

## CITY MANAGER



**Meeting Date:** December 13, 2022

**To:** Honorable Mayor & Council Members

**From:** George Garrett, City Manager

**Subject:** Establishment of Legislative Priorities for the 2023 Legislative Session and the 117<sup>th</sup> Congress

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The City of Marathon retains three lobbying firms.

At the state level, Ballard Partners and Ron L. Book, P.A work principally on legislative issue for the City as noted amongst the issues listed below. They may also work on special legislative issues, special project appropriations through the Legislature, or with setting up specific meetings with state agencies and/or Legislators. And, FYI – Florida Keys Day will be held on February 22, 2023 with a welcome event the evening before. We need to determine whether Council wants to participate. The City typically also meets with agency and key Legislative members on relevant issues for the session

At the federal level the City has retained the firm of Robertson, Monagle, & Eastaugh for the City's federal activities. The greatest extent of the firms responsibility revolves around the appropriate of funds through the Florida Keys Water Quality Improvement Act of 1998. The original Authorization from Congress provided for the ultimate appropriate of u to \$100 million dollars. The funds are routinely split among the City, the Key Largo Wastewater Treatment District, and Islamorada. To date approximately \$75 million dollars have been appropriated. Our federal lobbyist also keeps an eye out for grant and funding opportunities that fit the needs of the City.

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### **STATE INITIATIVES**

State Legislative priorities are as follows:

- Workforce Housing  
Protection of 1300 Early Evacuation Affordable Housing units  
Consideration of Modifications to Chapters 166 (125) and/or 380 F.S.
- Vacation Rental legislation preempting local authority  
Potential Carve-out for ACSC
- The Florida Keys Stewardship Act  
Land Acquisition Trust Fund (LATF)

- Water Quality  
Potable Water Reuse Options
- Marine Protection  
Liveboards  
Mooring options
- Sea Level Rise \ Sustainability Initiatives
- Issues created during the 2021 and 2022 session concerning specialty licensing
- General preemption issues
- Takings cases

### **1300 Early Evacuation Affordable Housing units**

The City is undertaking several efforts to restore the state authorization of 1,300 Early Evacuation affordable housing units pursuant to Governor Scott and the Florida Cabinet's authorization of those units in June of 2018. We have since been in a appeal of the City's Comprehensive Plan adoption concerning these units. The City is currently appealing decisions to date to the Florida Supreme Court.

If we do not prevail before the Florida Supreme Court, then the affordable housing issue in general will need to be handled legislatively. Other jurisdictions are supporting the City's interests. The County has taken a neutral position on the issue. Focus of attention will be placed on potential revisions to Chapters 125, 166, and 380, Florida Statutes.

### **Vacation Rentals**

As in the past, the City must maintain home rule on this issue and at minimum, a simple status quo on the exemption that we currently hold as an Area of Critical State Concern with adoption of our grandfathered Ordinance in 2011. In the 2022 Legislative Session, efforts to further limit local jurisdiction were not strong and therefore not successful. We will work to permanently restore local jurisdiction.

### **Florida Keys Stewardship Act**

The City will continue to support initiatives through the Stewardship Act to fund water quality improvements (wastewater and stormwater), land acquisition, and nearshore waters improvements, such as canal restoration. We will support the County's efforts to make Stewardship a recurring revenue source through the Land Acquisition Trust Fund. In the 2021-2022 Session, we were able to bring home \$25M to the Keys (\$20M for wastewater-stormwater / \$5M for land acquisition). The Marathon portion of that funding is already being committed to build the sludge dewatering facility to be located at the Area 6 Wastewater Treatment facility.

### **Water Quality Initiatives**

The City would like to develop a partnership with the Florida Keys Aqueduct Authority (FKAA) through the Legislature to fund a potable reuse project (pilot project) within the City to provide potable water back to the FKAA.

### **Sea Level Rise \ Sustainability Initiatives**

State and local initiatives were approved last year to provide funding for issues associated with sea level rise. The City will continue to support initiatives with an eye towards developing

planning and engineering level documents that may be utilized to initiate infrastructure improvement projects aimed at hardening, elevating, and extending our ability to utilize infrastructure subject to sea level rise.

### **Private Property Rights / Compensation**

Should the initiative come up this year, the City should continue to support efforts to garner a partnership legislatively with the state toward funding takings responsibilities as they arise. This initiative failed in the past two years.

### **Issues created during last session concerning specialty licensing**

#### Additional Objectives

- Continue to fight for Home Rule opposing initiatives that would propose the contrary
- Continue to support funding efforts to develop work force housing and housing for essential personnel.
- Everglades Restoration

### **FEDERAL INITIATIVES**

On the federal side, our primary focus should continue to be acquisition of funds through the Florida Keys Water Quality Improvement Program (FKWQIP). Our lobbyist, Rick Marks points out that we continue to have an excellent lobbying team in D.C. Additionally, funding for these programs has been lucrative in the past couple of years with this team in place. Rick indicates that the new administration may be poised to grant more funds to these programs rather than less. There is \$27M in authorized funds remaining in FKWQIP. Rick believes that Keys jurisdictions may be able to secure funding this year for the entire amount – \$9M for the City. Staff has already provided a list of approximately \$11M in projects to support this request.

Staff will also be working with Rick to obtain maximal funding through the Infrastructure Bill that recently has been working its way through Congress. Focused on coastal sustainability efforts, those funds may ultimately become available for major infrastructure improvements.

We will continue to monitor federal initiatives/regulatory/policy reforms that may impact the City (e.g. NFIP, FEMA, FL Keys National Marine Sanctuary, etc.).