

2021

State and Federal
Legislative and Administrative
Priorities



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INTRODUCTION

This document was produced based on prior Board direction, legislative and project needs identified by County staff in support of Board-approved programs and projects, ongoing or unresolved legislative and administrative issues from 2020, and legislative priorities shared with the [Florida Association of Counties](#) (FAC) and the [National Association of Counties](#) (NACo).

Our state and federal contract lobbyists provide valuable input throughout this process and work very hard to continually identify and monitor legislative trends, issues, administrative activity, and funding opportunities throughout the year.

Once reviewed and approved by the Board of County Commissioners, the County's legislative and administrative priorities guide all advocacy efforts in Tallahassee, FL, and Washington, DC, for the upcoming year.

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TABLE OF CONTENTS

PRIORITIES: LEGISLATIVE & ADMINISTRATIVE	5
ADA Website Compliance Safe Harbor	5
CDBG-MIT – Paradise Coast Sports Complex Field House	5
County Funding Streams.....	6
COVID-19 & Economic Recovery	6
Emergency Shelter Registration Lists – Public Records Exemption.....	6
FEMA Remapping.....	7
Hurricane Irma Closeout.....	7
Immokalee Readiness Center.....	7
Interstate 75/SR 951 Interchange Construction Acceleration	8
Long-Term, Transparent National Flood Insurance Program (NFIP) Reauthorization	8
RESTORE Act Debt Financing.....	8
Septic-to-Sewer Grant Program Creation and Recurring Funding	9
State Veterans’ Nursing Home	9
Strategic Intermodal System Long Range Cost Feasible Plan	10
Water Quality and Quantity Management	10
STATE APPROPRIATIONS PROJECT REQUESTS	11
Golden Gate Senior Center Construction/Expansion.....	11
Lake Park Boulevard Capital Improvements and Water Quality Flowway	11
ISSUES TO MONITOR	12
Autonomous Vehicles.....	12
Clerk of the Circuit Court Funding	12
Community Redevelopment Agencies.....	12
Economic Development Administration (EDA) Project Funding – Immokalee Airport Cold Storage/Freight.....	12
FAA Air Traffic Control Privatization.....	12
Fuel Station Generators.....	12
Harmful Algal Blooms.....	13
Hazardous Waste Disposal Funding / Collection Bills	13
Home Rule	13
I-75 Interchanges	13

Inland Oil Drilling & High-Pressure Well Stimulation (Fracking).....13

Lake Okeechobee and Everglades Restoration.....13

Licensing & Permitting.....13

Medical Marijuana Dispensaries14

Mental Health & Substance Abuse.....14

Millage Rates14

Offshore Drilling.....14

School Resource Officer / Guardian Program Funding.....14

Short Term Rentals.....14

Southwest Florida Promise Zone / Opportunity Zones.....15

Workers Compensation Reform.....15



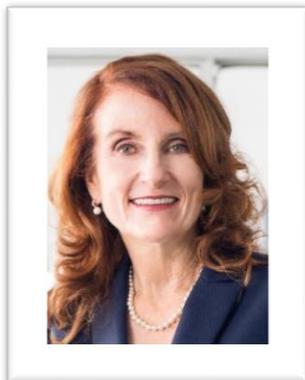
Donna Fiala
District 1



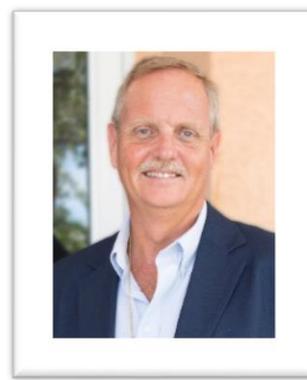
Andy Solis
District 2



Burt Saunders
District 3



Penny Taylor
District 4



William McDaniel, Jr.
District 5

PRIORITIES: LEGISLATIVE & ADMINISTRATIVE

ADA Website Compliance Safe Harbor

Summary: Local governments across the country have seen a wave of lawsuits filed by plaintiffs' attorneys regarding website compliance with the Americans with Disabilities Act (ADA). Due to the amount of information required to be posted to local governmental websites to comply with various state and local transparency provisions, it is doubtful that any local governmental website is *fully* compliant with the ADA.

Action: (FEDERAL) – In 2018, the House of Representatives passed the *ADA Education and Reform Act of 2017* that, in *Title III - Public Accommodations and Commercial Facilities*, would have required prospective plaintiffs to provide written notice of noncompliance to places of public accommodation that operate public websites prior to filing a lawsuit. The company would have then had a 60-day safe harbor to come up with a plan to address the plaintiff's concern and 120 days to make "substantial progress" toward rectifying it. The bill passed the House on a split vote but died in the Senate. NACo and the Florida League of Cities have previously coalesced around the issue regarding local governmental website compliance with the ADA. New, similar legislation to the Reform Act of 2017 is needed under *Title II – State & Local Governments* for an adequate safe harbor or cure period from legal action while working to comply with the ADA website provisions.

CDBG-MIT – Paradise Coast Sports Complex Field House

Summary: In September, the County applied to the State Department of Economic Opportunity (DEO) for \$11 million in Community Development Block Grant – Mitigation (CDBG-MIT) funds for the hardening of the planned Paradise Coast Sports Complex field house. If awarded, these funds would provide a structure that could accommodate over 800 individuals with special needs and/or general population during a storm event and provide electrical power for special medical equipment and food service during a disaster.

Action: (STATE) – Engage DEO and the legislative delegation on the local and regional need of this shelter facilitation project, its ability to serve a significant portion of the special needs population, and the Complex's overall ability to serve as a regional shelter during evacuation events, provide a continuity of operations center, and serve as a staging area for community response after a major storm.

County Funding Streams

Summary: Full funding of grants and continued appropriations for programs or funds applicable to Collier County, including but not limited to, Payment in Lieu of Taxes (PILT), Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), Institute of Museum and Library Services (IMLS), Airport Improvement Program (AIP), Emergency Management Performance Grants (EMPG), Stafford Act, Fire Management Assistance Grant Program (FMAGP), Rainy Day Fund, Local Housing Trust Fund, Sadowski Act-funded programs including the State Housing Initiatives Partnership (SHIP) and State Apartment Incentive Loan (SAIL) Program, the Land Acquisition Trust Fund (LATF), and the Rural Development Grant Program.

Action: (STATE/FEDERAL) – Advocate for full funding of grants and continued appropriations for programs or funds applicable to Collier County and oppose state or federal actions that would utilize moneys for other purposes than originally intended.

COVID-19 & Economic Recovery

Summary: COVID-19 has negatively impacted every sector of the economy. Ongoing expenses incurred in returning to some sense of normalcy, coupled with loss of income and revenues by residents, businesses, and governments will reverberate over the next year or more. Federal and state legislative bodies and executive agencies will be prompted to make tough financial and policy decisions to rebuild a robust economy while continuing to provide a safety net for those businesses and individuals still struggling to manage the fiscal ramifications of a pandemic.

Action: (STATE/FEDERAL) – Advocate for fiscally prudent policies that will act as a stimulus to the economy, facilitate growth, and provide programs and services for businesses and individuals with a demonstrated need for continued assistance.

Emergency Shelter Registration Lists – Public Records Exemption

Summary: Counties are taking more responsibility for operating emergency shelters from the Red Cross. Where registration information, as gathered by the Red Cross, remains confidential, county registration and other disaster-related forms and software that may contain personal information may be subject to Florida public records laws. Hesitance to have their personal information made public might dissuade some from seeking shelter in an emergency and needlessly put first responders and others in jeopardy. The information gleaned from a sweeping records request could place residents in a vulnerable state by providing unscrupulous individuals and businesses with addresses of evacuated properties and damage assessment information.

Action: (STATE) – As part of their 2021 agency package, the Florida Department of Emergency Management (FDEM) intends to seek a public records exemption for the name, address, and

phone number of persons staying at a public shelter. This bill was previously pushed by Collier and Palm Beach Counties with the support of FAC and the Florida Emergency Preparedness Association. Due to sponsorship issues, this legislation has passed *each* chamber in previous years, but not *both* houses during the *same* legislative session.

FEMA Remapping

Summary: Expedited approval by FEMA is needed for Collier County flood remapping which is five years behind schedule. Two-thirds of Collier’s population is represented by outdated maps. Of the two Physical Map Revisions (PMR) pending completion for this update, PMR-1 is nearly completed and the mapping for PMR-2 is expected to be completed by the end of the year. The preliminary maps for the Southwest Florida Coastal Study were released by FEMA on December 31, 2019. PMR-1 and PMR-2 will be merging with this study to complete a final product.

Action: (FEDERAL) – Engage agency officials and the congressional delegation to prompt FEMA approval of the County’s flood remapping. Continue to support increases in funding for the Flood Hazard Mapping and Risk Analysis Program.

Hurricane Irma Closeout

Summary: Since Hurricane Irma battered Collier County in September of 2017, efforts in tallying, documenting, and processing all eligible recovery projects for reimbursement through the Florida Department of Emergency Management (FDEM) to the Federal Emergency Management Agency (FEMA) have been ongoing. Recently, the Government Affairs team was able to solicit congressional assistance in obtaining an eligible project extension period from FEMA for debris removal operations conducted through December 31, 2018. This extension approval had been lodged between FDEM and FEMA Region IV since the original County request in September of 2019. This extension will allow for over \$6 million in additional reimbursement.

Action: (STATE/FEDERAL) – Assist County departments in obtaining administrative approval of remaining project worksheets to close out Hurricane Irma and, as necessary, engage the congressional delegation to expedite FEMA obligation of funds.

Immokalee Readiness Center

Summary: In 2007, the Florida Army National Guard proposed the construction of a military Readiness Center on 26 acres of land at the Immokalee Regional Airport (IMM). In 2009, the BCC approved a 25-year lease agreement with the National Guard. However, due to the economic downturn and change of presidential administrations, the lease was voided as construction did not commence in accordance with the performance milestones outlined in the lease. In 2018, after discussions with Airport Authority staff, the National Guard included the Readiness Center in its *Long Range Construction Plan*, subject to congressional appropriation. It is currently in the top six projects for the Guard with the potential to be accelerated given the Guard’s updated plan to station a special supports battalion at IMM.

During a fall 2019 meeting on Capitol Hill with Congressman Diaz-Balart and representatives of the Army, commissioners were informed that IMM was ranked #2 (behind Gainesville) for funding on the Army's Unfunded Requirements List (URL), a list annually compiled from states' Adjutants General recommendations and funded by Congress *outside* of the agency's standard budget request. Gainesville was not selected for funding this year, so Florida's base rankings remain as previously set. The URL runs concurrent with the annual military construction (MILCON) budget. A project can be included for funding consideration via one, or both, documents.

Action: (FEDERAL) – Work with both the Army National Guard and the congressional delegation to accelerate the Readiness Center on the *Long Range Construction Plan* and ensure adequate appropriation for its construction at the earliest opportunity.

Interstate 75/SR 951 Interchange Construction Acceleration

Summary: Initially, the Florida Department of Transportation (FDOT) had included the I-75/SR 951 interchange in its Five Year Work Program with a scheduled construction date of FY 20/21. Knowing this critical transportation infrastructure project was forthcoming, over the last few years, the Board of County Commissioners approved many development projects for the area, including warehouse distribution businesses that will generate considerable commercial traffic. The Board also approved millions of dollars in utility relocations early and in anticipation of this project. This interchange is also a primary access route for tourists and residents of Marco Island. The latest FDOT Work Program currently doesn't provide for construction to begin until FY 24/25.

Action: (STATE) – Facilitate collaboration between the County, FDOT, and the legislative delegation to develop a plan to finance and accelerate the delayed improvements to the I-75/SR 951 interchange to accommodate the rapid growth and development of the area.

Long-Term, Transparent National Flood Insurance Program (NFIP) Reauthorization

Summary: To seek the long-term reauthorization of the NFIP to provide housing market stability while ensuring transparency and fairness in rate setting.

Action: (FEDERAL) – Support legislation that provides for a minimum five-year reauthorization, freezes interest payments on NFIP debt, provides low interest loans for homeowner mitigation projects, and provides additional funding for current mitigation assistance grant programs.

RESTORE Act Debt Financing

Summary: To pass legislation authorizing the Secretary of the Treasury to use debt instruments, as part of the RESTORE Act, to be financed by \$20 billion in BP Oil civil penalties, providing more

immediate access to moneys for restoration and program/project improvements that would otherwise take years to accumulate. Collier County is one of 15 “non-disproportionately” affected counties eligible for project grants under RESTORE.

Action: (FEDERAL) – Continue to advocate for debt financing legislation during the 117th Congress that mirrors HR 2923, co-sponsored during the 115th Congress by Rep. Diaz-Balart.

Septic-to-Sewer Grant Program Creation and Recurring Funding

Summary: Aging septic tank systems and their leaching of effluent are a threat to waterways, the habitats they sustain, and our drinking water quality. Even when conducted in phases, sanitary sewer construction and connection projects are expensive whether it be a densely populated area or a small and/or rural community with fiscal limitations. Residents often incur costly assessments to cover transition to a sanitary sewer system. The Clean Waterways Act of 2020 created a septic-to-sewer grant program - subject to appropriation by the Legislature - that *requires a 50% local match* that may be waived by DEP *only* for rural areas of opportunity. An annually funded, low-or-no local match septic-to-sewer conversion grant program is needed to expeditiously connect residents to sanitary sewer systems and facilitate proper abandonment of the septic tank.

Action: (STATE) – Advocacy for creation of a septic-to-sewer grant program *with a dedicated, recurring funding source* and applicable to *planning, design, construction, and connection costs* associated with conversion.

State Veterans’ Nursing Home

Summary: Though Collier County was ranked at the top of a needs-based study for the construction of a new State Veterans’ Nursing Home, at the conclusion of the 2014 site evaluation process, St. Lucie County was ultimately awarded the new facility. The Florida Department of Veterans’ Affairs (FDVA) has commented to the Legislature that the State is still a few years from accumulation of funds necessary for the 35% mandated state construction match to qualify for federal consideration to be the next new State Veterans’ Nursing Home.

During the last three legislative sessions, commissioners have met with FDVA to keep them apprised of the County’s progress in raising the 35% construction match and acquisition of the Golden Gate Golf Course property as a potential location for the facility. This past spring, FDVA made a commitment to visit and evaluate the property once COVID-19 has subsided.

Action: (STATE/FEDERAL) – Using a portion of the temporary one-cent sales tax revenues as a funding stream for the local construction match, and with the recent acquisition of the Golden Gate Golf Course property serving as a *potential* location, staff will continue to work with the Florida Department of Veterans’ Affairs and the U.S. Department of Veterans Affairs on next steps for securing a State Veterans’ Nursing Home for Collier County.

Strategic Intermodal System Long Range Cost Feasible Plan

Summary: Currently, the *2018 Edition of the Florida Department of Transportation (FDOT) Strategic Intermodal System Long Range Cost Feasible Plan for FY 2029-2045* does not provide for any construction of capacity improvements for I-75 or SR 29 in Collier County. The Systems Implementation Office updates the SIS CFP every 3 to 5 years to adjust the planning horizon consistent with the long-range planning needs of FDOT and MPOs throughout the state.

Action: (STATE) – Work with FDOT District 1 representatives, applicable adjacent counties and coalitions, and local legislative delegation members to encourage an FDOT update to the *Long Range Cost Feasible Plan* that incorporates capacity improvements for I-75 and SR 29 in Collier County.

Water Quality and Quantity Management

Summary: Local water, wastewater, and stormwater system water quality improvement projects support the protection of our drinking water supply as well as our natural environment and fragile ecosystem. Counties/communities under 500,000 in population often have budgetary constraints that prevent them from covering the total costs for many needed improvements to aging water, wastewater, and stormwater system infrastructure.

Action: (STATE/FEDERAL) – Support water quality and quantity management programs, including tiered, population-driven funding opportunities for water and public utility infrastructure (including fire hydrant systems), funding and incentives for stormwater system rehabilitation and measurable water quality enhancement, funding for technical and scientific studies to support water quality improvements, and continued funding of opportunities that reduce resident cost in moving from well water to potable water systems.



STATE APPROPRIATIONS PROJECT REQUESTS

Golden Gate Senior Center Construction/Expansion

Summary: This project request would provide for the architectural and engineering design for construction and expansion of the Golden Gate Senior Center to better serve community seniors. Increased building size would allow for better organization of programs and activities and would provide much needed meeting rooms and office space to help address client needs. Future hardening of the Senior Center could provide safe, community sheltering and convenient access to aid during and after natural disasters and other large-scale emergencies.

Action: (STATE) – Request \$250,000 in State appropriations for the design of the Golden Gate Senior Center Construction/Expansion. *(A local match of \$250,000 is available for this project.)*

Lake Park Boulevard Capital Improvements and Water Quality Flowway

Summary: This project is the first critical step to master plan a multi-million-dollar series of infrastructure projects including septic-to-sewer, stormwater system rehabilitation, roadway improvements, and other site improvements to promote functionality, health, and safety. This area is adjacent to Rookery Bay National Estuarine Research Reserve, making water quality improvements a high priority. This area also serves a population that is highly burdened by housing costs.

Action: (STATE) – Request \$250,000 in State appropriations for the Lake Park Boulevard Capital Improvements and Water Quality Flowway. *(A local match of \$250,000 is available for this project.)*



ISSUES TO MONITOR

Autonomous Vehicles

Any proposed legislation that would impact local regulation of safety standards for autonomous vehicles and related technology. **(STATE/FEDERAL)**

Clerk of the Circuit Court Funding

Any proposed legislation that will provide a sustainable, full funding solution for the Clerk of the Circuit Courts and provide for execution of their extensive statutory and constitutional duties. **(STATE)**

Community Redevelopment Agencies

Any legislation that restricts home rule authority to create, operate, or sunset county CRAs. Legislation was passed during the 2019 session that implemented limited reforms and enhanced ethical training and accountability. Onerous provisions such as requiring a county-wide vote to create a CRA were removed from the bill during consideration. **(STATE)**

Economic Development Administration (EDA) Project Funding – Immokalee Airport Cold Storage/Freight

Monitor resources that can be leveraged to enhance development of this potential economic engine. **(FEDERAL)**

FAA Air Traffic Control Privatization

Any introduced legislation in the upcoming 117th Congress that would privatize air traffic control services to airports. **(FEDERAL)**

Fuel Station Generators

Any proposed legislation or regulatory efforts that strengthen the emergency generator requirement for commercial fuel stations near the interstate and inland multi-pump stations. **(STATE)**

Harmful Algal Blooms

Any proposed legislation, appropriation, or administrative action related to research, prevention, and mitigation of harmful algal blooms (HABs), including red tide. **(STATE/FEDERAL)**

Hazardous Waste Disposal Funding / Collection Bills

Any proposed legislation that limits collecting appropriate fees for services. **(STATE)**

Home Rule

Any proposed legislation that seeks to preempt or undermine local governmental authority, impose state preemption, creates unfunded mandates, or adversely impacts local funding streams. **(STATE/FEDERAL)**

I-75 Interchanges

Funding opportunities to improve all I-75 interchanges in Collier County, improving traffic flow and safety for motorists. **(STATE/FEDERAL)**

Inland Oil Drilling & High-Pressure Well Stimulation (Fracking)

Any proposed legislation that changes the status of inland oil drilling and high-pressure well stimulation. Currently, high-pressure well stimulation remains essentially unregulated and permissible. **(STATE)**

Lake Okeechobee and Everglades Restoration

Any proposed legislation or administrative action that impacts water storage, treatment, and reservoir conveyance; Everglades restoration and preservation via the Comprehensive Everglades Restoration Plan (CERP). **(STATE/FEDERAL)**

Licensing & Permitting

Any proposed legislation or administrative action that impacts county licensing and permitting and may impact cost and/or time in obtaining. **(STATE/FEDERAL)**

Medical Marijuana Dispensaries

Any proposed legislation that might provide more local discretion in dispensary location. **(STATE)**

Mental Health & Substance Abuse

Any proposed legislation, appropriation, grant, or program that could enhance Collier County’s mental health and substance abuse programs, including the expansion of authority of county court judges to refer defendants for treatment. **(STATE/FEDERAL)**

Millage Rates

Any proposed legislation that undermines local government discretion in establishing millage rates. **(STATE)**

Offshore Drilling

Any proposed legislation or future Executive action regarding the moratorium on offshore oil and gas drilling within 125 miles of Florida’s Gulf Coast. On September 8, 2020, President Trump signed an Executive Memorandum effectively extending the moratorium until June 30, 2032. The Memorandum also expanded protected areas to include the Atlantic coast of Florida, and the coasts of Georgia and South Carolina. During the 2019 session, the Florida Legislature passed resolutions calling for an *indefinite* extension to the moratorium. In September of 2019, the U.S. House of Representatives passed Congressman Rooney’s bipartisan legislation, HR 205, to *permanently* extend the moratorium on oil and gas drilling in the Gulf by a vote of 248-180. With the White House threatening a veto, the Senate did not take up the bill. **(FEDERAL)**

School Resource Officer / Guardian Program Funding

Any proposed legislation or administrative action regarding funding of the School Resource Officer (SRO) and/or Guardian Program. **(STATE)**

Short Term Rentals

Any proposed legislation that preempts or otherwise restricts local laws, ordinances, or regulation regarding vacation rental frequency or duration. During the 2020 Regular Session, the House passed its version of the bill and the Senate had nearly completed their deliberations when Governor DeSantis made comments in the press about the bills “micromanaging” a local issue. As a result, the Senate bill died in its last committee assignment (Rules). **(STATE)**

Southwest Florida Promise Zone / Opportunity Zones

Any proposed legislation or initiative that supports the ten-year economic development mission of the Southwest Florida Promise Zone (SFPZ), originally designated in 2016, or that is helpful in attracting private capital investments to recently established Opportunity Zones. **(FEDERAL)**

Workers Compensation Reform

Any proposed legislation or administrative action that mitigates unfunded liabilities. Reform bills from 2017 through the 2020 Regular Session failed to advance beyond their respective committee assignments. **(STATE)**

