management districts as part of a statewide or regional program.

As such, this law allows for a property that is classified as agricultural to be exempted from building regulations, allowing for the construction of structures/uses as long as they are non-residential, and further allowing for the clearing protected hammock; for example erecting barns to be used as wedding venues.

**REQUESTED ACTION:**

- ✓ **SUPPORT** legislation to exempt Areas of Critical State Concern, or to clarify that the use/structure on any private property is not exempt from state and federal environmental regulations.

## TRANSPORTATION

**CHALLENGE:** The Florida Keys is dependent upon a safe, resilient, sustainable and efficient access and travel along US 1. Traffic congestion and safety issues along this singular highway that connects the 112-mile long chain of islands affects the health, safety, welfare, economic sustainability and quality of life of residents, businesses and visitors.

In 2020, the Commission enlisted AECOM to develop a U.S. 1 Transportation Master Plan (TMP) identify transportation needs, develop goals/objectives, and develop an action plan to meet those goals. The action plan identifies potential short-term solutions (1-5 years), mid-term (6-10 years), and long-term solutions (10-20 years).

Over the past year, the Commission approved that TMP, provided a set of recommendations from the potential solution list of projects in the TMP, and developed a ranked list of 36 Keys-wide projects (such as bus stops, intersection improvements, turn lanes, signage, and increased public transit) and transmitted that list to FDOT for inclusion in our work plan. A project of particular importance is the intersection of US 1, near MM 106, a significant and costly project.

The County makes effective use of SCOP funds including the design for the milling, resurfacing and safety upgrades of Card Sound Road. Staff continues to collaborate with District 6 staff regarding the start of the PDE for the Card Sound Bridge replacement.

This year, the County is also embarking on a new countywide transportation/transit initiative.

**REQUESTED ACTIONS:**

- ✓ **SUPPORT** FDOT's inclusion of prioritized projects into Monroe County's work plan.
- ✓ **SUPPORT** funding from FDOT for the County's Coastal Resilience Project to match the funding provided by the US Army Corp of Engineers to stabilize six locations along US 1 identified as vulnerable to surge and sea level rise. Monroe County has asked the Department to program \$0.56 million for design to match the USACOE congressional funding request for design now and \$5.6 million for construction in future work plans, when the USACOE seeks construction funding from Congress. USACOE will provide 65% of the funding.
- ✓ **SUPPORT** continuing enhanced State funding for the Small County Outreach Program (SCOP). This funding is critical to Monroe County, which is a small county with major bridge and local road responsibilities.
- ✓ **SUPPORT** increased critical state funding for the Small County Road Assistance program (SCRAP).
- ✓ **SUPPORT** funding for all modes of the state and local transportation infrastructure network.

## HOME RULE

### CHALLENGES:

- **Preemption of Home Rule:** Home rule, conferred to Florida counties by Article VIII, Section 1(f) and 1(g) of the Florida Constitution (1968), and by section 125.01, Florida Statutes, is the principle that the government closest to the people is the appropriate authority to serve the needs and requirements of the community. The preservation of this concept is essential to the operation of county governments in Florida, and which allows counties to develop and implement county-based solutions to local problems.
  - **Preemption Examples:** The State Legislature often pursues local government preemptions in its bills that prohibit local governments from banning or even regulating activities enabled by the Legislature. Commonly recognized preemptions include: vacation rental, local occupational licensing, single-use plastic bags and Styrofoam, sunblock, home-based businesses, seaports/cruise ships, tree-trimming. But they also include a wider range relating to agricultural, utilities infrastructure, environmental, fees/taxation, and land use.
- **Unfunded Mandates:** The State Legislature frequently passes legislation that compels local governments to provide a service, program, or benefit without providing the appropriate funding. Local governments face the burden of using local tax dollars to finance functions that they have little control over and compromising local governments' ability to provide services requested by our local communities.
- **Cost shifts:** The State Legislature frequently passes legislation that passes along the costs or increases local share requirements for services traditionally funded by the State, such as but not limited to County Health Departments, Courts, Clerks' offices, Juvenile Justice, and mental health services.
- **Restrictions of County Revenue Sources:** At the same time the State Legislation imposes more mandates and costs, it often pursues legislation reducing, restricting or eliminating sources of revenue for county services, such as the Local Business Tax, Communication Services Tax, impact fees, transportation concurrency fees, State park admission fees, and sales taxes.

### REQUESTED ACTIONS:

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

## GENERAL LEGISLATIVE ISSUES

### ENVIRONMENT

#### REQUESTED ACTIONS:

- ✓ **SUPPORT** legislation and funding to support continued implementation of the Comprehensive Everglades Restoration Plan.
- ✓ **SUPPORT** legislation and funding that protects and preserves Florida's coral reef tract.
- ✓ **SUPPORT** the continued designation of the Florida Keys as an Area of Critical State Concern.
- ✓ **OPPOSE** legislation that prevents counties from having local environmental protection programs that are stricter in nature than State or federal regulatory programs.
- ✓ **OPPOSE** any legislation that restricts State, county and city government purchases of conservation land, and which would effectively eliminate land conservation efforts in the Florida Keys.
- ✓ **SUPPORT** legislative efforts that strengthen the existing roles and home rule powers of local governments to implement comprehensive planning programs that guide future development and encourage the most appropriate use of land and natural resources.
- ✓ **SUPPORT** county home rule authority, and current statutory provisions, which allow counties to retain their current transportation concurrency systems, and impact fees, as adopted by local ordinance.
- ✓ **SUPPORT** the development and maintenance of dedicated funding of the Florida Forever Grant Program and Florida Communities Trust that provide recreational opportunities for parks, open space, greenways trails and conservation to help meet growth challenges and protect natural resources.
- ✓ **SUPPORT** state legislation to prohibit new well stimulation activities, including hydraulic fracturing (fracking).
- ✓ **OPPOSE** efforts to increase offshore drilling activities.
- ✓ **SUPPORT** streamlining the permitting and regulatory processes for solar product manufacturers, installers, and consumers, and further supports reducing burdensome regulations that hinder solar market penetration.
- ✓ **SUPPORT** policies that provide appropriate resources and incentives to local governments to achieve statewide recycling goals, and further supports comprehensive recycling initiatives that encourage increased participation of the residential, commercial, and industrial sectors.
- ✓ **OPPOSE** legislation that preempts local communities from banning single use plastic bags, particularly coastal communities where plastic bags are not only an environmental pollutant but also pose a danger to ocean and coastal wildlife.

### EMERGENCY MANAGEMENT

#### REQUESTED ACTIONS:

- ✓ **SUPPORT** continued state funding for county EOCs to ensure each is able to meet the minimum structural survivability and operational space criteria established by the state and federal government.
- ✓ **SUPPORT** assistance for building/identifying an Out of County Shelter for residents of Monroe County in cases of mandatory evacuation during storm-related events and other emergencies.

- ✓ **SUPPORT** increased funding to county base grant funding.
- ✓ **SUPPORT** policies that bolster funding of the Emergency Management Preparation And Assistance Trust Fund (EMPA), which is to serve as a funding source for State and local emergency management, preparedness, communication and training, and opposing legislative sweeps of these trust fund monies.

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

### REQUESTED ACTIONS:

- ✓ **SUPPORT** increased state general revenue funding for County Health Departments (CHDs), any State reductions to the County Health Department Trust Funds.
- ✓ **SUPPORT policies that** preserve and strengthen the ability of CHDs to provide primary care and direct patient care services, particularly in communities without adequate substitutes or alternative providers for these services, and maintain a coordinated system of county health departments (CHDs) that is centrally housed within the Department of Health (DOH).
- ✓ **SUPPORT** increased funding for core and crisis mental health and substance abuse services.
- ✓ **SUPPORT** efforts to increase supportive housing, employment and education initiatives for people with behavioral health issues and/or disabilities.
- ✓ **SUPPORT** state funding for the provision of Baker Act *juvenile* services and facilities in the communities in which the juvenile and his/her family lives.
- ✓ **SUPPORT** funding for the Florida Healthy Start and Healthy Families program.
- ✓ **SUPPORT** increased state funding and policies that reduce food insecurity, in order to: 1) increase the health and productivity of those currently without consistent access to healthy food, 2) consequently reduce the demand for public health and human services, 3) improve the financial security of those in need.
- ✓ **SUPPORT** the continuation of a coordinated Transportation Disadvantaged (TD) system, and appropriate and dedicated State funding for the TD program; protect the TD trust fund.
- ✓ **OPPOSE** policies that further shift state Medicaid costs to counties, and the continued evaluation of the county-state cost share arrangement.
- ✓ **SUPPORT** State legislation drawing down federal funds made available to Florida under the PPACA to expand health care coverage to certain individuals who earn up to 138 percent of the federal poverty level, if such a program does not further shift Medicaid costs to counties.
- ✓ **SUPPORT** policies that protect the ability of counties to provide coordinated, countywide systems of emergency medical services, and not limit the ability of county EMS transportation providers to be reimbursed for their services.
- ✓ **SUPPORT** maintaining a countywide regulatory system for EMS through the current Certificate of Public Convenience and Necessity (COPCN) process.

## VETERANS

### REQUESTED ACTIONS:

- ✓ **SUPPORT** policies that allocate state funds to hire for County Veterans Offices in counties in order to increase services and federal benefits for Florida veterans.

## CLERKS FUNDING/JUDGESHIPS

### REQUESTED ACTIONS:

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

## FLORIDA RETIREMENT SYSTEM

### REQUESTED ACTIONS:

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

## LIBRARIES

### REQUESTED ACTIONS:

- ✓ **SUPPORT** recurring and non-recurring funding of State Aid to Public Libraries Grant Program, Library Cooperative Grant Program, Public Library Construction Grant and Career Online High School program.

## COUNTY JAILS, INMATE MEDICAL COSTS, JUVENILE JUSTICE

### REQUESTED ACTIONS:

- ✓ **SUPPORT** policies that provide Medicaid eligibility for persons incarcerated in county jails while waiting disposition of their cases and to ensure that existing Medicaid benefits are not terminated during incarceration.
- ✓ **SUPPORT** policies and initiatives which reduce juvenile detention through prevention, civil citation, treatment, and rehabilitation services.
- ✓ **SUPPORT** policies that ensure the adequate safety supervision and facility maintenance at juvenile residential assessment centers and secure detention facilities.
- ✓ **SUPPORT** state investments in juvenile facilities to improve the conditions of secure confinement for detained youth without such costs being shifted to the counties.
- ✓ **OPPOSE** sentencing of State inmates to county jails, but support counties' ability to contract with the Department of Corrections for housing State inmates.

## HOMELESSNESS

### REQUESTED ACTIONS:

- ✓ **SUPPORT** legislation that creates a dedicated State funding source for homelessness programs and services.
- ✓ **SUPPORT** continued coordination with the State's homeless planning council, specifically as it recommends policies in support of the Federal Strategic Plan to End Homelessness.

- ✓ **SUPPORT** the development of policies that would allow local governments to work with the State and federal government to serve target populations: the chronically homeless, Veterans and Families and children, with particular emphasis on children aging out of the foster care system.
- ✓ **SUPPORT** a process that would waive the fees related to obtaining personal identification from the State for persons identified as homeless.

### OVERSEAS HERITAGE TRAIL: PEDESTRIAN BRIDGES

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

#### **REQUESTED ACTIONS:**

- ✓ **SUPPORT** DEP's efforts to fund the Preliminary Design and Engineering study.

## CONTACT INFORMATION

### MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

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### LOBBYISTS

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- ❖ Anfield Consulting: Frank Bernardino, Tallahassee, Fl 866-960-5939
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- ❖ Capital City Consulting: Nick Iarossi, Andrew Ketchal, Tallahassee Fl 850-222-9075
- ❖ Brightwater Strategies: Noah Valenstein, Tallahassee, Fl 850-528-0661