

# Legislative Session 2021

Adopted 12/1/2020

State of Florida



*Lee County*

# 2021 STATE LEGISLATIVE AGENDA INTRODUCTION

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This document represents the Board's state legislative program for the 2021 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 2, 2021 and is scheduled to conclude on April 30.

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## **LEE COUNTY COMMISSIONERS**



**KEVIN RUANE – DISTRICT 1**



**CECIL L PENDERGRASS – DISTRICT 2**



**RAY SANDELLI – DISTRICT 3**



**BRIAN HAMMAN – DISTRICT 4**



**FRANK MANN – DISTRICT 5**

# 2021 STATE LEGISLATIVE AGENDA

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## PRIORITIES

- A. **Caloosahatchee River and Estuary Protection – SUPPORT** continued, dedicated state funding for:
- i. The C-43 Reservoir Construction Project which is critical to the health of the Caloosahatchee Estuary and continued funding by the State is imperative until construction is completed;
  - ii. Completion of the C-43 Water Quality Feasibility Study;
  - iii. Implementation of the “BOMA” water quality pilot project on property purchased jointly by Lee County and the South Florida Water Management District; and
  - iv. Department of Environmental Protection (DEP) budgeting for the South Florida Water Management District to continue progress with Lake Hicpochee Phase II.
- B. **Big Cypress Basin – SUPPORT** implementation of the legislatively required study to determine hydrological boundaries of the Big Cypress Basin resulting in a larger district that includes the portion of Lee County within the watershed.
- C. **Water Quality Support Funding Requests – SUPPPORT** requests for \$3,090,000 in total state funding with a Lee County match of \$616,865. (See attached project descriptions)
- i. Deep Lagoon Preserve – The project consists of a series of structural and non-structural best management practices with the potential to provide the most pollutant load reduction at the least cost, with the primary focus on reducing nutrient loading into the Caloosahatchee River; and
  - ii. Bob Janes Preserve – The project consists of implementing best management practices (BMPs) to achieve the overall goals of reducing nutrient loading into the Caloosahatchee River, and expanding wetland habitat.
- D. **Transportation Funding Request – SUPPORT** a 25% state funding match for widening Ortiz Avenue from SR 82 to Colonial Blvd from a 2-lane to a 4-lane road to serve as a parallel reliever to I-75. (Request \$4,550,000: Lee County has no other State funding tied to this project).
- E. **Marine Vessel Registration Fees – SUPPORT** reverting to the method used to distribute funds to counties that was used prior to changes made by SB 1666 during the 2019 Legislative Session. Section 328.72(15), Florida Statutes, was amended to remit portions of the funds previously distributed by the tax collector to the board of county commissioners to the state’s Marine Resources Conservation Trust Fund to fund derelict vessel removal grants. Despite an increase in vessel registrations, Lee County received \$143,319.42 less this year than in FY19 as a result.

## 2021 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

Affordable Housing – **SUPPORT** retaining the full amount of dedicated documentary tax revenues to fund state and local affordable housing (SHIP) programs, and monitor any growth management or impact fee-related legislative proposals.

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** full funding of the program that will now use newly created statutory criteria for the annual ranking of beach projects for state cost sharing; specifically, 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.

Biosolids – **SUPPORT** exploratory state programs for funding new state-of-the-art wastewater technologies while maintaining ability to use properly treated biosolids as a fertilizer supplement or soil amendment, subject to regulatory requirements that have been established to protect public health and the environment. Lee County has invested more than \$15 million to create Class AA infrastructure-- the state's highest quality specifications—to better manage human wastewater.

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.

Bureau of Braille and Talking Books – **SUPPORT** continued fiscal support for the Bureau of Braille and Talking Book Service, which provides quality access to library services to all eligible residents of Florida, a state that has one of the largest populations of sight-impaired individuals in the United States.

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** legislation that 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.

Community Action Team – **SUPPORT** funding to maintain a team in Lee County that provides comprehensive community-based services to children aged 11 to 21 with mental illness and behavioral health conditions. Community Action Teams provide a lower cost alternative to state run foster care, juvenile detention and residential treatment programs.

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

Division of Library and Information Services – **SUPPORT** continued funding for the Division of Library and Information Services, Department of State. Its programs and services are essential for providing Florida's libraries with the guidance,

training, resources, and support for library staff throughout the State of Florida.

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.

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 governments.

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.

Library Cooperative Grant – **SUPPORT** an increase of \$500,000 to this grant program (F.S. 257.40-42), which has a recurring appropriation of \$2,000,000. Lee County is part of the Southwest Florida Library Network cooperative and benefits from staff training programs, courier services and interlibrary loan privileges that allow patrons to borrow materials from other library systems at no cost.

Medicaid County Cost Cap – **SUPPORT** efforts to prevent increases in Medicaid costs and request that the provision determining the rate of overall growth of the County Medicaid cost share be maintained at 50% and not be changed to 100% of the rate of growth in the state Medicaid expenditures.

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 of mandatory membership.

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.

State Aid to Public Libraries – **SUPPORT** funding of \$33,000,000 for Public Libraries. The Department of State budget recommendation is \$21,468,993, which is out of line with historic funding levels and below Florida's required Maintenance of Effort commitment of \$23,180,603 under the Library Services & Technology Act (LSTA). Meeting that commitment would entitle Florida to approximately \$9,000,000. Lee County received \$643,855 in FY 19-20.

Smart Horizons Career Online High School Funding – **SUPPORT** a recurring appropriation of \$750,000 to this program that allows adult students to complete a private, accredited high school diploma and career certificate through participating public library systems in order to prepare them for success in the workforce.

VISIT FLORIDA – **SUPPORT** continued funding for Visit Florida, which is a vital partner to Lee County and local business in promoting tourism that bolsters Florida's economic prosperity, employment and international trade.

West Coast Inland Navigation District – **SUPPORT** West Coast Inland Navigation District's (WCIND) one-time state funding request for \$2,000,000 to construct a 4,500 square-foot facility in Sarasota County. The new facility will provide agency-specific public meeting space, office space for employees with room for future growth, and enhance communications and operational ability allowing the District to better serve its member counties and regional partners.



Lee County will address elevated nutrient levels within the Caloosahatchee Estuary Basin and Deep Lagoon watershed by providing treatment through structural best management practices.

## Background

The Deep Lagoon Preserve watershed consists of several separated parcels that total approximately 383 acres and is located between the Caloosahatchee River to the north and Estero Bay to the south. Both surface water and groundwater flows within the area are significantly affected by the close proximity to the River and Bay. **The Deep Lagoon Preserve watershed 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.**

## Proposal

The Deep Lagoon Preserve Water Quality Improvement project consists of a series of structural and non-structural best management practices with the potential to provide the most pollutant load reduction at the least cost, with the primary focus on reducing nutrient loading into the Caloosahatchee River. Consideration will be given to gravity-fed retention ponds, channel/ditch modifications, ditch blocks and pumped solutions.

## Benefits

- Reduce nutrient loading to the Caloosahatchee
  - Estimated 3,480lbs of nitrogen load reduction per year
- Enhance/Promote wildlife habitat
- **This project helps achieve the goals of the Caloosahatchee River and Estuary Basin Management Action Plan.**

## Funding

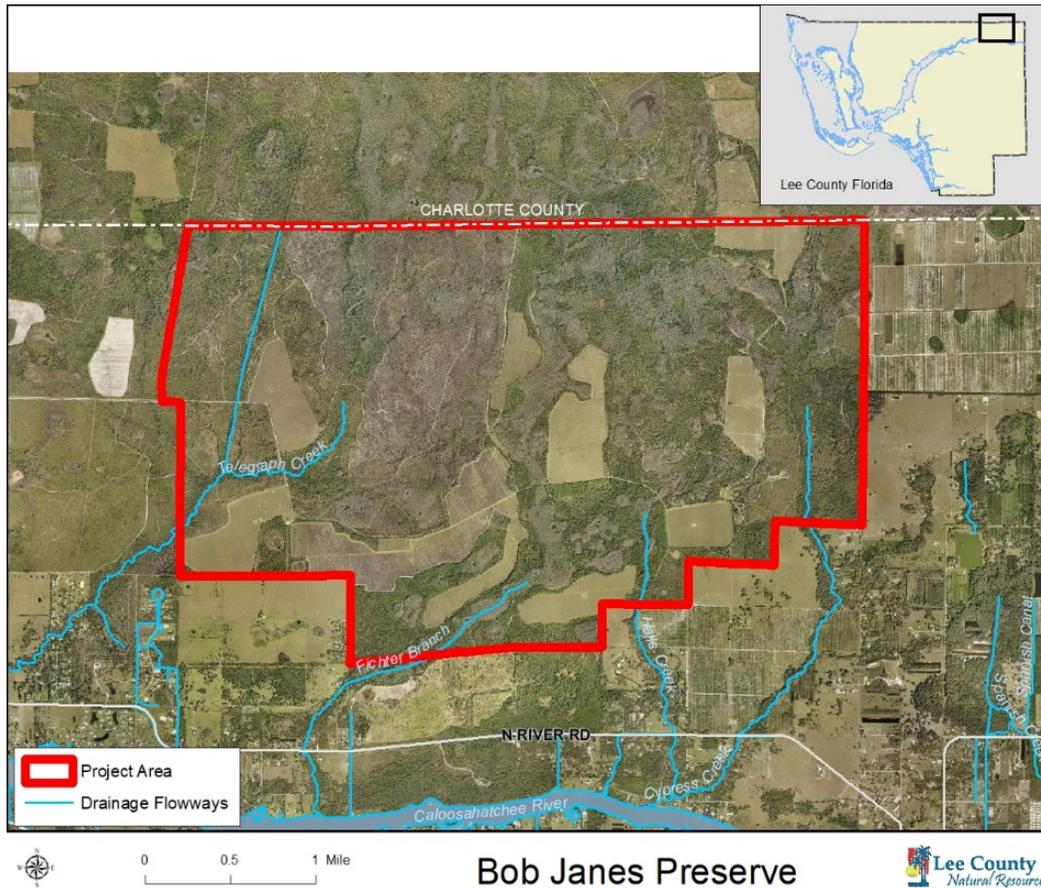
- **Requested from the state: \$2,640,000 in construction costs**
- **Lee County contribution: \$340,000 for design and in-kind project management services**
- **Total project cost: \$2,980,000**

## Vital Southwest Florida Facts

- More than 75% of Florida's population lives within an estuary watershed and 78% of Florida's GDP is generated within estuary regions.
- Southwest Florida is experiencing the fastest growth in population, employment, and GDP among all U.S. estuary regions. Protecting or enhancing the region's estuaries is essential to support the regional economy.
- Lee County tourism, which depends on a healthy natural ecosystem, employs 1 in 5 workers. This includes the restaurant and hotel industries as well as ecosystem-based industries such as fishing and boating.
- Sources: Charlotte Harbor National Estuary Program, South Florida Water Management District, and NOAA.

## Contact

For details or additional discussion, please contact:  
Roland Ottolini, Director, Lee County Department of Natural Resources  
[rottolini@leegov.com](mailto:rottolini@leegov.com) (239) 533-8127



Lee County will address elevated nutrient levels within the Caloosahatchee Estuary Basin and Fichter’s and Cypress Creek watersheds by providing treatment through structural best management practices.

## Background

The Bob Janes Preserve is a 5,620-acre parcel of land that was previously in agricultural production as a working part of Babcock Ranch. It is located on the northern border of Lee County, north of the Caloosahatchee River. The overall goal of the project is to integrate water quality improvement best management practices to reduce nutrient loads to the Caloosahatchee River, while helping restore the Bob Janes Preserve to a more productive native ecosystem. **The Bob Janes Preserve contains portions of several tributaries that flow to the Caloosahatchee River, which has a TMDL for total nitrogen and is currently subject to a State of Florida Basin Management Action Plan (BMAP).**

## Proposal

The Bob Janes Preserve Restoration Project consists of implementing best management practices (BMPs) to achieve the overall goals of reducing nutrient loading into the Caloosahatchee River, and expanding wetland habitat. The BMPs include adding diversion structures in upper Fichter’s Creek and Cypress Creek - tributaries to the Caloosahatchee - to create new wetland habitat, rehydrate existing native wetlands, and improve water quality. BMPs consist of structural and non-structural methods including addition of passive structures, exotic and invasive species removal, native plantings, and ditch and berm modifications.

## Benefits

- Reduce nutrient loading to the Caloosahatchee
  - ~585 lbs./yr. nitrogen
  - ~323 lbs./yr. phosphorus
- Reduce water discharge from the project by ~55 ac-ft./yr.
- Restore a more productive native ecosystem and expand wetland habitats
- **This project helps achieve the goals of the Caloosahatchee River and Estuary Basin Management Action Plan.**

## Funding

- **Requested from the state: \$450,000 in construction costs**
- **Lee County contribution: \$276,865 for design and in-kind project management services**
- **Total project cost: \$726,865**

## Vital Southwest Florida Facts

- More than 75% of Florida's population lives within an estuary watershed and 78% of Florida's GDP is generated within estuary regions.
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- Lee County tourism, which depends on a healthy natural ecosystem, employs 1 in 5 workers. This includes the restaurant and hotel industries as well as ecosystem-based industries such as fishing and boating.
- Sources: Charlotte Harbor National Estuary Program, South Florida Water Management District, and NOAA.

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Roland Ottolini, Director, Lee County Department of Natural Resources

[rottolini@leegov.com](mailto:rottolini@leegov.com) (239) 533-8127



**Lee County will widen Ortiz Avenue from two lanes to four lanes between SR 82 to Colonial Blvd.**

## Background

The segment of Ortiz Avenue between SR 82 and Colonial Blvd is part of a much larger regional transportation corridor that connects from Palm Beach Boulevard (SR 80) to Summerlin Road near Sanibel, through the direct linkages of Ortiz Avenue to Six Mile Cypress Parkway, then to Gladiolus Drive, and finally to part of McGregor Boulevard.

## Proposal

Widen Ortiz Avenue from SR 82 to Colonial Blvd from a 2-lane to a 4-lane road, which serves as a parallel reliever to I-75, helping ease traffic off the interstate. The road will be designed to an ultimate 6-lane facility, which will include enough right of way for both the expansion of the road and storm water requirements.

The Ortiz Avenue project is in partnership with the City of Fort Myers; the City will construct a roundabout at the future intersection of Hanson Street and Ortiz Avenue, which the widening will tie into.

## Benefits

- Acts as a traffic reliever to I-75

## Funding

- Requested from the state: ***\$4,550,000 for construction***
- Construction cost: ***\$18,200,000***
- Total project cost: ***\$22,890,000***

## Contact

For details or additional discussion, please contact:  
Randy Cerchie, Director, Lee County Department of Transportation  
[RCerchie@leegov.com](mailto:RCerchie@leegov.com) (239) 533-8580