State Legislative Agenda

DRAFT

Lee County
Southwest Florida

2017

2017 STATE LEGISLATIVE AGENDA

INTRODUCTION

This document represents the Board's state legislative program for the 2017 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 7, 2017 and is scheduled to conclude on May 5th.

CONTENTS

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

JOHN MANNING – DISTRICT 1

CECIL L PENDERGRASS – DISTRICT 2

LARRY KIKER -- DISTRICT 3

BRIAN HAMMAN -- DISTRICT 4

FRANK MANN -- DISTRICT 5

2017 STATE LEGISLATIVE AGENDA

PRIORITIES

A. **Caloosahatchee River and Estuary Protection – SUPPORT** funding for the C-43 Water Quality Treatment Testing Facility ("BOMA") on property purchased jointly by Lee County and the South Florida Water Management District (see attached BOMA property insert); AND continued, dedicated construction funding for completion of the first cell of the C-43 Reservoir.

B. **Florida Water and Land Conservation Amendment – SUPPORT** the allocation of state matching funds for county land conservation acquisition and management programs, such as Lee County's 20/20 Program. The County has spent over $300 million to acquire approximately 25,000 acres of environmentally sensitive lands for restoration and preservation.

C. **Water Quality Funding Requests** – $1,380,000 in state funding (Lee County match of $2,020,000)

i. Artesian Well Abandonment Project: Plugging wells in compliance with state law intended to help maintain healthy aquifers ($100,000 total project cost with $20,000 local match)

ii. L-3 Canal Rehabilitation: Water quality improvement; increased natural function; and habitat enhancement. This project helps achieve the goals of the Caloosahatchee River Watershed Protection Plan and the Caloosahatchee Estuary Basin Management Action Plan. ($500,000 total project cost with $100,000 local match)

iii. Lakes Park Littoral Zone: Water quality treatment that helps achieve the goals of the Everglades West Coast Basin Management Action Plan. ($800,000 total project cost with $400,000 local match)

iv. Wild Turkey Strand Preserve Hydrological Restoration: Water quality improvement; increased natural flow; and habitat enhancement. ($2,000,000 total project cost with $1,500,000 local match)

D. **Bob Janes Triage Center – SUPPORT** increased 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.

E. **Transportation Infrastructure Funding** – **SUPPORT** creating a formal mechanism for allocating state funding in a way that emphasizes needs attributable to high economic and population growth while also rewarding jurisdictions that provide matching funds. **SUPPORT** indexing local option fuel taxes to annual CPI adjustments to reflect state fuel tax indexing and preserve purchasing power needed for critical infrastructure.

2017 STATE LEGISLATIVE AGENDA

The Lee County Board of County 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 programs. Based on current state revenue estimates, a full SHIP distribution for Lee County would approach $2 million in FY2017-2018.

Amendment 1 Implementation – **SUPPORT** an allocation policy that involves local government participation in project prioritization and community impact assessments. **PROVIDE** matching funds for local conservation land acquisition.

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.

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.

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.

Taxis and Limousines – **SUPPORT** maintaining the integrity of home rule power, which allows counties to regulate taxis and limousines for the purpose of public safety and consumer protection.

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.

Fertilizer – **SUPPORT** the County's authority to regulate the use and application of fertilizer to protect water quality.

Septic Tanks – **SUPPORT** the County's authority to regulate use and inspection.

Water Well Construction – **SUPPORT** the County's authority to promulgate and enforce construction standards. The County's unique hydrology and geology requires local knowledge of its

SUPPORT ISSUES (Continued)

aquifers and compatible grout materials for the local conditions in order to prevent inter-aquifer intrusion.

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

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 on certain outdoor property.

Homelessness – **SUPPORT** developing a formulary/entitlement funding allocation process (rather than competitive) that allows for better long-range planning and coordination with strategic plans. **SUPPORT** creation of a public records exemption for individual identifying information entered into the Homeless Management Information System.

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.

Shift of 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.

Oil & Gas Laws – **SUPPORT** comprehensive review of oil and gas extraction technologies and related regulations resulting in meaningful oil legislation reform.

County Health Departments – **SUPPORT** increasing state general revenue funding for CHDs and maintaining a coordinated system of CHDs that is centrally housed with the Department of Health.

Beach Renourishment – **SUPPORT** revising statutory criteria for ranking cost-share beach projects in order to better account for economic benefits, storm mitigation and the leveraging of federal funds.

Emergency Medical Services – **OPPOSE** limitations on the ability of county EMS providers to seek reimbursement for out-of-network transports. **SUPPORT** maintaining a countywide regulatory system for EMS through the current Certificate of Public Convenience and Necessity process.

BOMA/C-43 Water Quality Treatment Testing Facility Project Phase I:

Vital to Southwest Florida's Economy

Unlike the Everglades where phosphorus is the constituent of concern, the Caloosahatchee Estuary is impacted more severely by nitrogen which can result in toxic algal blooms. As a result, the C-43 Water Quality Treatment Facility, also known as BOMA, is focused on finding treatment technologies and processes that have a greater success at nitrogen removal than traditional Stormwater Treatment Areas.

The Caloosahatchee Estuary has been degraded by extremes in flow and water quality for nearly a century. Of the critical large scale projects necessary to begin improving downstream ecosystems, the **C-43 Water Quality Treatment Testing Facility** is among the most important. The required land for this project was acquired by Lee County and the South Florida Water Management District more than 7 years ago at a cost of $37 million for the purpose of providing water quality enhancement (particularly nitrogen) within the Caloosahatchee watershed.

Mesocosms, commonly referred to as test cells, are the first phase of a larger project, known as the **C-43 Water Quality Treatment and Testing Facility Project**, which will demonstrate and implement cost effective wetland-based strategies for reducing loadings of total nitrogen and other constituents, including total phosphorus and total suspended solids.

Contingent upon future funding, the test and field-scale cell phases of the project are to be constructed, operated, and sampled in subsequent phases. Each phase of implementation will build upon the information and "lessons learned" of the previous phase with the goal of having the field-scale cells incorporated into a full-sized facility operating on site. It is anticipated that the knowledge gained from the demonstrations will be used to construct a full treatment facility at the site.

Given the importance of the Caloosahatchee Estuary and River to the region's commercial, recreational, and ecological resources, it is in the State of Florida's best interest to move forward with construction of the full scale project. The estimated project cost is $8 million over eighteen months.

Vital Southwest Florida Economic Facts:

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- Sources: Charlotte Harbor National Estuary Program, South Florida Water Management District, and NOAA.

Resource	Hectares	Value per hectare	Total
Seagrasses	18,297	$7697	$140,832,009
Mangroves	1213	$4010	$4,864,130
Estuarine/Bay	9210	$9247	$85,164,502
			$230,860,641 *per year*

Completed to Date:

- All necessary project lands have been acquired.
- The design is complete and can be subdivided into distinct components.
- The water reservation rule for the CERP Caloosahatchee (C-43) West Basin Storage Reservoir has been adopted.

For more information, please contact
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LEE COUNTY
SOUTHWEST FLORIDA

C-43 Reservoir Project –
Critical to Southwest Florida's Economy

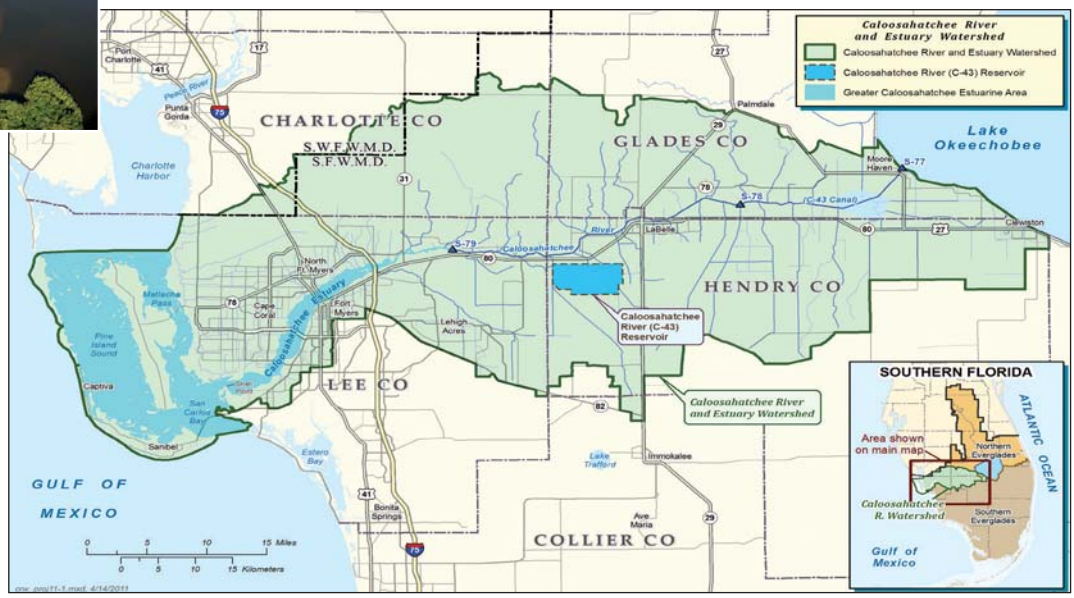
For nearly a century, the Caloosahatchee Estuary has been degraded by extremes in flow resulting from an inadequate water control system in the upstream basin. Low flows during critical dry periods adversely affect the estuary, resulting in harmful algal blooms and impacting critical fish and invertebrate spawning patterns. Conversely, high flows depress salinity levels to a point where important estuarine species are killed or flee the area. Both extremes impact the delicate ecosystem balance and economy of Southwest Florida.

What can be done? The C-43 Reservoir project, a long time component of the greater CERP, was finally authorized in WRDA 2014 and will better manage both wet season and dry season flows to the estuary once completed. However, appropriating the funds to build the project will take years, and sensitive components of the estuary's ecosystem will continue to be impacted.

The primary design criteria included creating sufficient capacity to attenuate excessive storm flows during the wet season while providing adequate storage to augment dry season flows to the estuary to protect ecological resources including sensitive oyster and SAV beds. As currently planned, the C-43 Reservoir will store up to 170,000 ac-ft of basin storm water and overflow from Lake Okeechobee. The C-43 Reservoir is expected to supply enough water to meet the existing Minimum Flow and Level (300 cfs monthly average at S-79) for the Caloosahatchee River 80% of the time.

The project, with an estimated cost of $500 million, was designed with two large cells, a single 1,500 cfs pump station, and a number of gated overflow and discharge structures. Under CERP, the State of Florida and South Florida Water Management District are each responsible for 50% of the total project costs. Historically, the State has generally satisfied their cost share through land acquisition. In this case, however, most of the land was purchased using federal dollars. As a result, the State will be responsible for paying for at least 50% of construction costs.

Given the importance of the Caloosahatchee Estuary and River to the region's commercial, recreational, and ecological resources, it is in the State of Florida's best interest to move forward with construction on the first cell of the C-43 Reservoir. The cost of the first cell is $300 million over 3 years.



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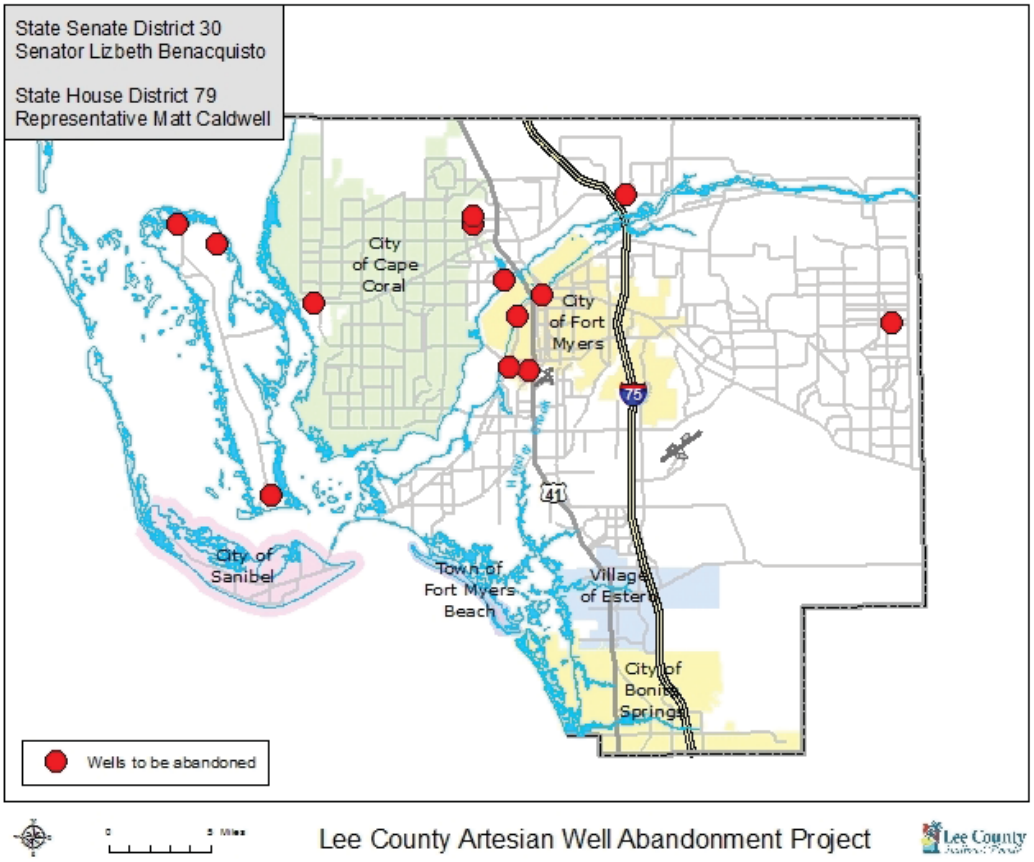
LEE COUNTY
SOUTHWEST FLORIDA

LEE COUNTY
DIVISION OF
NATURAL RESOURCES

Lee County Artesian Well Abandonment Project



Background

Uncontrolled, improperly constructed, deteriorated or abandoned artesian (free-flowing) wells can have an adverse impact on the quantity and quality of water in aquifers (the groundwater source) and other water bodies in Southwest Florida. Groundwater is used for many purposes such as public supply, business, agriculture, and landscaping, and incorrectly constructed free- flowing wells compromise the use of these key resources. Historically, few regulatory controls were placed on well placement and construction and subsequently non-permitted wells, free-flowing artesian wells, abandoned, and damaged wells have been reported. Containing wasteful water flow and maintaining healthy aquifers by avoiding contamination and/or saltwater intrusion are critical to our water resources being able to meet the needs of both Lee County's natural systems and the growing human population. This project is intended to assist well owners in complying with Florida law that requires well owners to control discharges from artesian wells by properly controlling the flow.

The Project

- The work consists of permanent well abandonment (plugging from bottom to top of the well with cement grout) activities which will be performed by a state licensed water well contractor.

- Lee County representatives will conduct site visits, inventory the wells, coordinate with the landowners and appropriate agencies to organize participation, and oversee plugging operations.

- The total number of wells to be plugged is undetermined and will be dependent upon the project budget.

Benefits

Properly abandoning free-flowing wells helps prevent adverse impacts to water resources. Deterioration of the well casing occurs as a well ages, which can allow poor quality water to move upward into fresher zones used for drinking water supplies. Old free-flowing wells that were drilled into a deeper portion of the aquifer in certain locations may be susceptible to an increase in salinity. Proper plugging of these wells helps to prevent contamination of water supply. Free-flowing wells can potentially waste many millions of gallons of water per day, cause the water quality in the surface waters and other potable aquifers to decline, act as a conduit for sources of contaminants to enter the aquifer, and often contribute to mosquito problems.

Water Quality Improvement Projects FY 2017-18 Funding Request

- **Requested dollar amount: *$80,000***
- **Local matching funds pledged, along with a written copy of the vote or other commitment by a local elected body: *$20,000***
- **Total project cost/phase amount: *$100,000***

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• Sources: Charlotte Harbor National Estuary Program, South Florida Water Management District, and NOAA.

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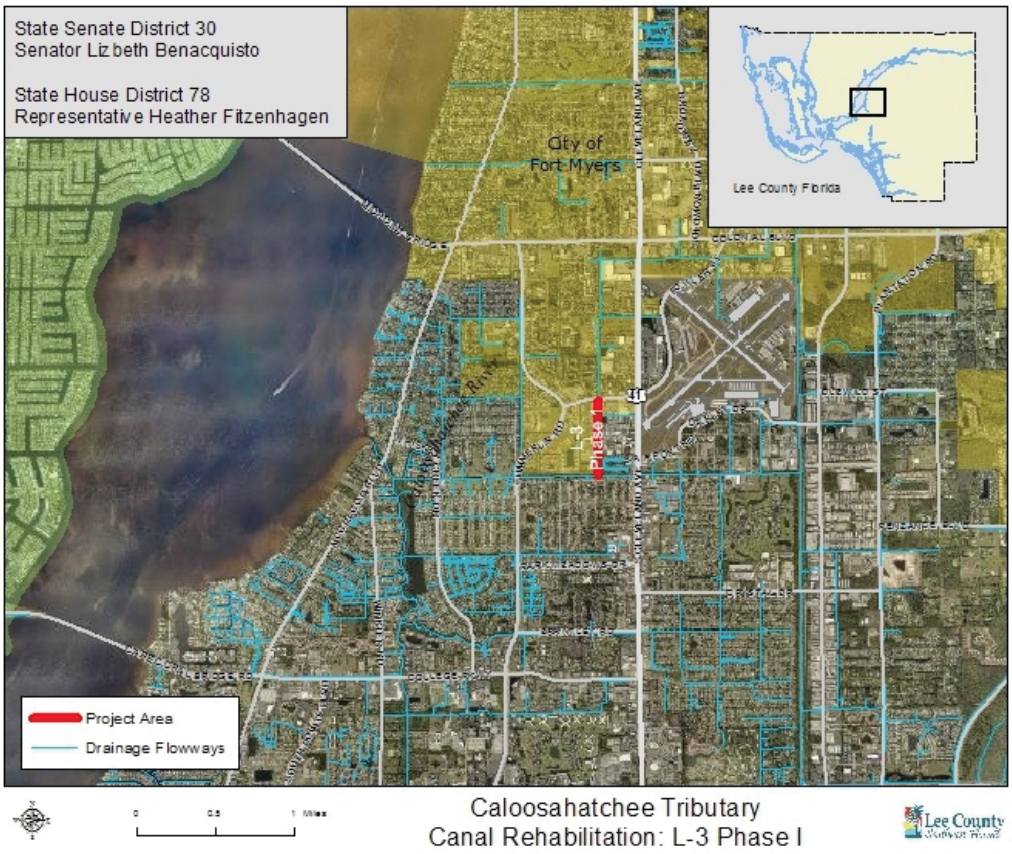
Caloosahatchee Tributary Canal Rehabilitation: L-3



Background

This project seeks to rehabilitate the L-3 Canal, located in Lee County. 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. 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 maintenance and operation of the canals are now the responsibility of the Lee County Department of Transportation. The L-3 Canal is located in an area that has been developed into single and multi-family residential as well as light commercial development land uses. It is a major tributary channel to the L Canal and subsequently Whiskey Creek, which is a tributary to the Caloosahatchee River. The canal has become overgrown with nuisance vegetation and lacks water control structures to attenuate flow. 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. Lee County and the City of Fort Myers would join as partners to complete this project, which will enhance water quality and conservation without jeopardizing flood control. **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 Project

- Rehabilitate the L-3 Canal for the purpose of water quality improvement
- Canal rehabilitation activities may include:
    - Reshaping and stabilizing bank slopes to reduce potential for sedimentation and erosion;
    - Creation of littoral zones with planted native vegetation;
    - Removal of invasive vegetation;
    - Installation of control structure(s) if necessary to enhance water quality by increasing residence time and thereby allowing nutrient uptake by plants

Benefits

The project will be designed with water quality improvement, increased natural function, and habitat enhancement in mind. The project will increase the residence time of stormwater runoff, which will allow for attenuation, groundwater recharge, and nutrient uptake by plants. The rehabilitation of these canals will also add aesthetic appeal to them with the addition of native plants. **This project helps achieve the goals of the Caloosahatchee River Watershed Protection Plan and the Caloosahatchee Estuary Basin Management Action Plan.**

Water Quality Improvement Projects FY 2017-18 Funding Request

- **Requested dollar amount: *$400,000***
- **Local matching funds pledged, along with a written copy of the vote or other commitment by a local elected body: *$100,000***
- **Total project cost/phase amount: *$500,000***

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LEE COUNTY
DIVISION OF
NATURAL RESOURCES

Lakes Park Littoral Zone Project

Background

Lakes Park is an existing 279 acre recreational area, with 158 acres of lakes, located north of Gladiolus Drive, east of Summerlin Road, in Lee County, Florida. Stormwater from surrounding neighborhoods and commercial areas flows into the lakes. Prior to the 1950's, the project area was undeveloped wetlands and uplands, and the headwaters of Hendry Creek originated further north of the current park. Lakes Regional Park began as a man-made area where limestone was quarried during the 1960's. The Lakes Regional Park property was purchased by Lee County in 1978.

Lakes Park is located in the headwaters of Hendry Creek, which flows for a few miles before entering the Estero Bay Aquatic Preserve**. Hendry Creek has a TMDL for total nitrogen and is currently subject to a State of Florida Basin Management Action Plan.**

The Project

This project will augment ongoing restoration efforts at Lakes Park. Construction of east and west filter marshes, removal of invasive vegetation, and planting of native vegetation has already been completed on portions of the property. The purpose of this project is to achieve water quality improvements for the southern region of the West Lake by modifying existing exotic infested spoil islands to create littoral "benches" by removing the exotics, grading excess spoil material to a depth that is suitable for plant grown, and installing littoral plantings for nutrient uptake. Design is complete and the project is now in the permitting phase. The proposed work will include construction of these littoral "benches".

Benefits

The proposed project provides passive water quality treatment through use of a filter marsh to reduce nutrients and improve oxygen content along Hendry Creek. One of the main objectives of this project is to reduce total nitrogen discharge into Hendry Creek. **This project helps achieve the goals of the Everglades West Coast Basin Management Action Plan.**

Water Quality Improvement Projects FY 2017-18 Funding Request

- **Requested dollar amount: *$400,000***
- **Local matching funds pledged, along with a written copy of the vote or other commitment by a local elected official: *$400,000***
- **Total project cost/phase amount: *$800,000***

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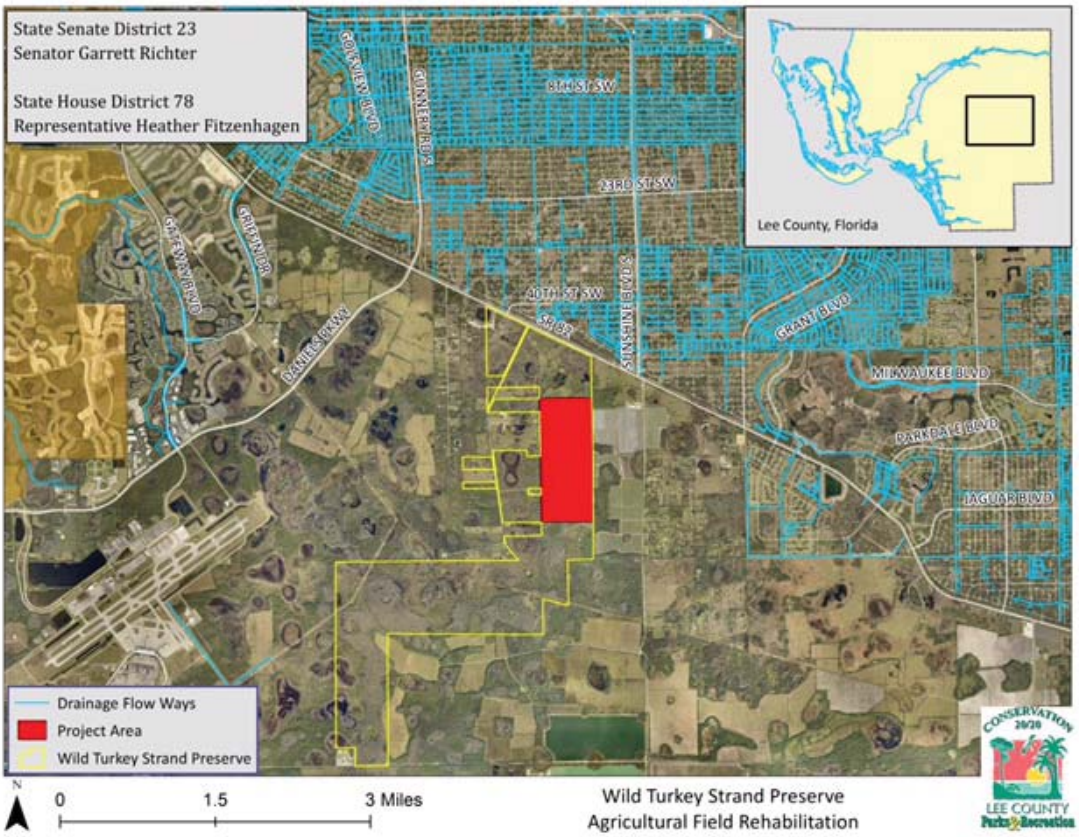
Wild Turkey Strand Preserve
Hydrological Restoration



Background

Man-made alterations and influences have substantially impacted natural drainage and surface water flow patterns in and around the 3,137 acre Wild Turkey Strand Preserve in Lee County. These alterations have drained portions of the preserve and increased potential wet season flooding concerns of local residents to the west of the preserve. This hydrological restoration project reclaims former agricultural lands and enhances natural communities through a series of wetland flow ways, ponds to provide dry season refugia and uplands. The enhancements are being designed to allow for an increased north-to-south surface water flow (the historic main flow) to reduce flow that is currently forced west and redirect through the created and restored ecosystems. The design will be configured to maintain inflows from the adjacent farm to the east of the preserve and allow the water to settle on the land as well as flow south in historic drainage patterns. This project will hold and treat water on approximately 350 acres of former agricultural fields, help water flow south and reduce flood water going west into neighboring residential areas. The property is located on the northern end of the Estero Watershed.

Specific tasks include shaping the flow way, excavating ponds and re-countouring the agricultural fields to act as a more natural system.

The Project

- Construct flow way and ponds for the purpose of redirecting water to historic flows, water quality improvement and habitat enhancement
- Activities may include:
    - Reshaping agricultural fields to hold water and create defined flow ways
    - Creation of ponds for dry season refugia;
    - Ditch blocks to reduce off fist flows to the west

Benefits

The project is being designed with water quality improvement, increased natural flow, and habitat enhancement in mind. The project will increase the residence time of stormwater runoff, which will allow for attenuation, groundwater recharge, and nutrient uptake by plants.

Water Quality Improvement Projects FY 2017-18 Funding Request

- **Requested dollar amount: *$500,000***
- **Local matching funds pledged, along with a written copy of the vote or other commitment by a local elected body: *$1,500,000***
- **Total project cost/phase amount: *$2,000,000***

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For more information, please contact:
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