

# Legislative Session 2019

Amended 3/5/2019

State of Florida



*Lee County*

# 2019 STATE LEGISLATIVE AGENDA INTRODUCTION

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This document represents the Board’s state legislative program for the 2019 Session. While these priorities are intended to guide the County’s advocacy efforts in Tallahassee, the list is not exhaustive and issues may arise or evolve that will require Board attention.

The most critical issues are not ranked in order of priority. Commissioners, staff and contract lobbyists will pursue all of the legislative policies approved by the Board and place appropriate priority on the issues given the opportunities that arise during the legislative process. As usual, items of emphasis will include maintaining the County’s home rule authority and opposing cost shifts or unfunded mandates.

The state legislative session will begin on March 5, 2019 and is scheduled to conclude on May 3.

## **CONTENTS**

SUMMARY OF LEGISLATIVE PRIORITIES SUPPORT AND TRACKING ISSUES BACKUP MATERIALS

### **LEE COUNTY COMMISSIONERS**



**JOHN MANNING – DISTRICT 1**



**CECIL L PENDERGRASS – DISTRICT 2**



**LARRY KIKER – DISTRICT 3**



**BRIAN HAMMAN – DISTRICT 4**



**FRANK MANN – DISTRICT 5**

# 2019 STATE LEGISLATIVE AGENDA

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## PRIORITIES

- A. **Caloosahatchee River and Estuary Protection – SUPPORT** continued, dedicated state funding to complete construction of the C-43 West Reservoir Construction Project, a vital CERP water storage project; **SUPPORT** the design and construction of a water quality treatment facility as a component of the C-43 Reservoir; AND **SUPPORT** funding to complete the C-43 Water Quality Treatment Testing Facility ("BOMA") pilot project on property purchased jointly by Lee County and the South Florida Water Management District.
  
- B. **Harmful Algal Blooms- SUPPORT** state funding for research, monitoring, prediction, notification and mitigation efforts pertaining to Red Tide and Blue-Green Algae. **SUPPORT** the Florida Department of Environmental Protection (DEP) in reference to eliminating algae blooms in Lake Okeechobee prior to discharge.
  
- C. **Water Quality Funding Requests – SUPPORT** \$900,000 in state funding with a Lee County match of \$1,620,000. (See attached project descriptions)
  - i. L-3 Canal Rehabilitation: Meet goals of the Caloosahatchee River Watershed Protection Plan and the Caloosahatchee Estuary Basin Management Action Plan.
  
  - ii. Wild Turkey Strand Preserve Hydrological Restoration: Improve water quality, increase natural flow and enhance species habitat.
  
- D. **East Mulloch Water Control District – SUPPORT** \$5.3 million of state funding for critical improvements to this drainage district, which the 2018 Legislative Session created as a special district dependent on Lee County. Lee County is spending \$4 million on remediation projects.
  
- E. **Flood Control – SUPPORT** a state funding request of \$3.02 million to address repetitive flood losses along the Ten Mile Canal by evaluating and reestablishing historic and alternate flow routes.
  
- F. **Public Safety Funding Requests – SUPPORT** \$14.8 million of state funding to help enhance disaster response and routine operations:
  - i. **Government Communications Network** – Request \$8 million for digital radio technology and underground fiber optics needed to modernize the multijurisdictional communication system used by 64 agencies.
  
  - ii. **Expansion of Emergency Operations Campus** – Request \$6,778,750 to expand the Public Safety Campus.
  
- G. **Lehigh Senior Center – SUPPORT** funding for \$350,000 in facility upgrades to enhance safety, comfort and Americans with Disabilities Act compliance.

## 2019 STATE LEGISLATIVE AGENDA

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The Lee County Board of Commissioners advocates for the preservation of local home rule and opposes any legislation, policies or regulations that would impose unfunded responsibilities upon the County.

### SUPPORT ISSUES

School Resource Officers – **SUPPORT** full funding to school districts for school resource officers.

Affordable Housing – **SUPPORT** retaining the full amount of dedicated documentary tax revenues to fund state and local affordable housing programs. Based on current state revenue estimates, a full SHIP distribution for Lee County would approach \$8.3 million in FY2018-2019 (including \$3.05 million allocated for Cape Coral and Fort Myers).

Article V Court Funding – **SUPPORT** eliminating the mandates contained in Section 29.008(4)(a), F.S., that require counties to fund certain court expenditures by 1.5 percent over the prior county fiscal year. Support dedicated and stable state funding for Clerks of Court.

Beach Nourishment – **SUPPORT** the creation of a new dedicated and recurring statutory funding source for beach renourishment projects and **SUPPORT** the revision of statutory criteria for the annual ranking of beach projects for state cost sharing; specifically, the inclusion of criteria that recognizes economic benefits and cost effectiveness, reduction in storm damage, and the ability to leverage federal dollars.

Behavioral Health System – **SUPPORT** increased funding for core mental health and substance abuse services as well as ancillary support and diversion programs.

Bob Janes Triage Center – **SUPPORT** continued funding for the Criminal Justice, Mental Health and Substance Abuse Local Matching Grant Program. The services provided by the Bob Janes Triage Center have a proven track record of enhancing public safety and reducing criminal justice expenditures.

Business Regulation – **OPPOSE HB 3**, a sweeping state preemption bill that would dissolve local business regulations on July 1, 2021 and impose extremely onerous requirements for their reauthorization.

Communications Services Tax – **SUPPORT** revising current law in a manner that is: 1) *revenue neutral*; 2) simplifies administration and collection of the current tax; 3) provides for a broad and equitable tax base; 4) provides for enhanced stability and reliability as an important revenue source for local government; and 5) provides the opportunity for market-based growth. **OPPOSE HB 693**, which would reduce revenue allocated to counties from the State's Communications Services Tax and preempt local authority to regulate permitting and fees with respect to the telecommunications industry.

Consumer Protection – **SUPPORT** statewide regulation to protect consumers against credit card skimming and identity fraud at fuel pumps.

EMS Balance Billing – **OPPOSE** limitations on the ability of county EMS providers to seek reimbursement for out-of-network transports. **SUPPORT** requirements for private insurers to pay local governments for the actual cost of emergency service delivery.

EMS Regulation – **SUPPORT** maintaining a countywide regulatory system for EMS transport through the current Certificate of Public Convenience and Necessity (COPCN) process.

## Support Issues (Continued)

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Florida Retirement System (FRS) – **SUPPORT** a requirement that all legislation potentially increasing FRS contribution rates be analyzed and evaluated to determine the direct fiscal impact of proposed changes to all local and state government in order to be eligible for consideration.

Florida Water and Land Conservation Amendment – **SUPPORT** allocating funds for county land conservation and management programs to acquire environmentally sensitive property for water quality improvement projects or storage. Lee County's Conservation 20/20 Program has spent nearly \$400 million to acquire, restore and preserve property.

Impact Fees – **SUPPORT** maintaining flexibility to use impact fee revenue as it becomes available for debt repayment on projects that expand capacity to meet growth-related infrastructure demand.

Medicaid County Cost Cap – **SUPPORT** establishing a cap on growth in the individual county Medicaid costs under s. 409.915, F.S. to address the anticipated cost shifts that result from the transition to a Medicaid enrollee based cost-sharing system. **OPPOSE** efforts to shift more state Medicaid costs to counties.

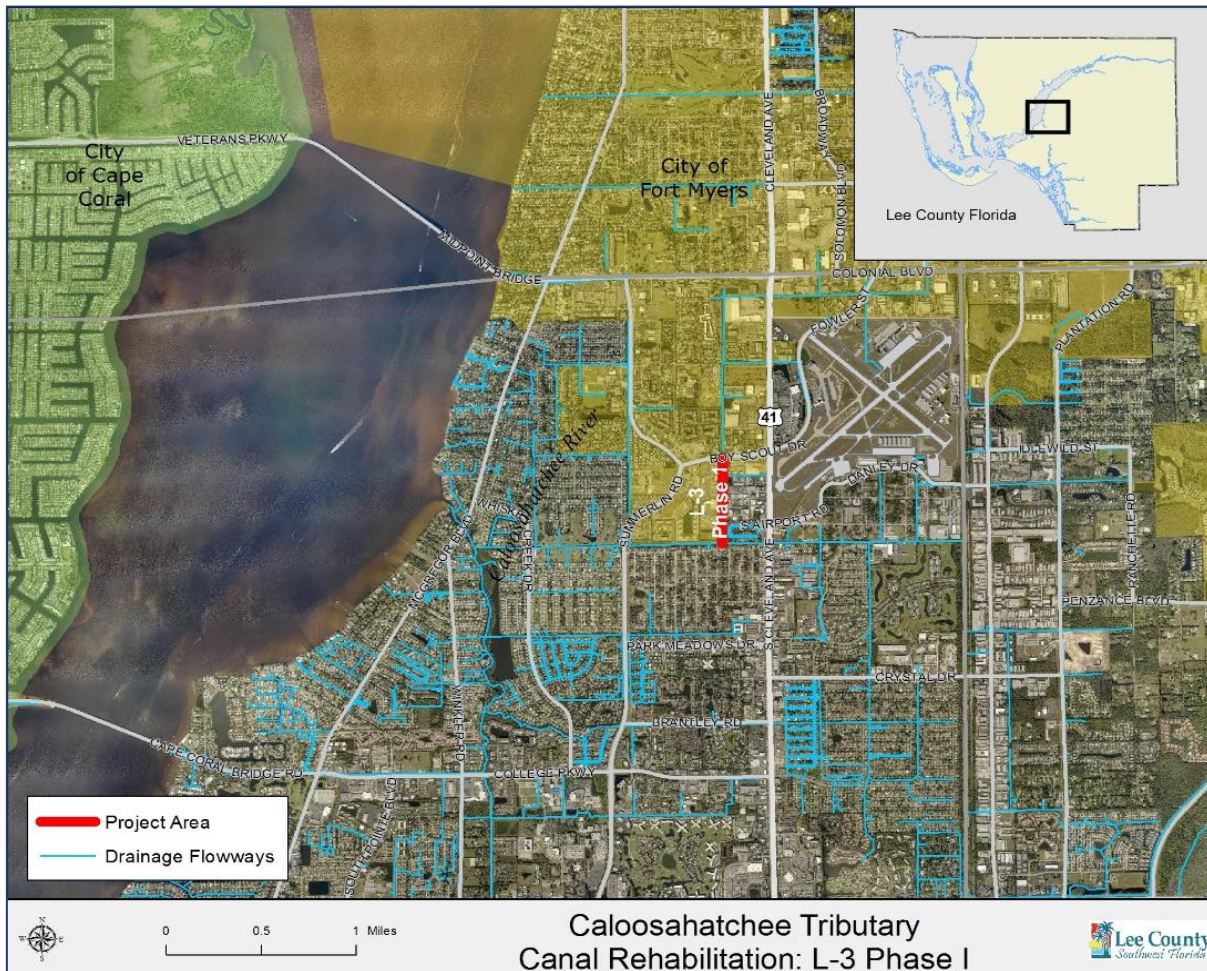
Prison Inmates to Jails – **OPPOSE** any efforts to shift inmates with less than a year on their sentence at the time of sentencing to jails instead of prisons.

Regional Planning Councils – **SUPPORT** legislation to allow counties to opt out from mandatory membership in an RPC by majority vote of the county's governing body.

Shade Meetings (Executive Session) – **SUPPORT** legislation that allows senior staff to participate in attorney-client sessions as subject matter experts to provide Board members with technical knowledge needed to make informed decisions.

Smoking Regulation – **SUPPORT** legislation that repeals the state statutory preemption of smoking regulation by allowing local governments to enact local regulations that exceed state standards. In lieu of a total repeal of the preemption, **SUPPORT** legislation granting to local governments additional authority to restrict smoking where children are present.

Tourist Development Tax – **SUPPORT** amending 125.0104(5)(b), F.S., to allow counties with a population of less than 950,000 to use tourist development tax revenue to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote fishing piers.



**Stabilizing and clearing the L-3 Canal in Lee County and the City of Fort Myers will improve water quality and flow and improve local compliance with goals of the Caloosahatchee River Watershed Protection Plan and the Caloosahatchee Estuary Basin Management Action Plan.**

Currently, the L-3 Canal provides drainage from developed areas into the Caloosahatchee River, which has a TMDL for total nitrogen and is currently subject to a State of Florida Basin Management Action Plan. The County and the City are cooperating on a plan to improve the quality of water flowing into the Caloosahatchee to meet these TMDL regulations. Rehabilitation of the L-3 Canal is the first phase of that plan.

The canal has become overgrown with nuisance vegetation and lacks water control structures to attenuate flow.

## Background

Portions of the L-3 Canal watershed lie within Lee County while the canal itself lies within the municipal boundaries of the City of Fort Myers. The L-3 Canal was originally constructed in the 1920's as part of the Iona Drainage District to provide drainage for an area south of Fort Myers. The City maintains the canal, which is in an area developed for single and multi-family residences as well as light commercial land uses. It is a major tributary channel to the

L-Canal and subsequently Whiskey Creek, which is in turn a tributary to the Caloosahatchee River. The canal was excavated as a relatively deep, uniform channel which is drastically different from the shallow natural flow-way system of the area's prior undisturbed condition.

## Proposal

Lee County and the City of Fort Myers will partner to rehabilitate the canal to enhance water quality and conservation without jeopardizing flood control. Activities include:

- Reshape and stabilize bank slopes to reduce potential for sedimentation and erosion;
- Create littoral zones with planted native vegetation;
- Remove invasive vegetation; and
- Install control structure(s) to enhance water quality by increasing residence time of storm water runoff.

Beneficial outcomes of this project include:

- Water quality improvement;
- Increased natural function;
- Habitat enhancement due to slowing surface water flow to enhance nutrient uptake by plants;
- Recharging groundwater; and
- Flood control.

## Funding

- Requested dollar amount: *\$350,000*
- Local matching funds pledged: *\$150,000*
- Total project cost: *\$500,000 (Design - \$150,000; Construction - \$350,000)*

## Contact

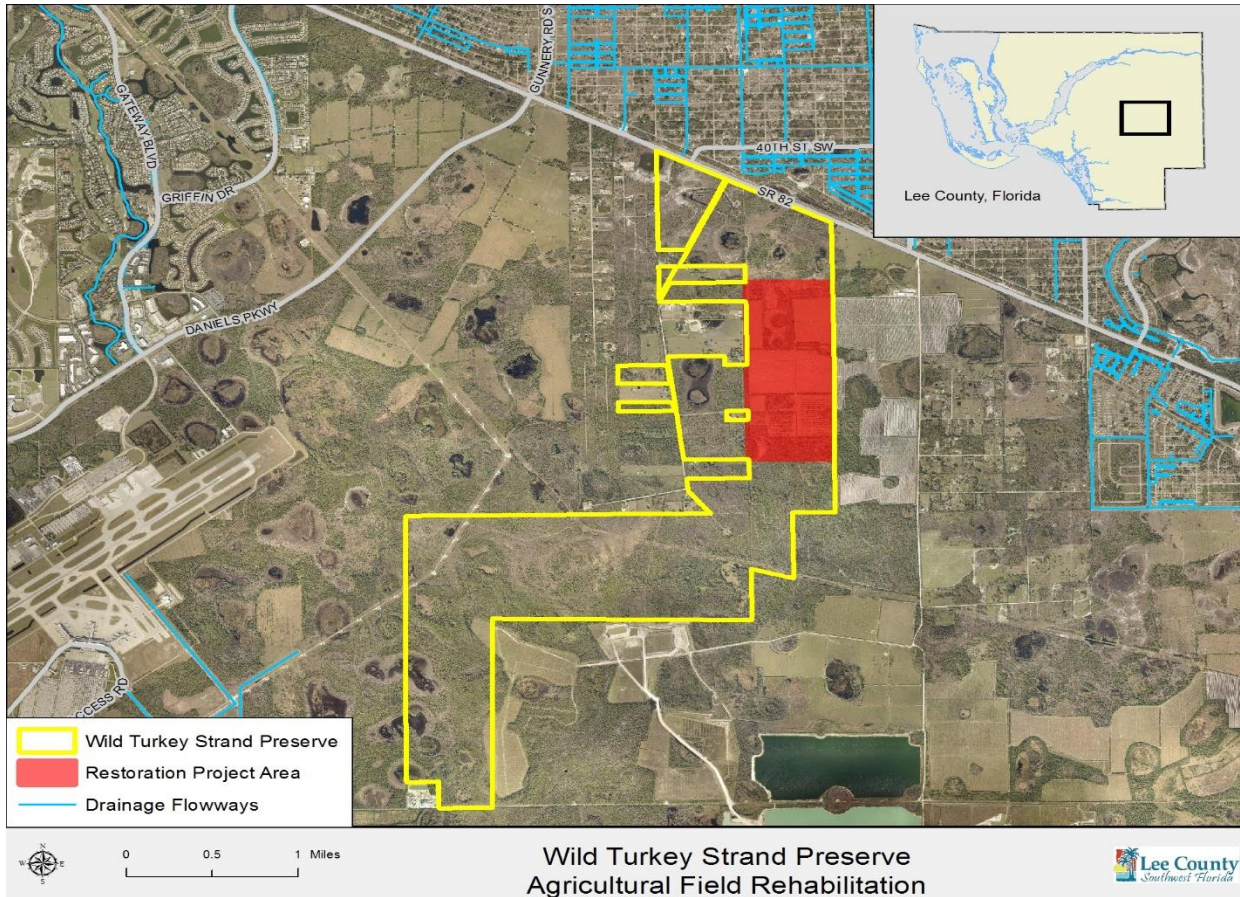
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# Wild Turkey Strand Preserve Habitat and Hydrologic Restoration



**Reduce the risk of flooding, restore natural species and improve water quality in the Estero Watershed by creating a series of flowways, ponds, uplands and ditches on 350 acres the County purchased for preservation.**

## Background

Lee County's Wild Turkey Strand Preserve, located on the northern end of the Estero Watershed, is a 3,105-acre parcel purchased by Lee County through its Conservation 20/20 program. The land within this preserve was formerly used as part of the Buckingham Army Air Field. The preserve has hiking trails and preserved natural communities of plant and animal species.

The surface water flows and natural communities in the Wild Turkey Strand Preserve have been altered by development both in and around the preserve. Alterations have drained portions of the preserve and increased potential wet season flooding of local residential areas west of the preserve.

## Proposal

This habitat and hydrological restoration project reshapes 350 acres of former agricultural land by creating:

1. A series of wetland flowways and uplands to direct water south;



2. Ponds to provide dry season refugia; and
3. Ditchblocks to reduce off site flows to the west.

The South Florida Water Management District permit has been issued and the U. S. Army Corps of Engineers permit should be issued soon. Specific tasks include re-shaping the flowway, excavating ponds, and re-contouring the abandoned fields to act as a more natural system.

This restoration will hold water and create flowways to provide beneficial outcomes including:

- Reduce the flood threat to residential areas west of the preserve by reducing westward surface water flows through altered flowways;
- Increase the water flow from north to south to restore the historic sheetflow pattern to help reduce offsite flooding;
- Slow water flows to increase the retention time of storm water runoff that will allow for attenuation, groundwater recharge and nutrient uptake by plants;
- Store water to reduce harsh dry season conditions that have diminished natural habitats;
- Maintain inflows from the adjacent farmland east of the preserve to help control flooding; and
- Improve habitat for wildlife including several threatened and endangered species.

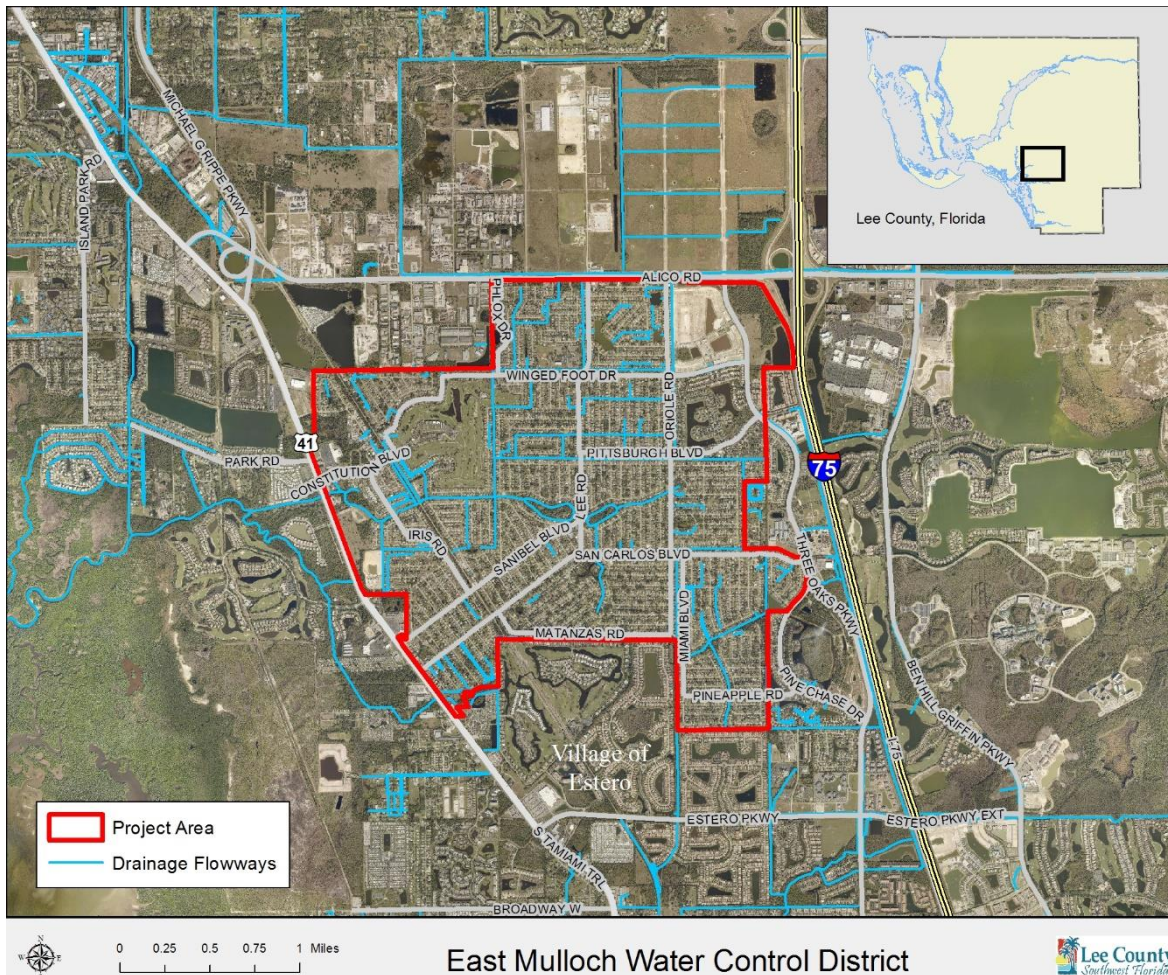
## Funding

### **Water Quality Improvement Projects FY 2018-19 Funding Request**

- Requested dollar amount: *\$500,000*
- Local matching funds pledged: *\$1,500,000*
- Total project cost/phase amount: *\$2,000,000*

## Contact

For details or additional discussion, please contact:  
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**Extensive repairs and upgrades will reduce the risk of flooding in this drainage district, which was reorganized by the State Legislature after flooding during Hurricane Irma.**

## Background

The East Mulloch Water Control District (EMWCD) was formerly the East Mulloch Drainage District (EMDD), an independent taxing district formed in 1963 to facilitate land development by building, operating, and maintaining drainage facilities in Lee County, Florida. The District’s boundaries cover 3,026 acres of land, of which approximately 2,220 acres are developed. As an independent District, EMDD was raising approximately \$70,000 per year through assessments of property owners in the District to maintain the water control features.

On Sept. 11, 2017, Hurricane Irma swept through the area, delivering Category 2 winds and rainfall totals exceeding 10 inches resulting in a significant number of downed trees and flow obstructions within the drainage system. While much of the debris has been removed, the remaining infrastructure is in poor condition and vulnerable to future flooding events.

In 2018, HB 1089 created the East Mulloch Water Control district as a dependent special district, and transferred all assets and liabilities of the EMDD to the EMWCD. Drainage systems within the EMDD include approximately 21 miles of canals, 20 retention ponds and nine drainage structures. The canals are overgrown and will require substantial rehabilitation. Approximately 25 percent of the drainage structures will also require extensive rehabilitation or replacement.

## Proposal

Total rehabilitation of the system will facilitate proper operation and maintenance of the flood control system of canals, retention ponds and culverts. Rehabilitation will minimize the potential for catastrophic failure of the system during extreme storm events. Based on a 2008 Facility Analysis Report, rehabilitation will cost \$5.3 million. This does not reflect further deterioration since that analysis.

Phase I of the project will include performing an update of the 2008 Facility Analysis Report to identify the most urgent needs of the estimated \$5.3 million rehabilitation. A priority plan will be established with initial work likely including culvert resizing and replacing, ditch clearing and re-contouring.

The proposed project provides a needed rehabilitation of a water control district that has been grossly underfunded for decades. Completion of this project will significantly decrease the propensity and duration of flooding events.

## Funding

Requested funding: *\$5.3 million for culvert resizing and replacing, ditch clearing and re-contouring.*

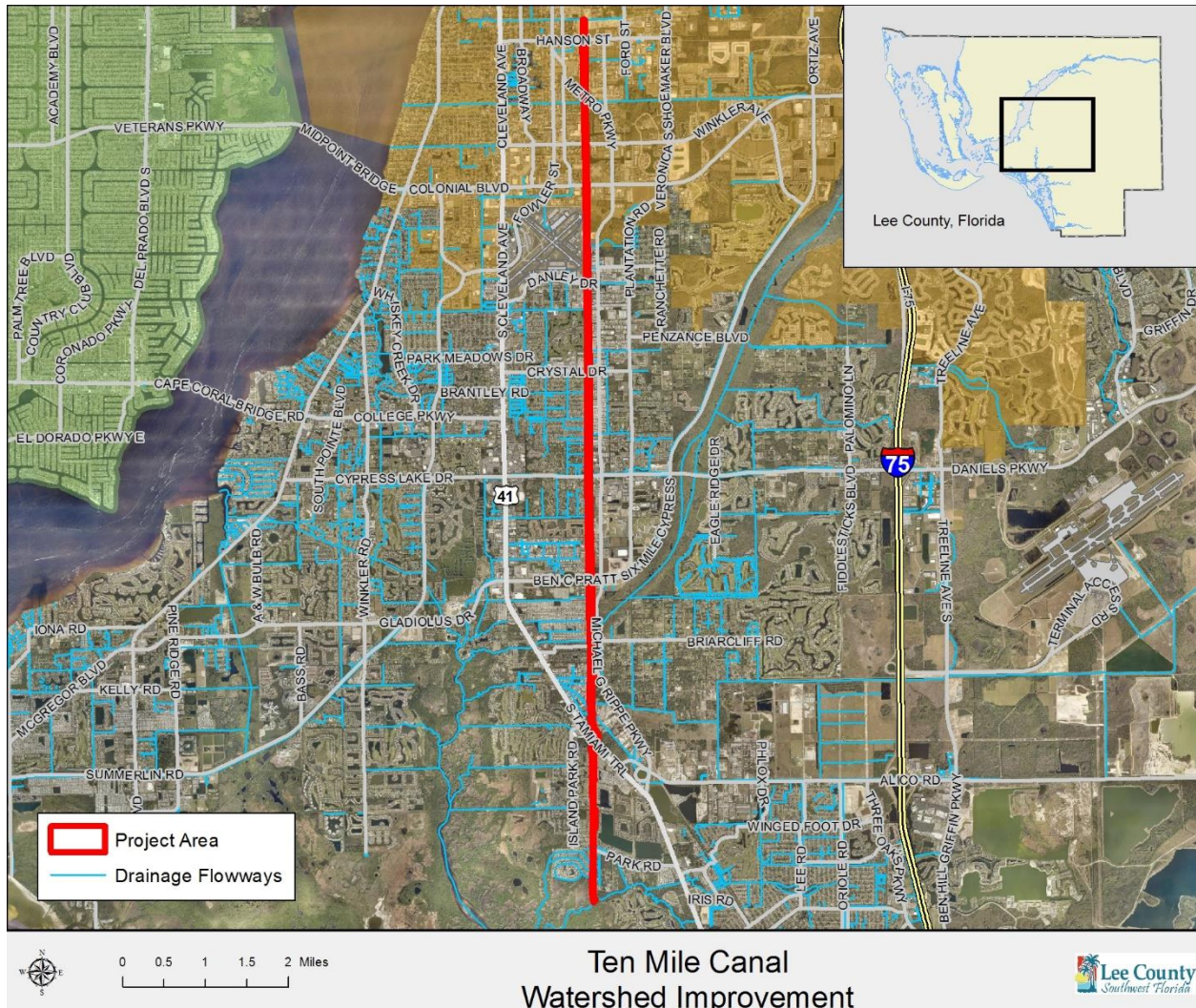
Local match: Lee County is spending \$4,000,925 for debris removal, weir repair and sediment removal.

## Contact

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Lee County will address repetitive flood losses along the Ten Mile Canal by evaluating and reestablish historic and alternate flow routes.

## Background

The Ten Mile Canal runs in a north-south direction through Fort Myers. Areas of the Ten Mile Canal suffer from chronic flooding due to the need for more capacity for conveyance of floodwaters. Flood-related damages in 2017 alone cost more than \$65 million to residences and businesses

## Proposal

This project proposes a detailed hydrology and hydraulic analysis of the Ten Mile Canal and connecting IDD Canals to identify conveyance system capacity and deficiencies. Conceptual design for the Project anticipates that water may be transferred from Ten Mile canal into Hendry Creek and other historic flow

paths through the above referenced IDD Canals. Consideration will be given to gravity fed and pumped solutions as well as channel modifications. This will provide additional capacity to the conveyance system during a major storm event and help alleviate flooding conditions. The project also proposes berm stabilization where signs of erosion are occurring.

The project will:

- Reduce property losses – totaling \$65 million in 2017 alone – from repetitive severe flooding that has caused structural damage to homes and businesses;
- Protect residents who were trapped in the area or unable to access their homes or businesses during periods of flooding;
- Help control the cost of flood insurance in the Ten Mile Canal area by reducing the flood risk.

## Funding

- Requested from the state: *\$3.02 million in construction costs*
- Lee County match: *\$1.06 million for design and in-kind project management services*
- Total project cost: *\$4.08 million*

## Contact

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# Government Communications Network: Critical Upgrades

## Background

Lee County Public Safety operates the radio communications system used by 8,000 individual subscribers among 64 public service agencies in all jurisdictions within Lee County, including Lee County Emergency Medical Services, Lee County Sheriff's Office, municipal law enforcement agencies, fire districts, Lee County Transit, Lee County Department of Transportation, Lee County Utilities, and many other state and local agencies operating within Lee County.

The hybrid analog/digital system was partially upgraded in 2008 with only half of the network transitioning to a digital system. The remaining buildout to current standards awaits funding. The existing system reached the end-of-life/end-of-support in 2018.

## Proposal

This project will remedy five main vulnerabilities in the existing radio systems:

1. Signal strength will be improved, particularly to indoor receivers in large community facilities like schools, malls, government buildings and the airports.
2. Capacity will be tripled for radio traffic during large-scale emergencies, like disasters or active shooter/hostile events. During Hurricane Irma, the system experienced 80,000 system busies (no channel available) in 24 hours.
3. Local technicians supply parts and make limited repairs to keep the system operational.
4. The community's expanding footprint leads to increased demand for radio communications in areas now underserved or not served at all. The project includes expansion of radio coverage through the addition of new radio sites to better support the population.
5. The system will be hardened to better handle disasters. This plan provides both a level of hardening and a back-up network to meet the risks of tropical weather and other hazards.

## Project Components

1. Completion of the radio network upgrade to fully convert from analog to digital;
2. Expansion of the county's fiber optic network to provide a primary high-speed backhaul and reduce reliance on commercial carriers; and
3. Replacement of the microwave communications network, which acts as a high-speed backup to the fiber optic network.

## Funding

The project is expected to cost approximately \$18 million, based on estimates from consultants hired to evaluate solutions on behalf of the county. The state provided \$1 million in FY18/19 that is being used for the first portion of the microwave backhaul replacement in advance of the larger countywide project. Lee County respectfully requests an additional \$8 million for a total 50% state funding match to local funding commitment to the project.

## Contact

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**To address obstacles revealed during Hurricane Irma response, Lee County wishes to expand its Public Safety Campus to implement structural and functional solutions that optimize both disaster response and routine operations.**

## Background

Lee Public Safety opened its existing Emergency Operations Center in early 2013 to house incident management and disaster response operations and support a wide range of day-to-day public safety functions that serve Lee County and its municipalities.

Significant functional limitations became apparent during Hurricane Irma activation. Obstacles documented in Lee County's Hurricane Irma After-Action Report include:

- During the lockdown period, 70 people were sheltered overnight. The EOC did not have sufficient sleeping space to support long-term operations at full activation
- The facility lacks adequate restroom and shower facilities for those in lockdown
- Inadequate kitchen, dining and food storage space
- Long-term recovery operations space

Additional factors driving expansions needs includes:

- The Emergency Dispatch Center in the Old Emergency Operations Center is at capacity and limited in its ability to handle higher volumes. This structure is also in a location that is at risk of flooding.
- EMS training now occurs in a number of different locations across the county.
- Public Safety fiscal/administrative functions and EMS administration are spread among separate locations, a detriment to ease of communication during incident management.

## Proposal

Lee County can address all of these needs with a 10,000-square-foot expansion, estimated to cost \$10.2 million. To increase the benefits of this investment, EOC expansion will optimize space and operational considerations to support goals including:

- Increase the volume of calls that can be fielded from the Emergency Dispatch Center by building a 4,000-square-foot addition to the current EOC to replace the existing, separate 1,600-square-foot center. This facility could double as a centralized backup to other communications centers. Reliance on the current flood-prone location would cease.
- Centralize Public Safety Administration to enhance communication during incidents by allocating 2,000 square feet to enable relocations of Public Safety and EMS Administration
  - This in turn frees up space at the Lee County Sheriff's Office Headquarters to allow for its growth and expansion.
- Consolidate EMS training, lab and storage space in a 2,000-square-foot addition of multifunction space that will double as a location for bunking during activations.

- Reduce hygiene problems during activations by constructing additional shower and restroom facilities.
- Expand the Emergency Operations office area to support day-to-day staffing needs.

## Funding

Lee County is asking for state funding of \$6,778,750 for construction costs and has pledged \$3,430,875 in local matching funds.

<b>Estimated Expenses</b>	
Expansion Construction	\$7,578,750
Design, permits, contingencies, other soft costs	\$2,630,875
Total estimated costs	\$10,209,625

## Contact

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# Lehigh Acres Senior Citizen Center



**To prevent closing of the Lehigh Acres Senior Citizen Center after loss of private funding, Lee County will rehabilitate, maintain and operate the facility.**

## Background

In 2018, Lee County pledged both capital and operations support to the Lehigh Acres Senior Citizens Center, Inc. a Florida Not For Profit Corporation that has provided health, wellness, educational and social programs for citizens age 50 and older since 1979. This new service commitment includes an initial \$350,000 capital investment in structural upgrades – including \$215,000 for compliance to the Americans with Disabilities Act – and an annual budget of \$248,500 for operations and maintenance.

The Center began operations in a building owned by Lee County at 219 Plaza Dr., Lehigh Acres, Fla., 33936. The Center agreed to maintain the structure and operated through public-private partnerships with the National Association of Senior Friends, the Lehigh Regional Medical Center, Lee County and others. However, over time the Center lost its major financial partners and, Lee County has increasingly assumed maintenance projects for the Center. After the Center lost its final, primary source of funding, its Board of Directors asked for the County's financial assistance with the operations and maintenance.

Lee County agreed to assume more responsibility for capital expenditures and operations effective in FY19 to continue health, wellness, recreational programs and social activities for seniors in Lehigh Acres. Lee County's support ensures that daily operations at the Lehigh Senior Center will continue to be a viable, important part of the activities that the area's senior citizens have come to enjoy and rely upon.

## Proposal

Planned improvements will provide heating and cooling, reduce the danger of flooding, and bring the structure into compliance with the ADA. Work includes repair or replacement of fixtures and equipment:

- Copper piping;
- Plumbing fixtures;
- Exit lights and wrap-round fluorescent fixtures;
- Cabinets in three restrooms;
- Air conditioning units that have reached the end of their life cycle; and
- Full ADA compliance- including parking lot.

## Funding

### **Funding Request – \$350,000 for Capital Expenditures**

Replace AC units at end of life	\$ 65,000
Replace cabinetry in restrooms	\$ 55,000
Replace copper piping	\$ 5,000
Replace plumbing fixtures	\$ 5,000
Upgrade lighting	\$ 5,000
Related ADA accommodations	<u>\$215,000</u>
<b>Total funding request</b>	<b><u>\$350,000</u></b>

### **Lee County Match – \$248,144 for Annual Operations and Maintenance**

Salary & benefits – Program Supervisor	\$ 74,000
Salary & benefits - Maintenance Specialist	\$ 44,500
Operational Costs – Equipment, supplies, utilities, etc.	<u>\$130,000</u>
Total Lee County Annual Contribution	\$248,500

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For details or additional discussion, please contact:

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