

## CITY MANAGER



**Meeting Date:** October 10, 2023

**To:** Honorable Mayor & Council Members

**From:** George Garrett, City Manager

**Subject:** FINAL  
Establishment of Legislative Priorities for the 2023 Legislative Session and the 2<sup>nd</sup> Session of the 117<sup>th</sup> Congress

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The City of Marathon retains three lobbying firms. We would potentially like to add a fourth, Southern Group.

At the state level, Ballard Partners and Ron L. Book, P.A work principally on legislative issues 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. Florida Keys Day will be held the first part of 2024 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 firm's responsibility revolves around the appropriation of funds through the Florida Keys Water Quality Improvement Act (FKWQIP) of 1998. The original Authorization from Congress provided for the ultimate appropriate of up to \$100 million dollars. To date approximately \$75 million dollars have been appropriated. Within the next couple of years, we will have exhausted this source of revenue as originally authorized. However, in this past federal legislative year, the terms of FKWQIP have been extended and expanded for up to \$200 million. Allowed uses will now include canal restoration.

The funds are routinely split among the City, the Key Largo Wastewater Treatment District, and Islamorada. With the extension of FKWQIP, the County will likely want to become a partner in the appropriation process. There is an interesting history as to why Key Largo is a part of FKWQIP and not the County (I will save for another day). That said, they will likely want to included in any future modification of the Memorandum of Understanding that guides the split of FKWQIP funds

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:

- Options for BPAS & Hurricane Evacuation
- Workforce Housing  
Consideration of Options for the City under the Live Local Act (a part of SB 102)  
Potential modifications of last year’s legislation concerning affordable housing (SB 102 / HB 627  
Consideration of Modifications to Chapters 166 (125) and/or 380 F.S.
- Insurance Protections
- Vacation Rental legislation preempting local authority  
Potential Carve-out for ACSC
- The Florida Keys Stewardship Act  
Assurance of Appropriations this year (Past two years have yielded \$20 M)  
Land Acquisition Trust Fund (LATF)
- Water Quality  
Potable Water Reuse Options
- Marine Protection  
Liveboards  
Mooring options
- Sea Level Rise \ Sustainability Initiatives
- General preemption issues
- Takings cases

**BPAS & Hurricane Evacuation**

The City will be working with state agencies (Florida Commerce) and the Legislature in consideration of options under BPAS related to hurricane evacuation. Further, significant consideration must be made for the potential initiation of local “Taking” cases. Staff is working with Florida Commerce on the outcome of the hurricane evacuation modeling. We are equally expectant that legislation may arise modifying at least, the allowance of additional workforce housing units.

**Workforce Housing**

The City will participate in any considerations for modifying SB 102, the Live Local Act, particularly as it may relate to affordable housing in the Florida Keys. This may include modifications to both FS 125. 166, and 380.

In addition, the City will support County efforts to modify TDC funding options to allow TDC capital infrastructure dollars to be dedicated to the development of workforce housing.

### **Insurance Protections**

The City will be working with its lobbyists and FIRM (Fair Insurance Rates in Monroe) to protect insured property owners in Monroe County from unwarranted insurance rate increases through Citizens and other insurers for wind and flood policies. We have already visited with senior staff and board members from Citizens. We anticipate that the Florida Office of Insurance Regulation will be visiting Monroe County in the coming month. We will then take the issue up in Tallahassee in the coming session.

### **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 water 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.

### **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.).

Finally, City staff will be working with Rick to support additional funding for the National Marine Sanctuary program and the Florida Keys National Marine Sanctuary (FKNMS) in light of current issues involving significant coral loss.