

AC
ITEM #3



**FLORIDA DEPARTMENT *of*
ECONOMIC OPPORTUNITY**

2014

**Florida Keys Area of Critical State Concern
Annual Report**



**Division of Community Planning
and Development**
Areas of Critical State Concern Program

**Annual Report
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TAB 1

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

September 21, 2015

The Honorable Rick Scott
Governor
The Capitol
Tallahassee, Florida 32399-0001

The Honorable Pam Bondi
Attorney General
The Capitol
Tallahassee, Florida 32399-1050

The Honorable Adam Putnam
Commissioner of Agriculture
The Capitol
Tallahassee, Florida 32399-0810

The Honorable Jeff Atwater
Chief Financial Officer
The Capitol
Tallahassee, Florida 32399-0300

Re: 2014 Florida Keys Area of Critical State Concern Annual Report

Dear Governor and Members of the Administration Commission:

Pursuant to Section 380.0552(4)(b), Florida Statutes (F.S.), the Florida Department of Economic Opportunity (Department) is pleased to transmit its 2014 Florida Keys Area of Critical State Concern Annual Report. Section 380.0552(4)(b), F.S., requires the preparation of a report that describes the progress of the Florida Keys Area of Critical State Concern toward completing the tasks of the Work Program.

The Administration Commission issued a report on March 7, 2013, to Monroe County, the City of Marathon, and the Village of Islamorada outlining the strategies necessary for completion of Work Program tasks. The report was issued in the form of a table detailing the strategies and the tasks with the relevant target dates for completion.

The Department's report includes information submitted by Monroe County, the City of Marathon, the Village of Islamorada, the Key Largo Wastewater Treatment District, the Florida Department of Health, and the Florida Department of Environmental Protection. Based upon this input, the Department's own review, and coordination with the local governments on the chief findings, the attached report is provided for your consideration.

The Department has evaluated the information provided by the local governments and state agencies against the Administration Commission Report and the Work Program requirements.

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The Department recommends that the Monroe County, the City of Marathon, and the Village of Islamorada have made substantial progress towards accomplishing the strategies of the Administration Commission Report.

In accordance with its statutory charge found in Section 380.0552(4)(c), F.S., the Department recommends the following actions:

- (1) Accept the 2014 Annual Report for Monroe County, the City of Marathon, and the Village of Islamorada;
- (2) Continue the Florida Keys Area of Critical State Concern designation in order to complete the Work Programs requirements;
- (3) Accept the Department's recommendation that substantial progress toward accomplishing the strategies of the Work Program have been achieved for Monroe County, the City of Marathon, and the Village of Islamorada;
- (4) In order to comply with the 2012 directive from the Administration Commission, the Department asks that the Administration Commission consider the following two options:
 - a) Continue to work with the City of Key Colony Beach regarding issuance of development orders.
 - b) Initiate rulemaking to amend the Key Colony Beach's Comprehensive Plan to establish a building permit allocation system for City in accordance with the Administration Commission directive; or
- (5) Accept the Department's recommendation to initiate rulemaking for a Vacant Lot Retirement and Hotel Unit Allocation Rule that would allow the creation of transient units.

The Department appreciates the efforts of the local governments and looks forward to continuing our cooperative relationship with the Florida Keys communities and working with all parties to fully achieve the goals of the Work Program.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesse Panuccio', with a large, stylized loop at the end.

Jesse Panuccio

JP/rj

Enclosures: Department of Economic Opportunity 2014 Florida Keys Annual Report

cc: The Honorable Danny Kolhage, Mayor, Monroe County
The Honorable Chris Bull, Mayor, City of Marathon
The Honorable Mike Forster, Mayor, Islamorada, Village of Islands
The Honorable Craig Cates, Mayor, City of Key West
The Honorable Jerry Ellis, Mayor, City of Key Colony Beach
The Honorable Norman Anderson, Mayor, City of Layton

TAB 2

Florida Keys Area of Critical State Concern Annual Report Summary for the Period July 1, 2013 - June 30, 2014

The Florida Keys Area of Critical State Concern designation includes the municipalities of Islamorada, Marathon, Layton and Key Colony Beach, and unincorporated Monroe County. The City of Key West was given its own Area of Critical State Concern designation.

The Area of Critical State Concern Program (ACSC) authorized by Section 380.05, Florida Statutes (F.S.), allows the Governor and Florida Cabinet, sitting as the Administration Commission, to designate certain areas within Florida that contain resources of statewide significance as an Area of Critical State Concern. Administration Commission oversight includes authority to promulgate administrative rules containing Work Programs that guide local government growth and development decisions and amendments to comprehensive plans and land development regulations.

This report summarizes the status of the current Work Programs for Islamorada, Marathon and Monroe County. The cities of Layton, Key West and Key Colony Beach do not have Work Programs. All three cities contain few environmentally sensitive lots and all three cities have central wastewater management facilities. Work Program tasks are measurable actions with due dates intended to improve water quality and habitat protection, and ensure safe evacuation of the population from the Florida Keys in the event of a disaster.



Florida Keys (Source: ESRI)

Section 380.0552(4), F.S., directs the ACSC Program of the State Land Planning Agency (Department of Economic Opportunity) to submit a report to the Administration Commission describing the progress of the Florida Keys Area toward completing the Work Program tasks specified in Administration Commission rules. The Administration Commission shall consider the findings and recommendations provided in the report and determine whether progress has been achieved in accomplishing the Work Program Tasks scheduled for completion during the year. Administration Commission rules provide that if the Administration Commission determines that progress has not been made for either Islamorada, Marathon, or Monroe County, their unit cap (i.e., the maximum number of residential units allowed to be constructed) for residential development shall be reduced by 20 percent. Additionally, Section 380.0552(4), F.S., provides the following process for the Commission's removal of the designation:

“(4) REMOVAL OF DESIGNATION.

- (a) The designation of the Florida Keys Area as an area of critical state concern under this section may be recommended for removal upon fulfilling the legislative intent under subsection (2) and completion of all the work program tasks specified in rules of the Administration Commission.*

- (b) Beginning November 30, 2010, the state land planning agency shall annually submit a written report to the Administration Commission describing the progress of the Florida Keys Area toward completing the work program tasks specified in Commission rules. The land planning agency shall recommend removing the Florida Keys Area from being designated as an area of critical state concern to the Commission if it determines that:*
 - 1. All of the Work Program tasks have been completed, including construction of, operation of, and connection to central wastewater management facilities pursuant to section 403.086(10), F.S., and upgrade of onsite sewage treatment and disposal systems pursuant to Section 381.0065(4)(l), F.S.;*
 - 2. All local comprehensive plans and land development regulations and the administration of such plans and regulations are adequate to protect the Florida Keys Area, fulfill the legislative intent specified in Section 380.0552 (2), F.S., and are consistent with and further the principles for guiding development; and*
 - 3. A local government has adopted a resolution at a public hearing recommending the removal of the designation.*

- (c) After receipt of the state land planning agency report and recommendations, the Administration Commission shall determine whether the requirements have been fulfilled and may remove the designation of the Florida Keys as an area of critical state concern. If the Administration Commission removes the designation, it shall initiate*

rulemaking to repeal any rules relating to such designation within 60 days. If, after receipt of the state land planning agency's report and recommendations, the Commission finds that the requirements for recommending removal of designation have not been met, the Commission shall provide a written report to the local governments within 30 days after making such a finding, detailing the tasks that must be completed by the local government for the upcoming year. . .”

PURPOSE

The Legislature designated the Florida Keys (Monroe County and its municipalities) and the City of Key West as Areas of Critical State Concern in 1975 due to the area's environmental sensitivity and mounting development pressures. The legislative intent was to establish a land use management system for the Florida Keys that would achieve the following:



Tarpon at Robbie's Marina (B. Powell)

- Protect the natural environment and improve the near shore water quality;
- Support a diverse economic base that promotes balanced growth in accordance with the capacity of public facilities;
- Promote public land acquisition and ensure that the population of the Florida Keys can be safely evacuated;
- Provide affordable housing proximate to places of employment; and
- Protect property rights and promote coordination among governmental agencies that have permitting jurisdiction.

This narrative provides an overview of the Administration Commission's rules and should be used in conjunction with the Administration Commission's Matrix (Tab 4) to expedite review. The Matrix is the Administration Commission Rule in a different format. It contains the status of each Work Program task in the third column as either "complete" or "incomplete" and the tasks due during this reporting period are highlighted in yellow. The Matrix also includes comments and information submitted by the local governments as to the extent to which these requirements are met.

FINDINGS

Status of Work Program Task Achievement

Islamorada, Village of Islands

Islamorada completed 82% of the work plan tasks scheduled this period (Rule 28-19.310, Florida Administrative Code)

- Task 2:** Apply for land acquisition funds
- Task 10:** Identify wastewater funding in Capital Improvements Element
- Task 11:** Final determination of central wastewater non-service areas
- Task 12:** Coordinate actions with the Department of Health Department (DOH) and Department of Environmental Protection (DEP) to notify owners regarding wastewater systems that will not meet 2015 treatment standards
- Task 13:** Apply to state or federal government for wastewater grant funding
- Task 15:** Request Everglades restoration bonds for financing
- Task 16:** Implement local funding necessary to support issuance of bonds
- Task 17:** Provide a report of property owners who refuse to connect to central sewer and enforcement status
- Task 27:** Complete final design of wastewater system
- Task 28:** Commence construction of Village-wide wastewater system
- Task 29:** Make available, connections to 25% of potential customers



Tasks achieved this period

Wastewater: The Village spent approximately \$64 million in wastewater funds this period. The Village abandoned the existing Plantation Key Wastewater Facility and connected the flow to the Key Largo Regional Wastewater Treatment Facility. The Village has completed 18% of the potential connections throughout the Village to the new transmission main that will carry wastewater to the Key Largo Regional Wastewater Treatment Facility.

The Village has identified parcels that will not be connected to central sewer and has notified the owners that their onsite sewage treatment and disposal systems must be upgraded to be consistent with Section 381.0065(4)(l), F.S. The Village has conducted workshops with DEP and DOH and the public regarding connection and enforcement.

Currently, 180 property owners have not connected to the central wastewater system after notification of sewer availability. The property owners have not been scheduled for a Code



Enforcement hearing. The Department of Economic Opportunity has provided a Community Development Block Grant in the amount of \$700,000 to assist economically disadvantaged households in paying the plumbing costs to connect from the home to the collection line. Village staff indicate that enforcement efforts will be strengthened in concert with implementation of the grant.

Tasks not achieved this period

Land Acquisition (Task 2): The Village did not apply to any State or Federal agencies for funding to acquire land. Islamorada has increased coordination this year with the Monroe County Land Authority (MCLA) and the Authority purchased 3 lots within the Village with funding that is generated by a Tourist Impact Tax. Islamorada has 1,109 vacant parcels. Based on the current building permit allocation system limiting new residential construction to a total of 280 units over the next ten years, there will likely remain 829 vacant parcels in need of acquisition by 2023. The estimated acquisition cost of these parcels is \$50 million in today's dollars. Based upon the Florida Emergency Management Hurricane Evacuation Model, it is projected that by 2023 the evacuation clearance time in the Florida Keys will require 24 hours, the maximum allowed by law.

Wastewater (Task 29): The Village connected 18% of potential customers, just short of their goal of 25%.

Recommendation

The Department encourages the Islamorada Council to adopt a resolution agreeing to match Florida Department of Environmental Protection's Florida Forever Program acquisitions by contributing 50% of the acquisition cost so that when land is available that has been targeted for acquisition by State Lands, the Monroe County Land Authority could proceed with purchase and be reimbursed by Islamorada and the Florida Forever Program. The Department encourages the Village to apply for land acquisition grants to reduce the number of vacant lots that may not be eligible for building permit allocations in order to reduce vulnerability to potential takings claims after 2023 when hurricane evacuation clearance time will require 24 hours.

The Department of Economic Opportunity provided a technical assistance grant of \$20,000 to Islamorada to update the Village's Geographic Information System and to identify the most environmentally sensitive land in the Village. When the work is complete, staff will have the resources to modify the Building Permit Allocation System to better direct development to the least environmentally sensitive areas. The Department encourages the Village to adopt land development regulations with a revised building permit allocation point system when the contract tasks are completed.

City of Marathon

The City of Marathon completed 86% of the work plan tasks scheduled for completion this period (Rule 28-18.400, Florida Administrative Code)

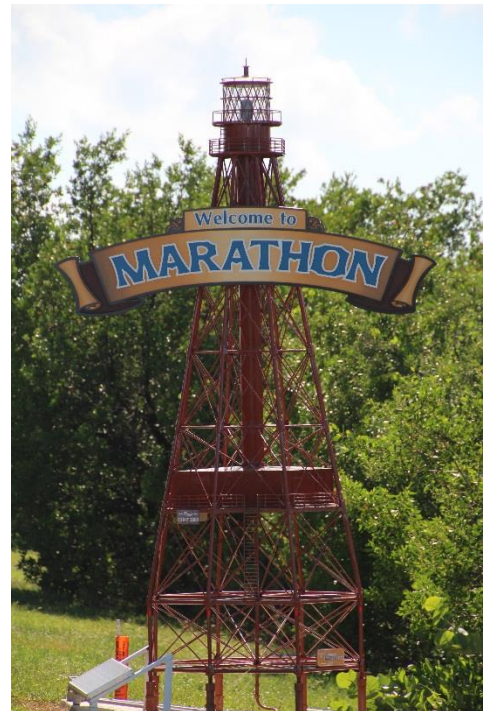


- Task 7:** Apply for land acquisition funding
- Task 17:** Allocate funding in Capital Improvements Element
- Task 18:** Coordinate actions with DEP and DOH regarding notification to owners of systems that will not meet 2015 standards and status of enforcement.
- Task 19:** Apply for wastewater grants
- Task 21:** Request Everglades bonds issuance
- Task 22:** Allocate wastewater funding to support bond issuance
- Task 53:** Allocate funding for stormwater treatment facilities
- Task 54:** Apply to South Florida Water Management District (SFWMD) for stormwater grants

Tasks achieved this period

Wastewater: The cost to construct central wastewater systems in Marathon is \$102.9 million, of which \$29.7 million provided from State and Federal sources. The City of Marathon allocated \$46.7 million in the annual budget for wastewater this past year.

Wastewater connection status: Of the 8,665 potential Equivalent Dwelling Units (EDU), 7,938 have been connected (91%). There are 814 EDU connections still to be connected to the Collection lines. Code enforcement is ongoing, with 149 parcels referred to code enforcement because the property owners have not connected to central wastewater. The City has identified parcels that will not be connected to central wastewater and has notified these owners that the On Site Sewage Treatment and Disposal Systems must be upgraded to be consistent with Section 381.0065(4)(l), F.S. There are approximately 7 parcels, including developed islands that fall into this category.



Tasks not achieved this period

Land Acquisition (Task 7): Marathon did not apply for land acquisition funding. Based on the current building permit allocation system limiting new residential construction to a total of 300 units over the next ten years, there will likely remain 981 vacant parcels in need of acquisition by 2023. The estimated cost of

these parcels is \$49 million in today's dollars. The City allocated \$500,000 for land acquisition this year, but has not acquired any land and has not applied for any grants to purchase land.

Not Applicable

Stormwater: No stormwater funding was available from the SFWMD. Therefore this task was rated as “not applicable.” However, the City has established a stormwater utility tax to further improve stormwater quality, inspect and clean 50 storm drains and 327 stormwater catch basins. The City budget contained \$7.2 million for stormwater issues last year.

Recommendations

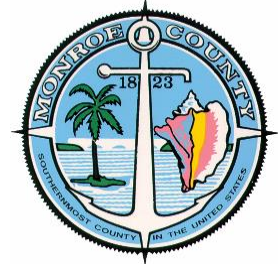
The Department recommends strengthening local efforts for land acquisition. The Department encourages the City Council to adopt a resolution committing to a 50% match for parcels located within Forever Florida acquisition boundaries and to coordinate with the Monroe County Land Authority to acquire parcels. The City could evaluate parcels within the Florida Forever targeted boundary and provide the Monroe County Land Authority with a prioritized list.



125 Room Hyatt Place Hotel and Faro Blanco Resort & Marina– Opened December 2014

Monroe County

Monroe County completed 70% of the work plan tasks scheduled for completion this period (Rule 28-20.300, Florida Administrative Code)



Tasks scheduled for this period

- Task 10:** Apply for land acquisition funding -
- Task 19:** Allocate wastewater funding
- Task 20:** Coordinate with DEP and DOH regarding notification to owners who will not meet 2015 wastewater standards
- Task 21:** Request Everglades bonds issuance
- Task 23:** Apply for wastewater grant funding
- Task 26:** Provide report of owners who have not connected to wastewater system and enforcement status
- Task 43:** Complete all remaining connections at Hawks Cay
- Task 50:** Complete construction of Cudjoe Wastewater Facility and central area collection and transmission system
- Task 56:** Complete 25% of connections to Cudjoe Wastewater Facility
- Task 60:** Include stormwater funding in Capital Improvements Element
- Task 61:** Apply to SFWMD for stormwater grants

Land Acquisition: The County purchased 130 parcels this year at a cost of \$2.5 Million. The County was successful in obtaining an allocation of nearly \$35,000 for restoration activities on publicly owned land.

Based on the current building permit allocation system that limits new residential construction to 1,970 new residential structures over the next ten years, there will likely remain 6,198 vacant parcels in need of acquisition by 2023. Based on 2012 property appraiser valuations, the cost of acquisition of these parcels would be approximately \$190 million in today's dollars. The Department of Environmental Protection's Forever Florida land acquisition program has purchased 9,572 acres within the Florida Keys at a cost of \$240 million to date. During the report period, the Florida Cabinet approved the acquisition of 902 acres on Sugar Loaf Key. Additionally, there are 519 privately owned vacant parcels proximate to Naval Air Station-Key West which are potential military encroachment sites in need of acquisition. The County adopted a resolution to partner with the Division of State Lands for a collaborative acquisition.

Stormwater: An overdue task requiring the construction of stormwater improvements on Card Sound Road was completed this year. Monroe County allocated \$1.1 million toward stormwater improvements at Stock Island and Key Largo.

Wastewater: The County has identified parcels that will not be connected to central sewer and for the most part, has notified the owners that the On Site Sewage Treatment and Disposal Systems must be upgraded to be consistent with Section 381.0065(4)(l), F.S. During discussion of this task with DOH and DEO, staff identified several off shore islands that have not been notified by mail that the systems must upgrade. Some of these islands do not have electricity and pose unique challenges to meet the standards.

Monroe County secured \$50 million in bond revenues and \$151 million in state revolving loans for wastewater projects. The County allocated more than \$28 million during this period for wastewater improvements. County staff was successful at the Congressional level, introducing language to the Water Resources Development Act reauthorization bill to include the Cudjoe Regional Wastewater system as an eligible project should funding become available.

The last wastewater system to be constructed in the County is the Cudjoe Regional Wastewater Facility (\$170 million). Construction of the Cudjoe Regional Wastewater Facility is nearing completion (80%), however, a citizen group has recently challenged the issuance of a permit for shallow well injection. Injection wells are used to dispose of treated effluent in the Florida Keys. Wastewater plants that provide advanced treatment may discharge less than one million gallons a day to shallow injection wells (90 feet). A local citizen group has requested that the Monroe County Board of County Commissioners spend an additional \$6 to 8 million for the construction of a 2,000 feet deep injection well for the Cudjoe Wastewater Facility.

Most of the collection lines for the inner islands (75%) of the Cudjoe Regional Facility have been constructed, with approximately 50% of the collection lines for the outer islands complete.

Sewer Connection Enforcement

The County reports the following status regarding the number of parcels that have not connected:

- Key Largo Wastewater Facility has 359 code enforcement cases for lack of connection to sewer. Another 1,465 parcels have failed to connect and are pending enforcement.
- The Big Coppitt Facility has 211 parcels that have not connected.
- The Hawks Cay Facility has 81 parcels that have not connected.
- The County is determining how many parcels at Stock Island will require lift stations before they can be connected to Key West Resort Utility and when the evaluation is completed, the County will refocus efforts on connections.

Tasks not achieved this period

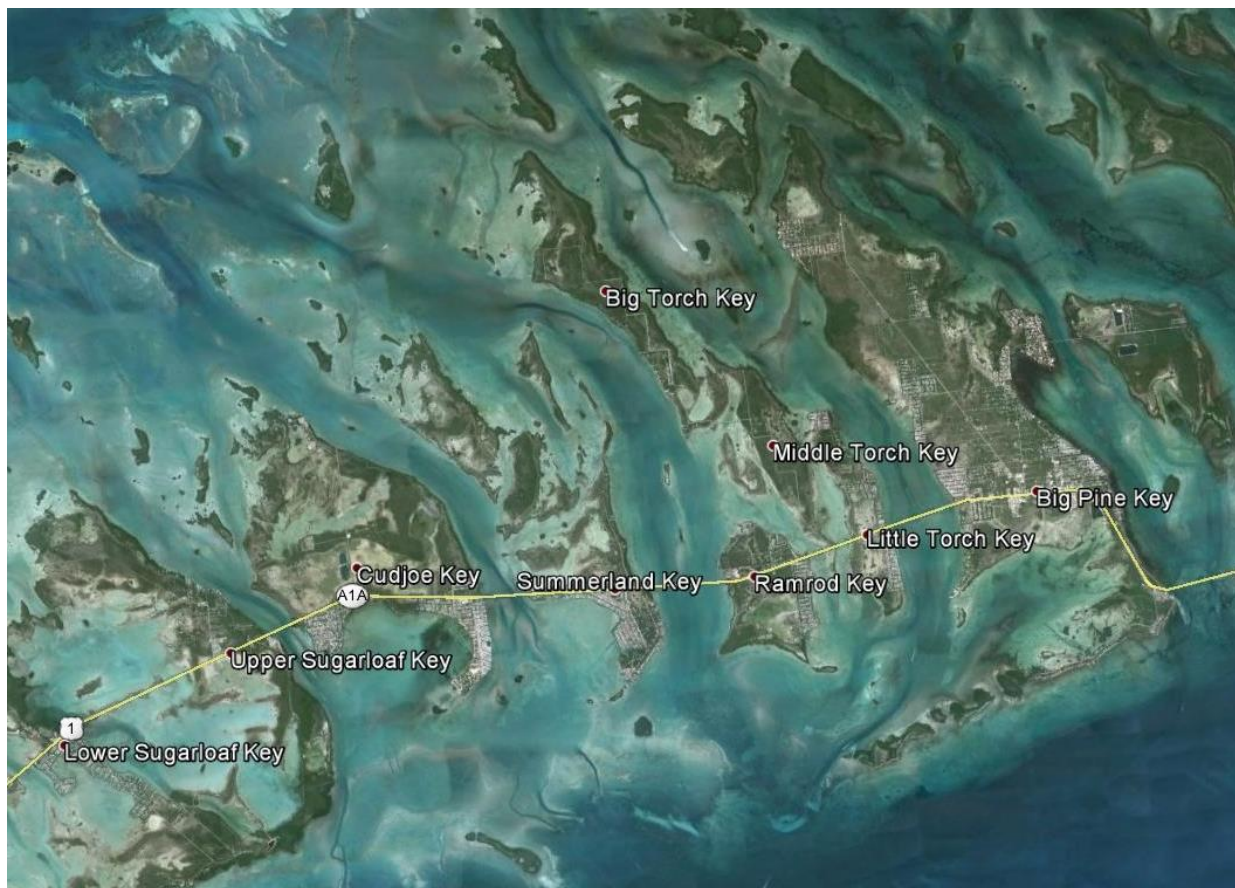
Hawks Cay Wastewater Facility (Task 43): The County projected completion of all connections at Hawks Cay Wastewater Facility from Duck Key. To date, 93% have been connected to this facility.

Cudjoe Wastewater Facility (Task 50): The County was due to complete construction of Cudjoe Wastewater Facility, the Central Area Collection System and Central Area Transmission Main.

Connections to Cudjoe Wastewater Facility (Task 56): complete 25% connections to Cudjoe Wastewater Facility

Tasks not counted:

Stormwater (Task 61): No stormwater funding was available from the SFWMD, therefore, this task was rated as “not applicable.”



Extent of the Cudjoe Regional Wastewater Facility (Source: Google Earth)

Status of Local Governments without Work Program Tasks

City of Layton

Rule 28-32, Florida Administrative Code



Layton has adopted the annual building permit allocation into its Comprehensive Plan. The Comprehensive Plan is up-to-date and being adequately implemented. The City has a fully operational wastewater facility that meets the advanced treatment standards. The cost to provide central wastewater for Layton was \$5.7 million, \$4.1 million of which is being provided by other government sources.

Based on the current building permit allocation system that allows construction of 30 new residential structures over the next ten years, and 13 remaining vacant parcels, there will likely be no vacant parcels requiring acquisition by 2023.



Long Key Viaduct (State Archives of Florida, *Florida Memory*)

City of Key West

Rule 28-36, Florida Administrative Code

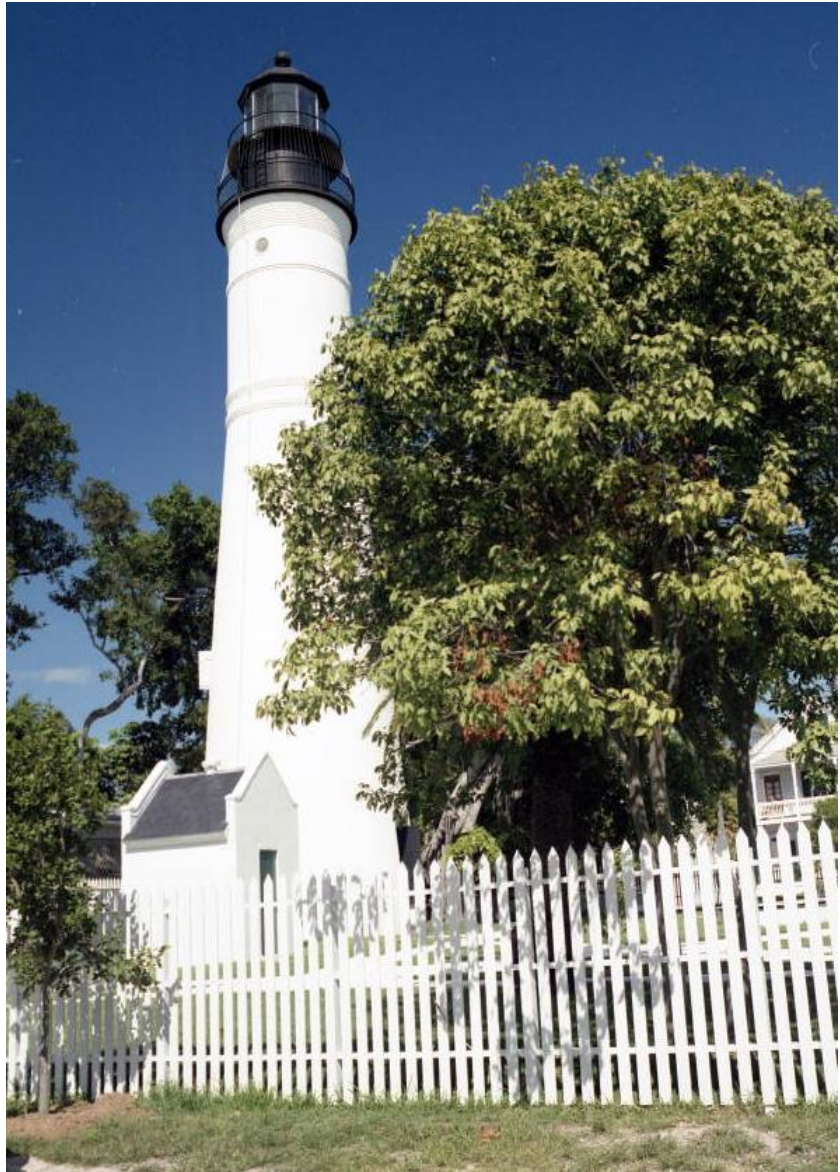
The City of Key West has a fully operational wastewater system that meets the advanced treatment standards. The City has adopted the annual building permit allocation system into its comprehensive plan and adopted new regulations to guide the allocation of building permits through the year 2023. Based on the current building permit allocation



system that allows construction of 910 new residential structures over the next ten years and 84 remaining vacant parcels, there will likely remain no parcels in need of acquisition by 2023.

Key West has few environmentally sensitive sites that require acquisition, so any funding generated by the Tourist Impact Tax is utilized for construction or acquisition of affordable housing. The Monroe County Land authority currently has \$7.5 Million available for land acquisition for affordable housing in Key West.

Key West participated within a Hurricane Evacuation Memorandum of Understanding agreeing that the City would annually transfer in July any unused allocations to the other local governments. Following the completion of the Hurricane Evacuation MOU, Key West submitted a plan amendment and adopted land development regulations during the first year of the allocation period. Some of the land development regulations were rejected by the State Land Planning Agency. Key West staff were unable to review applications and award building allocations by July 2013, the first year of the Building Permit Allocation System. The City reported that the allocations for 2013 would be merged with the 2014 year and the City would not make the 36 unassigned allocations available for distribution to the other local governments.



Key West Lighthouse (State Archives of Florida, *Florida Memory*)

City of Key Colony Beach
28-21 and 28-31, Florida Administrative Code

Key Colony Beach is a small community with 1,437 dwelling units, of which 710 are utilized as transient vacation rentals. The City has approximately 92 vacant parcels with an estimated acquisition cost of \$11.9 million in today's dollars. The City of Key Colony Beach operates a central wastewater treatment system that treats to advanced treatment standards, however additional improvements are being made to the facility.



The City has no land acquisition program and the remaining vacant parcels are not targeted for acquisition by Florida Forever as they are not environmentally sensitive.

During 2012, at the direction of the Administration Commission, each local government appointed an elected representative to the Hurricane Evacuation Clearance Time Working Group with the knowledge that the modeling would result in the maximum allocation and distribution of residential units that could be built without exceeding the 24 hour clearance time. A Hurricane Evacuation Memorandum of Understanding that referenced the allocation was executed by all the local governments after conducting numerous public hearings.

The following excerpt is from the March 2013 Florida Administration Commission directive to the Department of Economic Opportunity to work with the City to develop a comprehensive plan amendment to establish the building permit allocation:

Based upon the MOU that stipulates the input variables and assumptions, the Department has determined that an additional 3,550 residential building allocations could be constructed and still maintain the 24-hour hurricane evacuation clearance time. For the purposes of guiding development, the Department has recommended maintaining the current annual allocation and distribution rates as follows:

	<i>Annual Allocation</i>	<i>10 year allocation</i>	<i>Vacant lots</i>
<i>Monroe County</i>	<i>197</i>	<i>1970</i>	<i>8,758</i>
<i>City of Marathon</i>	<i>30</i>	<i>300</i>	<i>1,281</i>
<i>Village of Islamorada</i>	<i>28</i>	<i>280</i>	<i>1,109</i>
<i>City of Key West</i>	<i>91</i>	<i>910</i>	<i>84</i>
<i>City of Key Colony Beach</i>	<i>6</i>	<i>60</i>	<i>92</i>
<i>City of Layton</i>	<i>3</i>	<i>30</i>	<i>13</i>

NOTE: All allocations are at current rates as adopted in either local comprehensive plans or Commission rules, **with the exception of the allocation for the City of Key Colony**

Beach. The Department will work with the City over the next year to develop a comprehensive plan amendment to establish the annual building allocation.”

The Department has conducted numerous meetings with city representatives. The Key Colony Beach Comprehensive Plan does not contain a ten year cap or an annual building permit cap. The plan does not differentiate between transient, market rate or affordable units. Since the development of the MOU, 10 permits for new dwelling units have been issued. Key Colony Beach representatives have stated that 10 to 14 allocations are needed on an annual basis and the City has not adopted a plan amendment to establish an annual allocation. The City has requested additional allocations to address the density of the remaining vacant lots. Without the assurance of additional allocations, the City has indicated that the City may withdraw from the Hurricane Evacuation Memorandum of Understanding.

All local governments in the Florida Keys are mutually bound together by the need to maintain a hurricane evacuation clearance time of 24 hours prior to the onset of hurricane-force winds. Additionally, all local governments rely on electricity and potable water that is generated on the Florida mainland, leaving the entire 112 miles of Florida Keys communities vulnerable in the event of a major hurricane. Evacuation of the Keys population in advance of a hurricane landfall is of paramount importance for public safety. Virtually all evacuees leave by way of US Highway 1 and seek shelter outside of Monroe County.



Hurricane evacuation computer modeling projects that when 3,550 additional units are constructed in the Florida Keys, evacuation clearance time will be at the 24 hour mark. Unless U.S. Highway 1 is widened or Section 380.0552 (9)(a)2., F.S., is modified to allow additional hurricane evacuation time, it is likely that by the year 2023, local governments will be unable to issue additional permits.

In order to comply with the 2012 directive from the Administration Commission, the Department asks that the Administration Commission consider the following two options:

- a) Continue work with the City of Key Colony Beach regarding issuance of development orders; or
- b) Initiate rulemaking to amend the City’s Comprehensive Plan to establish a building permit allocation system for Key Colony Beach in accordance with the Administration Commission directive. The proposed rule is as follows:

Proposed Draft Rule 28-31.008, Florida Administrative code to amend the comprehensive plan

Policy 1.3.2 Building Permit Allocation

The City of Key Colony Beach shall issue allocations for no more than 60 new residential units between adoption of this rule and July 1, 2023. The allocation year shall run from July 13 to July 12 of the following year. The City may allocate six residential allocations per year. Allocations awarded shall result in the issuance of a building permit within one year of award and construction must be continuing in good faith. Unused allocations shall rollover to subsequent years to be placed within an administrative relief pool. Any allocations in the administrative relief pool shall only be allocated pursuant to the administrative relief procedures established in this rule. The City may borrow forward allocations up to one allocation year (for an additional 6 allocations) upon the passage of a resolution by the City Council, provided that no more than 60 allocations are issued between adoption of this rule and July 12, 2023. The City may exceed the 60 allocation limit only if it obtains additional allocations, and those additional allocations are reflected in a comprehensive plan amendment. Residential allocations do not include transient hotel or motel units or any unit with occupancy of less than one week. Duplex units require two allocations. Allocations shall be awarded based upon first come first served basis, unless the city adopts land development regulations that establish a different allocation award process.

Any applicant for a residential unit allocation that has met all requirements of the City's Land Development Regulations and Comprehensive Plan, but has otherwise been denied an allocation, are eligible to request consideration for administrative relief upon 4 years elapsing from the date of entry into the allocation system. Any allocations distributed by the administrative relief procedure shall come from the administrative relief pool.

Any allocations obtained through the Hotel Unit Allocation Program cannot be used until administrative relief pool has been exhausted.

Specific Authority 380.05(8), 380.0552(4)(f) FS. Law Implemented 380.05 FS. History—New

VACANT LOT RETIREMENT AND HOTEL UNIT ALLOCATION RULE

Based on the current building permit allocation system limiting new residential construction to a total of 3,550 allocations approved by Administration Commission over the next ten years and allocated on an annual basis, there will likely remain nearly 8,000 vacant parcels in need of acquisition by 2023. The Department recommends the adoption of a Florida Keys rule creating a program to allow limited hotel development in exchange for the retirement of development rights on vacant buildable environmentally sensitive residential lots. The purposes of the proposed rule are to

- reduce the number of vacant residential lots that will remain in 2023,
- maintain the statutorily-required hurricane evacuation clearance time,
- enhance the protection of environmentally sensitive land, and
- stimulate the Florida Keys tourist economy.

Hurricane Evacuation Clearance Time

Section 380.0552(9)(a)2., F.S., requires that the Florida Keys local governments maintain a hurricane evacuation clearance time for permanent residents of no more than 24 hours. The Florida Keys hurricane evacuation is completed in two phases in order to comply with the 24-hour evacuation clearance time. The evacuation time is based upon the number of evacuating cars, the flow rate of traffic on U.S. 1, the occupancy and participation rate of units, and human behavioral studies. Phase I of the evacuation requires all transient units (hotel/motel, homes registered as vacation rentals, recreational vehicle parks, campgrounds, mobile home occupants [the most vulnerable housing] and populations with special needs) to evacuate 48 hours prior to anticipated land fall of a Category 3-5 storm event. The current evacuation clearance time for Phase I is 17.5 hours. Additional transient allocations could be approved and still maintain an appropriate clearance time for the transient population. Computer modeling predicts that as of 2023, it is highly likely that evacuation of the permanent population during Phase II will require 24 hours.

Transient Units in the Florida Keys

There are currently more than 13,000 transient units within the Florida Keys, based on data from the 2012 Hurricane Evacuation modeling efforts. The Monroe County Tourist Development Council reports that 4 million tourists visited the Florida Keys in 2011 contributing \$2.2 Billion to the economy. Approximately 48% of the existing hotel units are within the City of Key West followed by Monroe County (22%), Marathon (12%), Islamorada (12%), Key Colony Beach (.03%), and Layton (.002%).

Since 1996, Monroe County and Islamorada have not allocated building permits for new construction of transient units. The County building permit allocation system, for the most part, has limited new

development to permanent residential development due to the high number of vacant lots (more than 11,000 county-wide) and the limited allocations. The City of Marathon has also limited allocations to permanent residential development. In 2012, the Administration Commission approved a request from the City for 100 transient units (not included with in the building permit allocation system) to assist the City in recovering from hurricane impacts and the economic disruption caused by the simultaneous construction of central sewer.

There is a high occupancy rate (80-88%) of the existing hotel units, with an average daily rate of \$247 per room. Recent transactions of hotel sales in the Florida Keys demonstrates a value of \$634,000 to \$708,000 per room/unit.

Proposed Draft Florida Keys Hotel Unit Allocation Rule

The proposed Florida Keys Hotel Unit Allocation Rule allows the Department to provide up to 300 hotel unit allocations to the Keys communities to be used as follows:

- Local governments that obtain hotel unit allocations under the program can allocate them to developers for hotel development within their jurisdictions. In order to obtain one hotel unit allocation, a developer would be required to extinguish development rights on three vacant buildable environmentally sensitive residential lots. Hotel developers in the Florida Keys have advised the Department that because of the value of hotel rooms and because of the limited number of allocations available under the program, the program should be financially feasible for them. If successful, the program would also reduce the number of vacant buildable residential lots in 2023 and help maintain the statutorily-required 24-hour hurricane evacuation clearance time for permanent residents.

The proposed rule language is as follows:

Rule _____ . Hotel Unit Allocation Program for the Florida Keys and City of Key West Areas of Critical State Concern.

- (1) **Purpose.** This rule establishes a program to award to Florida Keys local governments Hotel Unit Allocations for hotel development in exchange for extinguishment of residential development rights on vacant buildable environmentally sensitive lots. The purpose of the program is to reduce residential development entitlements and increase acquisition of vacant buildable environmentally sensitive platted lots, reduce state and local government exposure to potential takings claims, and ensure the safe evacuation of residents of the Florida Keys and City of Key West Areas of Critical State Concern during tropical hurricane events.
- (2) **Definitions.** As used in this rule the following terms have the following meanings:
 - (a) “Florida Keys” means the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern.
 - (b) A “Hotel Unit Allocation” means an allocation for development of one Hotel Unit consisting of one bedroom and up to two bathrooms.
 - (c) “Recipient(s)” means a non-government entity or an individual who receives a Hotel Unit Allocation award from a local government.
 - (d) Department and DEO means the State Land Planning Agency
 - (e) “Environmentally Sensitive” means lands targeted for acquisition by the Florida Department of Environmental Protection, lands designated Tier I and Tier II under the Monroe County comprehensive plan, or wetlands scoring 4 to 5 on the Keys Wetland Evaluation Program (KEYWEP)
- (3) **Communities; Local Government Hotel Unit Allocation Awards; Expiration.** The Department of Economic Opportunity may designate up to three local governments in the Florida Keys as communities under this rule. The Department shall issue a Hotel Unit Allocation Award Letter to the community or communities awarding a combined total of up to 300 Hotel Unit Allocations. If more than one community is designated, the Department may award all Hotel Unit Allocations simultaneously or may stagger the Hotel Unit Allocation awards.
- (4) **Use of Hotel Unit Allocations for Development.**
 - (a) **Local Hotel Unit Allocation Program.** A local government in possession of Hotel Unit Allocations may award those Hotel Unit Allocations to a Recipient for development of hotel units. Prior to any award to a Recipient, the local government shall establish a Hotel Unit Allocation Program that:
 1. includes application, award, tracking, and record-keeping requirements,
 2. requires development of affordable housing units or, if authorized by the local government’s comprehensive plan or land development regulations, contribution of a fee for each hotel unit built, and

3. requires the extinguishment of residential development rights as provided in this rule.
- (b) **Conditional Use Approval; Expiration of Hotel Unit Allocation to a Recipient.** Hotel Unit Allocations shall be awarded pursuant to a conditional use approval conditioning the award on the Recipient extinguishing development rights on three vacant buildable environmentally sensitive platted residential lots for each one Hotel Unit Allocation awarded. For the purpose of this rule, an environmentally sensitive platted residential lot is a platted lot designated as Tier I or II, targeted for acquisition by the Florida Department of Environmental Protection, or a lot that scores between 4.0 and 5.0 under the Florida Keys Wetland Identification Program and must have been platted on or before the effective date of this rule. The lots on which development rights are extinguished must be located within unincorporated Monroe County, Islamorada, or Marathon exclusive of offshore islands and Mainland Monroe. Residential development rights shall be extinguished within two years after the date of the conditional use approval or the Hotel Unit Allocation award shall automatically expire. Upon expiration, the Hotel Unit Allocations shall revert to the Department for further award pursuant to its adopted Hotel Unit Allocation program. Once the required residential development rights are extinguished in a manner consistent with this rule, the Hotel Unit Allocations are the sole property of the Recipient.
 - (c) **Extinguishing Residential Development Rights.** Residential development rights shall be extinguished by the Recipient recording a written instrument in the public records of Monroe County, Florida, extinguishing such development rights. The instrument shall be in a form acceptable to the local government in which the lots are located. The Recipient shall provide a copy of the recorded instrument to the Department and to the local government in which the lots are located no later than 10 days after the recording information is made available to the Recipient by the Clerk's Office. The Recipient shall not be entitled to receive a building permit for hotel units to be developed pursuant to a Hotel Unit Allocation award until the required residential development rights have been extinguished.
 - (d) **Plan Amendment Designating Lots as Conservation.** The local government in whose jurisdiction the lots on which development rights have been extinguished are located shall amend its comprehensive plan to designate the lots as "Conservation" on its Future Land Use Map within six months after the receipt of the recorded written instrument extinguishing such development rights. The local government in whose jurisdiction the lots are located may require the Recipient to apply for the plan amendment required by this section.
 - (e) **Land Management.** For the purpose of land management, the Recipient may convey the lots on which development rights have been extinguished to the Monroe County Land Authority or to the local government in which they are located to manage the lots.

- (5) **Evaluation and Report to the Administration Commission.** Local governments participating in the program shall provide DEO an annual Report by July 30 of each year indicating the status of the program and reporting the number of units that have been transferred or acquired. Adjustments to the ten year building permit allocation shall be reflected in a plan amendment by the donor and receiver local governments within 12 months of adoption of a resolution to transfer units to another local government. Department of Economic Opportunity shall include in its Florida Keys annual report an assessment of the success or failure of the program and a recommendation whether the program should be expanded.

Rulemaking Authority: 380.05(22)(b), FS; Law Implemented: 380.05, 380.0552, FS; New.

Recommendations

Staff at DEO recommend promulgation of the above rule.

RECOMMENDATIONS FOR WORK PROGRAM

The Department makes the following recommendations pursuant to Section 380.0552(4)(b), F.S.:

- (1) Accept the 2014 Annual Report for Monroe County, the City of Marathon and the Village of Islamorada;
- (2) Continue the Florida Keys Area of Critical State Concern designation in order to complete the Work Programs requirements;
- (3) Accept the Department's recommendation that substantial progress toward accomplishing the strategies of the Work Program have been achieved for Monroe County, the City of Marathon, and the Village of Islamorada;
- (4) In response to the 2012 directive from the Administration Commission, the Department asks that the Administration Commission consider the following two options:
 - a) Continue work with the City of Key Colony Beach regarding issuance of development orders; or
 - b) Initiate rulemaking to the City's Comprehensive Plan to establish a building permit allocation system for Key Colony Beach in accordance with the Hurricane Evacuation Memorandum of Understanding.
- (5) Accept the Department's recommendation to initiate rule making for a hotel program that would allow the creation of a limited number of hotel unit allocations.

TAB 3

2014 Florida Keys Annual Progress Report Summary

A. Islamorada achieved 9 out of 11 (82%)

Tasks Completed

1. **Task 10:** Identify wastewater funding in CIE
2. **Task 11:** Final determination of non-service areas requiring upgrade
3. **Task 12:** Coordinate actions with Health Department and Environmental Protection to notify homeowners regarding systems that will not meet 2015 treatment standards
4. **Task 13:** Apply for wastewater grant funding
5. **Task 15:** Request Everglades bond financing
6. **Task 16:** Implement local funding necessary to construct, replace, maintain wastewater
7. **Task 17:** Provide a report of addresses of property owners that fail to connect and describe the enforcement action.
8. **Task 27:** Complete final design of the Village-wide wastewater system.
9. **Task 28:** Commence construction of Village-wide wastewater system

Tasks Not completed in 2014

10. **Task 2:** Apply for land acquisition funds
11. **Task 29:** Make available to its customers 25% of the Equivalent Dwelling Unit (EDU) connections to the Village-wide wastewater system.

B. Marathon achieved 6 of 7 (86%)

Tasks Completed

1. **Task 17:** Allocate wastewater funding in Capital Improvements Element
2. **Task 18:** Coordinate actions regarding notification to owners of systems that will not meet 2015 standards and status of enforcement.
3. **Task 19:** Apply for wastewater grants
4. **Task 21:** Request Everglades bonds issuance
5. **Task 22:** Allocate wastewater funding
6. **Task 53:** Allocate funding for stormwater in CIP

Tasks Not completed in 2014

7. **Task 7:** Apply for land acquisition funding

Tasks Not counted

8. **Task 54:** Apply for stormwater grant funding (Narrative)

C. Monroe: Achieved 7 of 10 (70%)

Tasks Completed

1. **Task 10:** Evaluation land acquisition needs and apply for funding
2. **Task 19:** Allocate wastewater funding in CIE
3. **Task 20:** Work with the owners of wastewater facilities and onsite systems
4. **Task 21:** Request Everglades bond issue
5. **Task 23:** Apply for wastewater grant funding
6. **Task 26:** Provide report of property owners that fail to connect to wastewater
7. **Task 60:** Include stormwater funding in Capital Improvements Element

Tasks Not completed in 2014

8. **Task 43:** Complete all remaining connections to Hawk's Cay WWTP.
9. **Task 50:** Complete construction of Cudjoe Wastewater Treatment Facility, Central Area Collection System and Central Area Transmission Main
10. **Task 56:** Complete 25% of hook-ups to Cudjoe Regional WWTP

Tasks Not counted

11. **Task 61:** Apply for stormwater grant funding (Narrative)

TAB 4

**Village of Islamorada
2014 - Annual Report**

		Status	Islamorada Comments	Support Information Requested	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-19.310, F.A.C.	Achieved/Not Achieved				
1	(5)(a) Carrying Capacity Study Implementation.					
2	1. By July 1, 2011 and each July 1 thereafter, Islamorada shall evaluate its land acquisition needs and state and federal funding opportunities and apply to at least one state or federal land acquisition grant program.	Incomplete (annual requirement)	In February 2014, Islamorada coordinated with Monroe County for purchase, transfer to Village and recording of conservation easements on three lots (that could have received future development approval). Conservation Easement completed and recorded. Islamorada has identified two additional sites for acquisition that may be eligible for state and/or federal funding. Currently working with property owners to agree upon price and obtain documented interest in sale to the Village necessary for grant applications.	Application for or award of funding	July 1, 2014	
3	2. By July 1, 2012, Islamorada shall enter into a memorandum of understanding with the state land planning agency ² , Division of Emergency Management, Marathon, Monroe, Key West, Key Colony Beach, and Layton after a notice, public workshop and comment period of at least 30 days for interested parties. The memorandum of understanding shall stipulate, based on professionally acceptable data and analysis, the input variables and assumptions, including regional considerations, for utilizing the Florida Keys Hurricane Evacuation Model or other models acceptable to the agency to accurately depict evacuation clearance times for the population of the Florida Keys.	Complete			July 1, 2012	
4	3. By July 1, 2012, the Florida Keys Hurricane Evacuation Model shall be run with the agreed upon variables from the memorandum of understanding. Islamorada and the state land planning agency ² shall update the data for the Florida Keys Hurricane Evacuation Model as professionally acceptable sources of information are released (such as the Census, American Communities Survey, Bureau of Business and Economic Research, and other studies). Islamorada shall also evaluate and address appropriate adjustments to the hurricane evacuation model within each Evaluation and Appraisal Report.	Complete			July 1, 2012	
5	4. By July 1, 2012, Islamorada shall complete an analysis of maximum build-out capacity for the Florida Keys Area of Critical State Concern, consistent with the requirement to maintain a 24-hour evacuation clearance time and the Florida Keys Carrying Capacity Study constraints. This analysis shall be prepared in coordination with the state land planning agency ² , Monroe County and each municipality in the Keys.	Complete			July 1, 2012	
6	5. By July 1, 2012, the state land planning agency ² (agency) shall apply the derived clearance time to assess and determine the remaining allocations for the Florida Keys Areas of Critical State Concern. The agency will recommend appropriate revisions to the Administration Commission regarding the allocation rates and distribution of allocations to Monroe County, Marathon, Islamorada, Key West, Layton and Key Colony Beach or identify alternative evacuation strategies that support the 24-hour evacuation clearance time. If necessary, state land planning agency shall work with each local government to amend the Comprehensive Plans to reflect revised allocation rates and distributions or propose rule making to the Administration Commission.	Complete			July 1, 2012	
7	6. By July 1, 2013, based on the state land planning agency's ² recommendations, Islamorada shall amend the current building permit allocation system (BPAS in the Comprehensive Plan and Land Development Regulations) based on infrastructure availability, level of service standards, environmental carrying capacity constraints, and hurricane evacuation clearance time.	Complete			July 1, 2013	Yes
8	By March 31, 2012, the Area of Critical State Concern staff shall amend the agendas for the Hurricane Evacuation Clearance Modeling Workshops to include the potential for future transient allocations and their impact on hurricane evacuation clearance times. (January 18, 2012 Administration Commission Action)	Complete				

**Village of Islamorada
2014 - Annual Report**

		Status	Islamorada Comments	Support Information Requested	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-19.310, F.A.C.	Achieved/Not Achieved				
9	(5)(b) Wastewater Implementation.					
10	1. Beginning July 1, 2011 and each July 1 thereafter, Islamorada shall identify any funding for wastewater implementation. Islamorada shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.	Complete ¹	Ordinance 14-12	2014 CIP; other wastewater awards	July 1, 2014	2011-139 LOF, removed the requirement that the capital improvement schedule be an amendment to the comprehensive plan
11	2. By December 1, 2013, Islamorada shall provide a final determination of non-service areas requiring upgrade to meet Sections 381.0065(4)(l) and 403.086(10), F.S., wastewater treatment and disposal standards. This shall be in the form of a resolution including a map of the non-service areas.	Complete	Resolution 13-11-68 identifying single property as non-service area transmitted to DEO on November 18, 2013		December 1, 2013	
12	3. By December 1, 2013, Islamorada shall work with the owners of wastewater facilities and on site systems throughout the Village and the Department of Environmental Protection (DEP) and the Department of Health (DOH) to fulfill the requirements of Sections 381.0065(3)(h) and (4)(l) and 403.086(10), F.S., regarding implementation of wastewater treatment and disposal systems. This will include coordination of actions with DOH and DEP to notify owners regarding systems that will not meet 2015 treatment and disposal standards.	Complete			December 1, 2013	
13	4. By July 1, 2011 and by July 1 of each year thereafter, Islamorada shall evaluate its wastewater needs and state and federal funding opportunities and apply annually to at least one state or federal grant program for wastewater projects and connections.	Complete	Through continued lobbying and coordination with the County, Islamorada was awarded \$7 million state funding (Mayfield) for wastewater projects. Islamorada applied for and was awarded	Application for or award of funding	July 1, 2014	
14	5. By September 1, 2011, Islamorada shall develop and implement local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement of facilities.	Complete			September 1, 2011	
15	6. By July 1, 2011 and each July 1 thereafter through 2013, Islamorada shall annually draft a resolution requesting the issuance of a portion of the \$200 million of bonds authorized under Section 215.619, F.S., and an appropriation of sufficient debt service for those bonds, for the construction of wastewater projects within the Florida Keys.	Complete	Resolution number: 13-02-08	Resolution number	July 1, 2014	
16	7. By July 1, 2011 and each July 1 thereafter through 2013, Islamorada shall develop a mechanism to provide accurate and timely information and establish Islamorada's annual funding allocations necessary to provide unmet funding needs to support the issuance of bonds authorized under Section 215.619, F.S., and to assure the timely completion of work as necessary to fulfill any terms and conditions associated with bonds.	Complete			July 1, 2014	
17	8. By December 1, 2013, Islamorada shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central sewer facility within the required timeframe to the Monroe County Health Department, Department of Environmental Protection and the state land planning agency ² . This report shall describe the status of Islamorada's enforcement action and provide the circumstances of why enforcement may or may not have been initiated.	Complete			December 1, 2013	

**Village of Islamorada
2014 - Annual Report**

		Status	Islamorada Comments	Support Information Requested	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-19.310, F.A.C.	Achieved/Not Achieved				
18	(5)(c) Wastewater Project Implementation.					
19	1. By June 1, 2011, Islamorada shall provide a wastewater financing plan to the state land planning agency ² and Administration Commission.	Complete			June 1, 2011	
20	2. By July 1, 2011, Islamorada shall conclude negotiations with Key Largo Wastewater Treatment District for treatment capacity.	Complete			July 1, 2011	
21	3. By July 1, 2011, Islamorada shall advertise for proposal for design build operate finance construction of Village-wide wastewater system.	Complete			July 1, 2011	
22	4. By July 1, 2011 submit a copy of contract agreement with Key Largo Wastewater District documenting acceptance of effluent or alternative plan with construction of wastewater treatment plants in Village that ensures completion and connection of customers by December 2015.	Complete			July 1, 2011	
23	5. By July 1, 2011, Islamorada shall make available to its customers an additional 700 connections (Phase II) to the North Plantation Key Wastewater Treatment Plant (WWTP).	Complete			July 1, 2011	
24	6. By September 1, 2011, Islamorada shall select the design build operate finance contractor for the Village-wide wastewater system.	Complete			September 1, 2011	
25	7. By October 1, 2011, Islamorada shall submit a wastewater construction status report to the state land planning agency ² and the Administration Commission which includes substantial completion of construction prior to January 1, 2015 and final completion prior to July 1, 2015.	Complete			October 1, 2011	
26	By January 31, 2012, Islamorada shall submit a wastewater construction status report to the state land planning agency ² and the Administration Commission which includes substantial completion of construction prior to January 1, 2015 and final completion prior to July 1, 2015. (January 18, 2012 Administration Commission Action)	Complete			January 31, 2012	
27	8. By September 1, 2013, Islamorada shall complete final design of the Village-wide wastewater system.	Complete	Final design of Village-wide wastewater system completed in December 2013.		September 1, 2013	
28	9. By December 1, 2013, Islamorada shall commence construction of the Village-wide wastewater system.	Complete ¹			December 1, 2013	
29	10. By June 1, 2014, Islamorada shall make available to its customers 25% of the Equivalent Dwelling Unit (EDU) connections to the Village-wide wastewater system.	Incomplete			June 1, 2014	
30	11. By December 1, 2014, Islamorada shall make available to its customers 50% of the Equivalent Dwelling Unit (EDU) connections to the Village-wide wastewater system.	Incomplete			December 1, 2014	
31	12. By June 1, 2015, Islamorada shall make available to its customers 75% of the Equivalent Dwelling Unit (EDU) connections to the Village-wide wastewater system.	Incomplete			June 1, 2015	
32	13. By December 1, 2015, Islamorada shall make available to its customers 100% of the Equivalent Dwelling Unit (EDU) connections to the Village-wide wastewater system.	Incomplete			December 1, 2015	

End Notes:

1) Provisional - No 30-Day Report was issued in 2014 for 2012/2013 Reporting Period

2) References to the "Department of Community Affairs" have been replaced with the term "state land planning agency."

**City of Marathon
2014 - Annual Report**

		Status	Marathon Comments	Support Information Requested	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-18.400, F.A.C.	Achieved/Not Achieved				
1	(5)(a) Carrying Capacity Study Implementation.					
2	1. By July 1, 2011, Marathon shall adopt a Comprehensive Plan Policy to require that administrative relief in the form of the issuance of a building permit is not allowed for lands within the Florida Forever targeted acquisition areas unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined the parcel will not be purchased by any city, county, state or federal agency. Marathon shall develop a mechanism to routinely notify the Department of Environmental Protection of upcoming administrative relief requests at least 6 months prior to the deadline for administrative relief.	Complete			July 1, 2011	Yes
3	2. By July 1, 2011, Marathon shall adopt Land Development Regulations to require that administrative relief in the form of the issuance of a building permit is not allowed for lands within the Florida Forever targeted acquisition areas unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined the parcel will not be purchased by any city, county, state or federal agency.	Complete			July 1, 2011	
4	3. By July 1, 2011, Marathon shall amend the Comprehensive Plan to limit allocations into high quality tropical hardwood hammock.	Complete			July 1, 2011	Yes
5	4. By July 1, 2011, Marathon shall amend the Land Development Regulations to limit allocations into high quality tropical hardwood hammock.	Complete			July 1, 2011	
6	5. By July 1, 2011, Marathon shall adopt a Comprehensive Plan Policy discouraging private applications for future land use map amendments which increase allowable density/intensity on lands in the Florida Keys.	Complete		Comp Plan # 13-3(A)	July 1, 2011	Yes
7	6. By July 1, 2011, and each July thereafter, Marathon shall evaluate its land acquisition needs and state and federal funding opportunities and apply annually to at least one state or federal land acquisition grant program.	Incomplete (annual requirement)		Resolution #	July 1, 2014	
8	7. By July 1, 2012, Marathon shall enter into a memorandum of understanding with the State Land Planning Agency ⁵ , Division of Emergency Management, Monroe County, Islamorada, Key West, Key Colony Beach, and Layton after a notice and comment period of at least 30 days for interested parties. The memorandum of understanding shall stipulate, based on professionally acceptable data and analysis, the input variables and assumptions, including regional considerations, for utilizing the Florida Keys Hurricane Evacuation Model or other models acceptable to the State Land Planning Agency to accurately depict evacuation clearance times for the population of the Florida Keys.	Complete			July 1, 2012	
9	8. By July 1, 2012, the Florida Keys Hurricane Evacuation Model shall be run with the agreed upon variables from the memorandum of understanding. Marathon and the state land planning agency ⁵ shall update the data for the Florida Keys Hurricane Evacuation Model as professionally acceptable sources of information are released (such as the Census, American Communities Survey, Bureau of Business and Economic Research, and other studies). The City shall also evaluate and address appropriate adjustments to the hurricane evacuation model within each Evaluation and Appraisal Report.	Complete			July 1, 2012	
10	9. By December 1, 2012 , July 1, 2012 ¹ Marathon shall complete an analysis of maximum build-out capacity for the Florida Keys Area of Critical State Concern, consistent with the requirement to maintain a 24-hour evacuation clearance time and the Florida Keys Carrying Capacity Study constraints. This analysis shall be prepared in coordination with the state land planning agency ⁵ , Monroe County and each municipality in the Keys.	Complete			December 1, 2012 July 1, 2012*	

**City of Marathon
2014 - Annual Report**

		Status	Marathon Comments	Support Information Requested	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-18.400, F.A.C.	Achieved/Not Achieved				
11	(5)(a) Carrying Capacity Study Implementation.					
12	10. By December 1, 2012 , July 1, 2012¹ the state land planning agency (agency) shall apply the derived clearance time to assess and determine the remaining allocations for the Florida Keys Areas of Critical State Concern. The agency will recommend appropriate revisions to the Administration Commission regarding the allocation rates and distribution of allocations to Monroe County, Marathon, Islamorada, Key West, Layton and Key Colony Beach or identify alternative evacuation strategies that support the 24-hour hurricane evacuation clearance time. If necessary, the state land planning agency ⁵ shall work with each local government to amend the respective Comprehensive Plans to reflect revised allocation rates and distributions or propose rule making to the Administration Commission.	Complete			December 1, 2012 July 1, 2012*	
13	11. By July 1, 2013, based on the state land planning agency's ⁵ recommendations, Marathon shall amend the current building permit allocation system (BPAS in the Comprehensive Plan and Land Development Regulations) based on infrastructure availability, level of service standards, environmental carrying capacity, and hurricane evacuation clearance time.	Complete ²			July 1, 2013	Yes
14	The City of Marathon may propose and adopt an amendment to their comprehensive plan to include a one-time allocation of 100 transient dwelling units. The plan amendment may also include an additional 100 units composed of units from the Administrative Relief pool and borrowing forward from the City's future allocations. (January 18, 2012 Administration Commission Action)	Complete ²				Yes
15	By March 31, 2012, the Area of Critical State Concern staff shall amend the agendas for the Hurricane Evacuation Clearance Modeling Workshops to include the potential for future transient allocations and their impact on hurricane evacuation clearance times. (January 18, 2012 Administration Commission Action)	Complete				
16	(5)(b) Wastewater Implementation.					
17	1. By July 1, 2011 and each July 1 thereafter, Marathon shall annually evaluate and allocate funding for wastewater implementation. Marathon shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.	Complete		2013CIP	July 1, 2014	HB 7207 removes the requirement that the capital improvement schedule be an amendment to the
18	2. December 1, 2013, Marathon shall work with the owners of wastewater facilities and onsite systems throughout the City and the Department of Environmental Protection (DEP) and the Department of Health (DOH) to fulfill the requirements of Sections 381.0065(3)(h) and (4)(l) and 403.086(10), F.S., regarding implementation of wastewater treatment and disposal. This will include coordination of actions with DOH and DEP to notify owners regarding systems that will not meet 2015 treatment and disposal requirements.	Complete			December 1, 2013	
19	3. By July 1, 2011, Marathon shall evaluate its wastewater needs and state and federal funding opportunities and apply annually to at least one state or federal grant program for wastewater projects and connections.	Complete	FDEP \$1 Million Dollar Grant. Resolution 2013-20	Resolution #	July 1, 2014	
20	4. By July 1, 2011, Marathon shall continue to develop and implement local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement facilities.	Complete			July 1, 2011	
21	5. By July 1, 2011 and each year through 2013, Marathon shall annually draft a resolution requesting the issuance of a portion of the \$200 million of bonds authorized under Section 215.619, F.S., and an appropriation of sufficient debt service for those bonds, for the construction of wastewater projects within the Florida Keys.	Complete	Resolution 2014-132	Resolution #	July 1, 2014	
22	6. By July 1, 2011, Marathon shall develop a mechanism to provide accurate and timely information and establish Marathon's annual funding allocations necessary to provide evidence of unmet funding needs to support the issuance of bonds authorized under Section 215.619, F.S., and to assure the timely completion of work as necessary to fulfill any terms and conditions associated with bonds.	Complete			July 1, 2014	
23	(5)(b) Wastewater Implementation.					

**City of Marathon
2014 - Annual Report**

		Status	Marathon Comments	Support Information Requested	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-18.400, F.A.C.	Achieved/Not Achieved				
24	7. By December 1, 2012, Marathon shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central sewer facility within the required timeframe to the Monroe County Health Department and the state land planning agency ⁵ . This report shall describe the status of Marathon's enforcement action and provide the circumstances of why enforcement may or may not have been initiated.	Complete ²			December 1, 2012	
25	(5)(c) Wastewater Project Implementation.					
26	1. Sub area 1: Knight's Key.					
27	a. By July 1, 2011, Marathon shall secure plant site;	see end note ³			July 1, 2011	
28	b. By December 1, 2011, Marathon shall construct Knight's Key Wastewater Plant;	see end note ³			December 1, 2011	
29	c. By May 1, 2012, Marathon shall initiate connections; and	Complete			May 1, 2012	
30	d. By July 1, 2012, Marathon shall complete connections (100%).	see end note ³			July 1, 2012	
31	2. Sub area 2: Boot Key (non-service area).					
32	By July 1, 2011, Marathon shall ensure completion of upgrade.	Complete			July 1, 2011	
33	3. Sub area 3: 11 Street – 39 Street (Vaca Key West).					
34	a. By July 1, 2011, Marathon shall complete construction of plant;	Complete			July 1, 2011	
35	b. By July 1, 2011, Marathon shall complete construction of collection system;	Complete			July 1, 2011	
36	c. By July 1, 2011, Marathon shall initiate connections; and	Complete			July 1, 2011	
37	d. By July 1, 2012, Marathon shall complete connections (100%).	Incomplete		the number of EDUs connected and to be connected	July 1, 2012	
38	4. Sub area 4: Gulfside 39 Street (Vaca Key Central).					
39	By July 1, 2013, Marathon shall complete connections (100%).	Complete		the number of EDUs connected and to be connected	July 1, 2013	
40	5. Sub area 5: Little Venice (60 Street – Vaca Cut East).					
41	a. By July 1, 2012, Marathon shall complete construction of collection system;	Complete			July 1, 2012	
42	b. By July 1, 2012, Marathon shall initiate connections for Phase II;	Complete			July 1, 2012	
43	c. By July 1, 2013, Marathon shall complete connections (100%) for Phase II.	Incomplete		the number of EDUs connected and to be connected	July 1, 2013	
44	6. Sub area 6-Vaca Cut-Coco Plum (Fat Key Deer West).					

**City of Marathon
2014 - Annual Report**

		Status	Marathon Comments	Support Information Requested	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-18.400, F.A.C.	Achieved/Not Achieved				
45	By July 1, 2011, Marathon shall complete connections (100%).	Complete			July 1, 2011	
46	7. Sub area 7: Tom Harbor Bridge-Grassy Key.					
47	a. By July 1, 2012, Marathon shall complete construction of plant;	Complete			July 1, 2012	
48	b. By July 1, 2012, Marathon shall bid and award design of collection system;	Complete			July 1, 2012	
49	c. By July 1, 2012, Marathon shall complete construction of collection system; ⁴	Complete			July 1, 2012	
50	d. By July 1, 2012, Marathon shall initiate connections; and	Complete			July 1, 2012	
51	e. By July 1, 2013, Marathon shall complete connections (100%).	Incomplete		the number of EDUs connected and to be connected	July 1, 2013	
52	(5)(d) Stormwater Treatment Facilities.					
53	1. Beginning July 1, 2011 and each July 1 thereafter Marathon shall annually evaluate and allocate funding for stormwater implementation. Marathon shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.	Complete		2013 CIP / Stormwater Enterprise Fund	July 1, 2014	
54	2. Beginning July 1, 2011 and each July 1 thereafter, Marathon shall annually apply for stormwater grants from the South Florida Water Management District.	Funds not available not counted for or against			July 1, 2014	
55	3. By July 1, 2011, complete Stormwater Treatment Facilities simultaneously with wastewater projects, including the direct outfall retrofits for 27th Street and 24th Street. Sub area 3: 11 Street – 37 Street (Vaca Key West)	Complete			July 1, 2011	
56	(5)(d) Stormwater Treatment Facilities.					
57	4. By July 1, 2012, complete Stormwater Treatment Facilities simultaneously with wastewater projects. Sub area 5: Little Venice (60 Street – Vaca Cut East).	Complete			July 1, 2012	
58	5. By July 1, 2012, complete Stormwater Treatment Facilities simultaneously with wastewater projects. Sub area 7: Tom Harbor Bridge-Grassy Key.	Complete			July 1, 2012	
59	6. By July 1, 2012, Marathon shall eliminate direct outfall retrofits for: 27th Street, Sombrero Islands, 24th Street, and 52nd Street.	Complete			July 1, 2012	

End Notes:

- 1) Technical correction: Dates inconsistent with the intent of the Administration Commission's direction to Monroe County (28-20.140) and Islamorada (28-19.310)
- 2) Provisional - No 30-Day Report was issued in 2014 for 2012/2013 Reporting Period
- 3) Due to legal circumstances beyond the City's control, a plant site was not secured at Knight's Key and the plant was not constructed. The City connected this service area through a force main to the Area 3 plant.
- 4) Corrects scrivener's error in Rule 28-18(5)(c) 7. c., F.A.C.
- 5) References to the "Department of Community Affairs" have been replaced with the term "state land planning agency."

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		ACSC Status	Monroe Comments	Support Information Requested	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/ Not Achieved				
1	(5)(a) Carrying Capacity Study Implementation.					
2	1. By July 1, 2012, Monroe County shall adopt the conservation planning mapping (the Tier Zoning Overlay Maps and System) into the Comprehensive Plan based upon the recommendations of the Tier Designation Review Committee with the adjusted Tier boundaries.	Incomplete			July 1, 2012	Yes
3	2. By July 1, 2012, Monroe County shall adjust the Tier I and Tier IIIA (SPA) boundaries to more accurately reflect the criteria for that Tier as amended by Final Order DCA07-GM166 and implement the Florida Keys Carrying Capacity Study, utilizing the updated habitat data, and based upon the recommendations of the Tier Designation Review Committee Work Group.	Complete			July 1, 2012	
4	3. By July 1, 2012, Monroe County shall create Goal 106 to complete the 10 Year Work Program found in Rule 28-20.110, F.A.C., and to establish objectives to develop a build-out horizon in the Florida Keys and adopt conservation planning mapping into the Comprehensive Plan.	Incomplete			July 1, 2012	Yes
5	4. By July 1, 2012, Monroe County shall create Objective 106.2 to adopt conservation planning mapping (Tier Maps) into the Monroe Comprehensive Plan based upon the recommendations of the Tier Designation Review Committee Work Group.	Incomplete			July 1, 2012	Yes
6	5. By July 1, 2012, Monroe County shall adopt Policy 106.2.1 to require the preparation of updated habitat data and establish a regular schedule for continued update to coincide with evaluation and appraisal report timelines.	Incomplete			July 1, 2012	Yes
7	6. By July 1, 2012, Monroe County shall adopt Policy 106.2.2 to establish the Tier Designation Work Group Review Committee to consist of representatives selected by the state land planning agency ⁴ from Monroe County, Florida Fish & Wildlife Conservation Commission, United States Fish & Wildlife Service, Department of Environmental Protection and environmental and other relevant interests. This Committee shall be tasked with the responsibility of Tier designation review utilizing the criteria for Tier placement and best available data to recommend amendments to ensure implementation of and adherence to the Florida Keys Carrying Capacity Study. These proposed amendments shall be recommended during 2009 and subsequently coincide with the Evaluation and Appraisal report timelines beginning with the second Evaluation and Appraisal review which follows the adoption of the revised Tier System and Maps as required above adopted in 2011. Each evaluation and appraisal report submitted following the 2011 evaluation and appraisal report shall also include an analysis and recommendations based upon the process described above.	Incomplete			July 1, 2012	Yes
8	8. By July 1, 2012, Monroe County shall adopt Land Development Regulations to require that administrative relief in the form of the issuance of a building permit is not allowed for lands within the Florida Forever targeted acquisition areas or Tier I lands unless, after 60 days from the receipt of a complete application for administrative relief, it has been determined the parcel will not be purchased by any county, state, federal or any private entity. The County shall develop a mechanism to routinely notify the Department of Environmental Protection of upcoming administrative relief requests at least 6 months prior to the deadline for administrative relief.	Complete			July 1, 2012	
9	9. By July 1, 2012, in order to implement the Florida Keys Carrying Capacity Study, Monroe County shall adopt a Comprehensive Plan Policy to discourage private applications for future land use changes which increase allowable density/intensity.	Complete			July 1, 2012	Yes
10	10. By July 1, 2011, Monroe County shall evaluate its land acquisition needs and state and federal funding opportunities and apply annually to at least one state or federal land acquisition grant program.	Complete	Monroe County Land Authority applied for a federal land acquisition grant from the US Army Corps of Engineers through Keys Restoration Fund on January 26, 2014 in the amount of \$34,615.50. See attached Monroe County Land Authority Proposal	Copy of application or funding approval	July 1, 2014	
11	11. By July 1, 2012, Monroe County shall enter into a memorandum of understanding with the state land planning agency ⁴ (agency), Division of Emergency Management, Marathon, Islamorada, Key West, Key Colony Beach, and Layton after a notice and comment period of at least 30 days for interested parties. The memorandum of understanding shall stipulate, based on professionally acceptable data and analysis, the input variables and assumptions, including regional considerations, for utilizing the Florida Keys Hurricane Evacuation Model or other models acceptable to the agency to accurately depict evacuation clearance times for the population of the Florida Keys.	Complete			July 1, 2012	
12	12. By July 1, 2012, the Florida Keys Hurricane Evacuation Model shall be run with the agreed upon variables from the memorandum of understanding to complete an analysis of maximum build-out capacity for the Florida Keys Area of Critical State Concern, consistent with the requirement to maintain a 24-hour evacuation clearance time and the Florida Keys Carrying Capacity Study constraints. This analysis shall be prepared in coordination with the state land planning agency ⁴ and each municipality in the Keys.	Complete			July 1, 2012	

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		ACSC Status	Monroe Comments	Support Information Requested	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/ Not Achieved				
13	(5)(a) Carrying Capacity Study Implementation.					
14	13. By July 1, 2012, the state land planning agency ⁴ shall update the data for the Florida Keys Hurricane Evacuation Model as professionally acceptable sources of information are released (such as the Census, American Communities Survey, Bureau of Economic and Business Research, and other studies). The County shall also evaluate and address appropriate adjustments to the hurricane evacuation model within each Evaluation and Appraisal Report.	Complete			July 1, 2012	Yes
15	14. By July 1, 2012, the state land planning agency (agency) shall apply the derived clearance time to assess and determine the remaining allocations for the Florida Keys Areas of Critical State Concern. The agency will recommend appropriate revisions to the Administration Commission regarding the allocation rates and distribution of allocations to Monroe County, Marathon, Islamorada, Key West, Layton and Key Colony Beach or identify alternative evacuation strategies that support the 24 hour evacuation clearance time. If necessary, the state land planning agency ⁴ shall work with each local government to amend the Comprehensive Plans to reflect revised allocation rates and distributions or propose rule making to the Administration Commission.	Complete			July 1, 2012	
16	15. By July 1, 2013, if necessary, the state land planning agency ⁴ shall work with each local government to amend the Comprehensive Plan to reflect revised allocation rates and distribution or propose rule making to the Administration Commission.	Complete ³			July 1, 2013	Yes
17	By March 31, 2012, the Area of Critical State Concern staff shall amend the agendas for the Hurricane Evacuation Clearance Modeling Workshops to include the potential for future transient allocations and their impact on hurricane evacuation clearance times. (January 18, 2012 Administration Commission Action)	Complete				
18	(5)(b) Wastewater Implementation.					
19	1. By July 1, 2011, Monroe County shall annually evaluate and allocate funding for wastewater implementation. Monroe County shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.	Complete	Allocated Funding in the FY 2014-2018 CIE Upgrade County owned facilities = \$571,028 Long Key WW Collection System Expansion = \$250,000 Key Haven Collection System Improvements = \$4,150,000 Cudjoe Regional Project = \$145,888,062 Key Largo WW Treatment Plant = \$8,421,882 Duck Key WW Treatment System = \$175,891	2013 CIP	July 1, 2014	2011-139 LOF, removed the requirement that the capital improvement schedule be an amendment to the comprehensive plan
20	2. By December 1, 2013, Monroe County shall work with the owners of wastewater facilities and onsite systems throughout the County and the Department of Health (DOH) and the Department of Environmental Protection (DEP) to fulfill the requirements of Sections 403.086(10) and 381.0065(3)(h) and (4)(l), F.S., regarding implementation of wastewater treatment and disposal. This will include coordination of actions with DOH and DEP to notify owners regarding systems that will not meet the 2015 treatment and disposal standards.	Complete	Property owners have been notified of the 2015 wastewater requirements. The County does not enforce the upgrade completion of onsite sewage treatment and disposal system. As provided by 403.086(10)(l), F.S., 381.0065(4)7, F.S., and Section 4 of Chapter 99-395, L.O.F., a local government has the authority to mandate connection to a central wastewater facility. There are no Rule tasks or specific schedules adopted by the Administration Commission under s. 380.0552, F.S., identifying the County as the entity to enforce onsite system upgrades.		December 1, 2013	
21	3. By July 1, 2011, Monroe County shall annually draft a resolution requesting the issuance of \$50 million of the \$200 million of bonds authorized under Section 215.619, F.S., and an appropriation of sufficient debt service for those bonds, for the construction of wastewater projects within the Florida Keys.	Complete	Monroe County did not adopt additional Resolutions but rather worked with the municipalities and special district through its legislative delegation and the Governor's office directly and secured an additional \$50 million grant under the Mayfield grant program during the 2014 legislative session.		July 1, 2014	
22	4. By July 1, 2011, Monroe County shall develop a mechanism to provide accurate and timely information and establish the County's annual funding allocations necessary to provide evidence of unmet funding needs to support the issuance of bonds authorized under Section 215.619, F.S., and to assure the timely completion of work as necessary to fulfill any terms and conditions associated with bonds.	Complete			July 1, 2011	
23	5. By July 1, 2011, Monroe County shall evaluate its wastewater needs and state and federal funding opportunities and apply annually to at least one state or federal grant program for wastewater projects and connections.	Complete	The County was allocated an additional \$31 million in State Revolving Fund loans. The County applied for and was granted an increase in the maximum State Revolving Fund loan for the Cudjoe project to \$120 million. The County was successful in adding language to the WRDA reauthorization bill to include the Cudjoe project as an additional eligible project should funding become available for the Florida Keys Water Quality Improvement Program (FKWQIP). The Cudjoe project is secondary to the existing projects already in the FKQWIP.		July 1, 2014	
24	6. By July 1, 2011, Monroe County shall develop and implement local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement of facilities.	Complete			July 1, 2011	
25	By February 29, 2012, Monroe County shall submit a financial plan demonstrating local funding programs necessary to timely fund wastewater construction and future operation, maintenance and replacement of facilities. (January 18, 2012 Administration Commission Action)	Complete			February 29, 2012	
26	7. By December 1, 2013, the County shall provide a report of addresses and the property appraiser's parcel numbers of any property owner that fails or refuses to connect to the central sewer facility within the required timeframe to the Monroe County Health Department, Department of Environmental Protection, and the state land planning agency ⁴ . This report shall describe the status of the County's enforcement action.	Complete	The County submitted the report to DEO on July 25, 2014. The report lists the properties not yet connected as of June 2014 in the Key Largo, Big Coppitt, and Duck Key wastewater systems and includes the properties on which code compliance cases have been opened in the KLWTD service area.		December 1, 2013	

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		ACSC Status	Monroe Comments	Support Information Requested	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/ Not Achieved				
27	(5)(c) Wastewater Project Implementation.					
28	1. Key Largo Wastewater Treatment Facility. Key Largo Wastewater Treatment District is responsible for wastewater treatment in its service area and the completion of the Key Largo Wastewater Treatment Facility.					
29	a. By July 1, 2012, Monroe County shall complete construction of the South Transmission Line;	Complete			July 1, 2012	
30	b. By July 1, 2013, Monroe County shall complete design of Collection basin C, E, F, G, H, I, J, and K;	Complete			July 1, 2013	
31	c. By July 1, 2012, Monroe County shall complete construction of Collection basins E-H;	Complete			July 1, 2012	
32	d. By December 1, 2011, Monroe County shall schedule construction of Collection basins I-K;	Complete			December 1, 2011	
33	e. By July 1, 2011, Monroe County shall complete construction of Collection basins I-K;	Complete			July 1, 2011	
34	f. By July 1, 2011, Monroe County shall complete 50% of hook-ups to Key Largo Regional WWTP;	Complete			July 1, 2011	
35	g. By July 1, 2012, Monroe County shall complete 75% of hook-ups to Key Largo Regional WWTP;	Complete			July 1, 2012	
36	h. By July 1, 2013, Monroe County shall complete all remaining connections to Key Largo Regional WWTP.	Incomplete	August 2014: There are 14,615 EDUs capable of generating wastewater. 12,439 EDUs are connected or 85%.	Number of EDUs connected; number of EDUs to be connected	July 1, 2013	
37	2. Hawk's Cay, Duck Key and Conch Key Wastewater Treatment Facility.					
38	a. By July 1, 2012, Monroe County shall complete construction of Hawk's Cay WWTP upgrade/expansion, transmission, and collection system;	Complete			July 1, 2012	
39	b. By July 1, 2013, Monroe County shall complete construction of Duck Key collection system;	Complete ³			July 1, 2013	
40	c. By July 1, 2012, Monroe County shall initiate property connections to Hawk's Cay WWTP;	Complete			July 1, 2012	
41	d. By December 1, 2012, Monroe County shall complete 50% of hook-ups to Hawk's Cay WWTP;	Complete			December 1, 2012	
42	e. By July 1, 2013, Monroe County shall complete 75% of hook-ups to Hawk's Cay WWTP; and	Complete	August 2014: Conch Key / Coral Key = 150.2 total 150.2 connected - 100%, Hawk's Cay = 910 total 910 connected - 100%, Duck Key/Conch Key: There are 1,467 EDUs capable of generating wastewater. 1,360 EDUs are connected or 93%.	Number of EDUs connected; number of EDUs to be connected	July 1, 2013	
43	f. By July 1, 2014, Monroe County shall complete all remaining connections to Hawk's Cay WWTP.	Incomplete	1,360 EDUs are connected or 93%.		July 1, 2014	
44	3. South Lower Keys Wastewater Treatment Facility (Big Coppitt Regional System).					
45	a. By July 1, 2012, Monroe County shall complete 75% hookups to South Lower Keys WWTP; and	Complete			July 1, 2012	
46	b. By July 1, 2013, Monroe County shall complete all remaining connections to the South Lower Keys WWTP.	Incomplete	August 2014: There are 1,730 EDUs capable of generating wastewater. 1,439 EDUs are connected or 83%.	Number of EDUs connected; number of EDUs to be connected	July 1, 2013	
47	4. Cudjoe Regional Wastewater Treatment Facility.					
48	a. By July 1, 2011, Monroe County shall complete planning and design documents for the Cudjoe Regional Wastewater Treatment Facility, the Central Area (Cudjoe, Summerland, Upper Sugarloaf) collection system and the Central Area Transmission Main;	Complete			July 1, 2011	
49	b. By October 1, 2012, Monroe County shall initiate construction of Wastewater Treatment Facility, Central Area Collection System and Central Area Transmission Main;	Complete ³			October 1, 2012	
50	c. By July 1, 2014, Monroe County shall complete construction of Wastewater Treatment Facility, Central Area Collection System and Central Area Transmission Main; ¹	Incomplete	As of July 1, 2014, the Cudjoe Wastewater Treatment facility was 68% complete. The Central (Inner Islands) collection & transmission system was 51% complete. Construction completion of the WWTP and collection will be complete in the 1st Quarter of CY2015. The Central (Inner Island) collection & transmission system is on track for late 2015 completion. Portions of the Inner Islands will have service available in the 1st quarter of CY2015.		July 1, 2014	
51	By January, 2012 Monroe County shall complete design and planning for Outer Area (Lower Sugarloaf, Torches, Ramrod, Big Pine Key) Collection System and Transmission Main. ²	Complete	Design of all portions of the Outer Area is complete. Construction is in progress on all islands. Conversion of some areas from low pressure technology to gravity collection delayed design completion. Challenges to permits for some areas utilizing low pressure technology may result in further delays but construction has continued pending the outcome of challenges. Completion of some portions of the Outer Islands collection system may be delayed beyond December 2015 by challenges to the permits.		January 1, 2012	
52	(5)(c) Wastewater Project Implementation.					

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		ACSC Status	Monroe Comments	Support Information Requested	Rule Completion Date	Comprehensive Plan Amendment Required
Line #	WORK PROGRAM REQUIREMENTS PURSUANT TO RULE 28-20.140, F.A.C.	Achieved/ Not Achieved				
53	4. Cudjoe Regional Wastewater Treatment Facility.					
54	d. By February 1, 2012, Monroe County shall initiate construction of Wastewater Treatment, Outer Area Collection System and Transmission Main; ¹	Complete ³			February 1, 2012	
55	e. By February 1, 2015, Monroe County shall complete construction of Outer Area collection and transmission main;	Incomplete	Completion of some portions of the Outer Islands collection system may be delayed beyond December 2015 by challenges to the permits.		February 1, 2015	
56	f. By July 1, 2014, Monroe County shall initiate property connections – complete 25% of hook-ups to Cudjoe Regional WWTP;	Incomplete	Initial connections will not be available until 1st Quarter CY2015.		July 1, 2014	
57	g. By July 1, 2015, Monroe County shall complete 50% of hook-ups to Cudjoe Regional WWTP; and	Incomplete			July 1, 2015	
58	h. By December 1, 2015, Monroe County shall complete remaining hook-ups to Cudjoe Regional WWTP.	Incomplete			December 1, 2015	
59	(5)(d) Stormwater Treatment Facilities.					
60	1. By July 1, 2011, Monroe County shall evaluate and allocate funding for stormwater implementation. Monroe County shall identify any funding in the annual update to the Capital Improvements Element of the Comprehensive Plan.	Complete	<u>Allocated Funding in the FY 2014-2018 CIE</u> Grouper Lane, Key Largo = \$421,824 Ninth Avenue, Stock Island = \$746,874		July 1, 2014	2011-139 LOF, removed the requirement that the capital improvement schedule be an amendment to the comprehensive plan
61	2. By July 1, 2011, Monroe County shall apply for stormwater grants from the South Florida Water Management District.	Incomplete	No stormwater grant funding has been available since FY2012 from the South Florida Water Management District. As a result, the County did not apply for any SFWMD grants. The County has submitted a grant request for storm water project funding from the RESTORE Act funds.		July 1, 2014	
62	3. By July 1, 2011, Monroe County shall complete Card Sound Road stormwater improvements.	Complete	Complete in July 2014.		July 1, 2011	

1) Corrects scrivener's error in Rule 28-20.140 (5)(c)4.c. & d., F.A.C.

2) Omitted in final adopted rule. When rule is amended, rule will be modified to reflect this task.

3) Provisional - No 30-Day Report was issued in 2014 for 2012/2013 Reporting Period

4) References to the "Department of Community Affairs" have been replaced with the term "state land planning agency."

TAB 5

08-02-12

HURRICANE EVACUATION CLEARANCE TIME MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

**THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND THE COUNTY OF
MONROE, CITY OF KEY WEST, ISLAMORADA, VILLAGE OF ISLANDS, CITY OF LAYTON,
CITY OF KEY COLONY BEACH, CITY OF MARATHON, AND FLORIDA DIVISION OF
EMERGENCY MANAGEMENT**

This Memorandum of Understanding ("MOU") is entered into by and between the State of Florida's Department of Economic Opportunity (the "DEO"), the Florida Division of Emergency Management (the "Division"), and Monroe County, the City of Key West, Islamorada, Village of Islands, the City of Layton, the City of Key Colony Beach, and the City of Marathon (the "Local Governments") (all collectively known as the "Parties") for the purpose of complying with Rules 28-18, 28-19, and 28-20, Florida Administrative Code.

RECITALS:

WHEREAS, the Local Governments of the Florida Keys are within two areas that the Florida Legislature and the Administration Commission have designated as Areas of Critical State Concern (the Florida Keys ACSC and the City of Key West ACSC), pursuant to Sections 380.05 and 380.0552, Florida Statutes, and Florida Administrative Code Chapter 28-36, hereinafter referred to as the "Keys ACSCs"; and

WHEREAS, the Local Governments have adopted state-mandated Comprehensive Plans and Land Development Regulations, which have been approved by the State, as required by law; and

WHEREAS, the State's Legislative Intent in designating the Local Governments as Areas of Critical State Concern includes:

(a) Establish a land use management system that protects the natural environment of the Florida Keys;

(b) Establish a land use management system that conserves and promotes the community character of the Florida Keys;

(c) Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of available and planned public facilities and services;

(d) Provide affordable housing in close proximity to places of employment in the Florida Keys;

(e) Establish a land use management system that promotes and supports a diverse and sound economic base;

(f) Protect the constitutional rights of property owners to own, use, and dispose of their real property;

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(g) Promote coordination and efficiency among governmental agencies that have permitting jurisdiction over land use activities in the Florida Keys;

(h) Promote an appropriate land acquisition and protection strategy for environmentally sensitive lands within the Florida Keys;

(i) Protect and improve the nearshore water quality of the Florida Keys through the construction and operation of wastewater management facilities that meet the requirements of Sections 381.0065(4)(1) and 403.086(10), Florida Statutes, as applicable; and

(j) Ensure that the population of the Florida Keys can be safely evacuated (Section 380.0552(2) Florida Statutes); and

WHEREAS, the Florida Keys remain one of the most vulnerable areas in the United States to hurricanes; and

WHEREAS, the Florida Legislature and the Administration Commission have mandated that the Local Governments (except the City of Key West) include within the goals, objectives, and policies of their respective Comprehensive Plans measures to protect public safety and welfare in the event of a hurricane by maintaining an evacuation clearance time for permanent residents of no more than 24 hours (Section 380.0552(9)(a)2. Florida Statutes, Rule 28-18.400(5)(a)10., F.A.C., Rule 28-19.310(5)(a)5., F.A.C., and Rule 28-20.140(5)(a)14., F.A.C.); and

WHEREAS, Florida Administrative Code Rule 28-36.003(2)(a)7. requires that the City of Key West prepare and adopt an evacuation plan which is consistent with the regional and County plans; and

WHEREAS, the Florida Legislature further mandated that the hurricane evacuation clearance time for the Florida Keys ACSC shall be determined by a state-approved hurricane evacuation study, conducted in accordance with a professionally accepted methodology; and

WHEREAS, the Division of Emergency Management evacuation study, titled "Statewide Regional Evacuation Studies Program" dated November 2010, which includes Regional Behavioral Surveys Volumes 2-11, and was funded by the state Legislature and the Federal Emergency Management Agency ("FEMA"), provided the State's principal source of professionally acceptable data and analysis, augmented by other sources of data and analysis as referenced herein, for determining input variables and assumptions depicting evacuation clearance times for the population of the Florida Keys; and

WHEREAS, the Administration Commission has directed DEO, by July 1, 2012, to apply the derived clearance time to assess and determine the remaining allocations for the Florida Keys ACSC or identify alternative evacuation strategies that support the 24 hour evacuation clearance time; and

WHEREAS, the Administration Commission has directed DEO, the Division, and the Local Governments to enter into this MOU to stipulate to the input variables and assumptions, including regional considerations, for utilizing the Florida Keys Hurricane Evacuation Model or other models

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acceptable to DEO in order to accurately depict evacuation clearance times for the population of the Florida Keys ACSC; and

WHEREAS, DEO has determined that the Florida Division of Emergency Management's Transportation Interface for Modeling Evacuations ("TIME") Model is the model acceptable to DEO to accurately depict evacuation clearance times for the population of the Keys ACSCs; and

WHEREAS, the Local Governments of the Florida Keys, except the City of Key Colony Beach, have regulated the rate and distribution of growth by implementing permit allocation systems to address hurricane evacuation clearance times; and

WHEREAS, DEO and the Local Governments recognize that significant vacant lands remain in the Florida Keys: Monroe County with 8,758 vacant parcels (77% of total vacant lands), Marathon with 1,281 vacant parcels (11%), Islamorada with 1,109 vacant parcels (10%), Key Colony Beach with 92 vacant parcels (0.81%), Key West with 84 vacant parcels (0.74%), and Layton with 13 vacant parcels (0.11%); and

WHEREAS, DEO and the Local Governments recognize the need to balance limiting the maximum number of building permits for new construction of residential units to be issued annually in the Florida Keys with fairness and consideration of private property rights; and

WHEREAS, to address hurricane evacuation modeling for the Florida Keys ACSCs, DEO established a Hurricane Evacuation Clearance Time Work Group ("Work Group") consisting of elected officials from each Local Government and representatives from DEO and DEM; in addition DEO invited representatives of special interests in the Florida Keys to participate, including the Florida Keys Federation of Chambers of Commerce, the Florida Restaurant and Lodging Association, the Lodging Association of the Florida Keys and Key West, the Monroe County Sheriff's Office, Naval Air Station-Key West, the environmental community, and a citizen's advocacy group; and further DEO requested technical advisors from DEO, the Division, and the Local Governments as well as the Northeast Florida Regional Planning Council, the South Florida Regional Planning Council, Monroe County Emergency Management, the National Weather Service, the National Hurricane Center, and the Florida Department of Transportation to participate in meeting discussion; and

WHEREAS, four advertised public workshops were conducted in the Florida Keys where the Work Group reviewed studies and data from DEO and other agencies related to the occupancy, participation, human behavior, response curves, capacity of the evacuation route, and the number of automobiles that will likely be evacuated, and other factors; and

WHEREAS, the Work Group evaluated information, provided input, and ultimately recommended Scenario M5; and

WHEREAS, from among the scenarios provided by DEO at the June 8, 2012, Work Group meeting, Scenario M5 included the 2010 Census site-built units (43,760 units); the maximum number of residential building permits for new construction for all Local Governments per year for 10 years (annually, County 197, Marathon 30, Islamorada 28, Key West 90, Key Colony Beach 6 and Layton 3); 1,248 mobile home units projected to convert to site-built units; the exclusion of 870 dwelling units on

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the Naval Air Station; as well as two (2) functional evacuation lanes from MM 108-126. Further, the Work Group recommended Scenario M5 with the provision that the City of Key West would transfer annually (by July 13th) any remaining or unused (90 allocations) allocations to the other Local Governments based upon the Local Governments' ratio of vacant land; and

WHEREAS, following the June 8, 2012, Work Group meeting, technical corrections were made to the Census site built units revising that number to 43,718 and revising the Key West building permit allocation to 91, which corrections do not affect the hurricane evacuation clearance time for the population of the Florida Keys; and

WHEREAS, the Local Governments acknowledge that the safe and timely evacuation of the population of the Florida Keys in the event of a hurricane requires a consistent and cooperative approach and to that end, having participated as members of the Work Group, acknowledge that the input variables and assumptions identified in this MOU are those which DEO finds accurately depict evacuation clearance times for the population of the Florida Keys for a Category 3-5 hurricane event, as required by Administrative Rule; and

WHEREAS, Marathon, Key West, Layton, Monroe County, and Islamorada requested new participation rate studies be conducted, due principally to the low sample rates primarily for mobile homes relied upon by DEO; and,

WHEREAS, the Work Group accepted the participation rates recommended by DEO, including those for mobile homes, and DEO agreed to seek funding to provide education to mobile home occupants regarding the need to evacuate during Phase I due to the vulnerability of mobile homes; and

WHEREAS, the Local Governments recognize that the data, input variables, and assumptions DEO has incorporated into its hurricane evacuation model and this MOU are subject to change when the 2020 Census data becomes available.

NOW THEREFORE, the parties set forth the following understandings:

PART ONE: RECITALS

The above recitals are incorporated into this MOU and made a part hereof.

PART TWO: DATA, INPUT VARIABLES AND ASSUMPTIONS

The Human Behavioral Studies from the 2010 Statewide Regional Evacuation Study, the 2010 Census as supplemented by the 2006-2010 American Community Survey, Smith Travel Research, and data from the Department of Business and Professional Regulation, Division of Hotels and Restaurants, and Statewide Regional Evacuation Study Program for the South Florida Region are the best available and most relevant data and analysis. The following input variables and assumptions provide the basis, when used in the TIME model, to accurately calculate evacuation clearance times for the population of the Florida Keys, and DEO will recommend same to the Administration Commission to determine the remaining development allocations for the Florida Keys:

A. Number and Occupancy of Units by type of Unit:

1. **Tourist Units:** 13,665 tourist units with 11,287 occupied units for the month of July (the month with highest average number of permanent and seasonal residents and tourists). The data source for the number and type of units and vehicular use is the Statewide Regional Evacuation Study Program for the South Florida Region and the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Licensee File Database, District 1 (March 29, 2010). The data source for occupancy of tourist units is the Smith Travel Research 2012: Historic Trend Report for 2011 for the month of July. A listing of the units is within the Statewide Regional Evacuation Study Table of Traffic Evacuation Zone Occupancy Data: Hotel, Motel and other Vacation Rental Units is attached and incorporated herein as **Exhibit 1**.
2. **Mobile Home Units:** 8,134 Mobile Home units with 4,576 occupied units. The data source for the number and type of units, the vehicular use and occupancy of the units is the 2010 Census supplemented by the 2006-2010 American Community Survey for Monroe County and the Statewide Regional Evacuation Study Program for the South Florida Region. A listing of the units is within the Statewide Regional Evacuation Study Table of Traffic Evacuation Zone Occupancy Data for Site-Built and Mobile Homes, is attached and incorporated herein as **Exhibit 2**.
3. **Site-Built Units:** 43,718 Site-built units with 27,320 occupied units. The data source for the number, type, occupancy, and vehicular use is the 2010 Census supplemented by the 2006-2010 American Community Survey and the Statewide Regional Evacuation Study Program for the South Florida Region. See **Exhibit 2**.

B. Response Curve: The assumed Response Curve for model runs is 12 hours for all unit types as utilized in the 2010 Statewide Regional Evacuation Study Program for the South Florida Region.

C. Participation Rates: The assumed Participation Rates are:

- | | |
|-----------------------|----------------------------|
| 1. Tourist units: | 100% |
| 2. Mobile home units: | 100% |
| 3. Site-built units: | 90% for a Category 5 event |

The participation rates are based upon the 2010 Statewide Regional Evacuation Study, Regional Behavioral Analysis Volumes 2-11, prepared for the South Florida Region, which DEO has determined reflect the best available data at this time.

D. Vehicle Usage by Units by type of Unit: A listing of the vehicle count and usage by Traffic Evacuation Zone quantifies the number of vehicles owned (**Exhibit 3**) and the percent of vehicles owned that will be evacuated (**Exhibit 4**). Exhibits 3 and 4 are based upon the 2010 Statewide Regional Evacuation Study and are attached and incorporated herein.

E. Vehicle Usage by the Special Population: **Exhibit 5** represents the number of vehicles that will be contributed by Naval Air Station – Key West and the Florida Keys Community College and is

08-02-12

based upon correspondence from Naval Air Station – Key West and the assumption that each of the 100 dorm beds from the Florida Keys Community College will contribute one evacuating vehicle per bed.

F. Evacuation Stream. The evacuation stream from Monroe County is the only assumed traffic demand considered.

G. Roadway Capacity. The Roadway Capacity, dated July 18, 2010, established by the Florida Department of Transportation is attached and incorporated herein as **Exhibit 6**.

H. Evacuation Procedures. The following evacuation procedures have been adopted or substantially adopted by the Local Governments (except the City of Key West) into their comprehensive plans, and by the City of Key West in Resolution No. 06-244:

1. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational vehicles (RV's), travel trailers, live-aboards (transient and non-transient), and military personnel from the Keys shall be initiated. State parks and campgrounds should be closed at this time or sooner and entry into the Florida Keys by non-residents should be strictly limited.
2. Approximately 36 hours in advance of tropical storm winds, a mandatory evacuation of mobile home residents, special needs residents, and hospital and nursing home patients from the Keys shall be initiated.
3. Approximately 30 hours in advance of tropical storm winds, a mandatory phased evacuation of permanent residents by evacuation zone (described below) shall be initiated. Existing evacuation zones are as follows:
 - a) Zone 1 –Key West, Stock Island and Key Haven to Boca Chica Bridge (MM 1-6)
 - b) Zone 2 –Boca Chica Bridge to West end of 7-mile Bridge (MM 6-40)
 - c) Zone 3 –West end of 7-Mile Bridge to West end of Long Key Bridge (MM 40-63)
 - d) Zone 4 –West end of Long Boat Key Bridge to CR 905 and CR 905A intersection (MM 63-106.5)
 - e) Zone 5 –905A to, and including Ocean Reef (MM 106.5–126.5)

The actual sequence of the evacuation by zones will vary depending on the individual storm. The concepts embodied in this staged evacuation procedures should be embodied in the appropriate operational Emergency Management Plans. The evacuation plan shall be monitored and updated on an annual basis to reflect increases, decreases and or shifts in population; particularly the resident and non-resident populations.

PART THREE: MISCELLANEOUS

A. Liability. As this MOU represents only the Parties' acknowledgement of the data, input variables, and assumptions DEO has utilized in its hurricane evacuation model, nothing in this MOU shall be construed to impose any liability on the State of Florida, DEO, the Division, or the Local Governments. Nothing in this MOU may be interpreted as a waiver of sovereign immunity by any

08-02-12

Party. Any provision of this MOU that is inconsistent with the State's sovereign immunity statute shall be considered null and void.

B. **Modification.** Modifications to the Memorandum of Understanding shall be valid only when reduced to writing and duly signed by all parties.

C. **Severability.** If any term or provision of this Memorandum of Understanding shall be invalid or unenforceable to any extent, the Parties agree to comply with remaining terms and provisions, unless compliance with the remaining terms and provisions would prevent the accomplishment of the original intent of the agreement between the Parties.

D. **Termination.** Any Party may terminate this Memorandum of Understanding at any time, with or without cause. Termination shall take effect upon receipt of written notification by a Party to all other Parties.

E. **Notification.** Notifications under this MOU shall be made by hand delivery, U. S. certified mail, return receipt requested, or an express mail service that provides proof of delivery. Notification by a Party to the DEO shall be directed to the Areas of Critical State Concern Administrator, Department of Economic Opportunity, 107 East Madison Street, Tallahassee, FL 32399-4128. Notification to the other parties to this Memorandum of Understanding shall be directed as follows:

1. **Monroe County.** Mayor, Monroe County, 2798 Overseas Hwy. Marathon, FL 33050 with a copy to the Growth Management Division Director, 2798 Overseas Hwy. Marathon, FL 33050.
2. **City of Key West.** Mayor, City of Key West, 3126 Flagler Avenue Key West, FL 33040, with a copy to the Planning Director, 3126 Flagler Avenue Key West, FL 33040.
3. **City of Marathon.** Mayor, City of Marathon, 9805 Overseas Highway Marathon, FL 33050, with a copy to the Planning Director, 9805 Overseas Highway Marathon, FL 33050.
4. **City of Layton.** Mayor, City of Layton, 68260 Overseas Highway, P.O. Box 778 Long Key, FL 33001.
5. **City of Key Colony Beach.** Mayor, City of Key Colony Beach, P.O. Box 510141, Key Colony Beach, FL 33051-0141 with a copy to the City Clerk at P.O. Box 510141, Key Colony Beach, FL 33051-0141.
6. **Islamorada, Village of Islands.** Mayor, Islamorada, Village of Islands, 86800 Overseas Highway Islamorada, FL 33036, with a copy to the Director of Planning and Development Services, 86800 Overseas Highway Islamorada, FL 33036.
7. **Division of Emergency Management.** Director, Florida Division of Emergency Management, 2555 Shumard Oaks Boulevard, Tallahassee, FL 32399-2100, with a copy to the Division's Hurricane Program Manager at the same address.

F. **Effective Date.** This Memorandum of Understanding is effective upon execution by all parties and approval by the Florida Administration Commission and ends upon the termination of the Florida

08-02-12

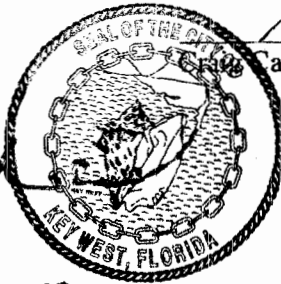
Keys Area of Critical State Concern designations, unless terminated earlier according to Part 4(D) above.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding on the dates below written.

CITY OF KEY WEST, FLORIDA

August 24, 2012
Date

[Signature]
Cates, Mayor



ATTEST [Signature]
Cheryl Smith, City Clerk

Approved as to form and legal sufficiency.
[Signature]
Shawn Smith, City Attorney

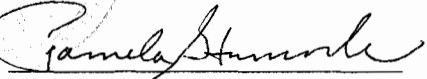
08-02-12

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

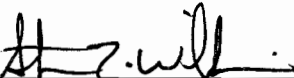
| September 21, 2012
Date


David Rice, Mayor

| ATTEST: **DANNY L. KOLHAGE**, Clerk


Clerk

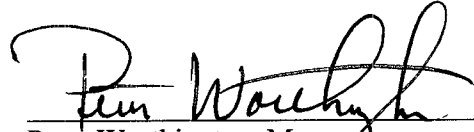
| Approved as to form and legal sufficiency:


Steven T. Williams, County Attorney

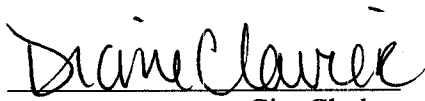
08-02-12

CITY OF MARATHON, FLORIDA

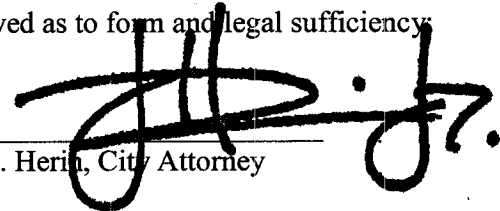
10/4/2012, 2012
Date


Peter Worthington, Mayor

ATTEST:


Diane Clavette, City Clerk

Approved as to form and legal sufficiency:


John R. Herin, City Attorney

08-02-12

CITY OF LAYTON, FLORIDA

Sept. 18, 2012
Date

Norman S. Anderson
Norman S. Anderson, Mayor

ATTEST:

Mimi Young
Mimi Young, City Clerk

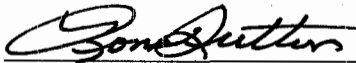
Approved as to form and legal sufficiency:

[Signature]
City Attorney

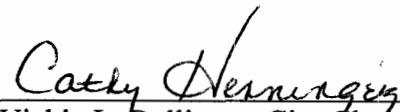
08-02-12

CITY OF KEY COLONY BEACH, FLORIDA

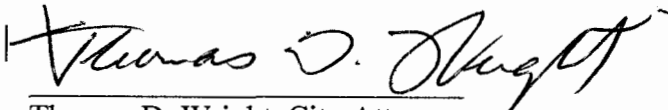
8/27, 2012
Date


Ron Sutton, Mayor

ATTEST:


~~Vickie L. Bollinger, City Clerk~~
Cathy Henninger

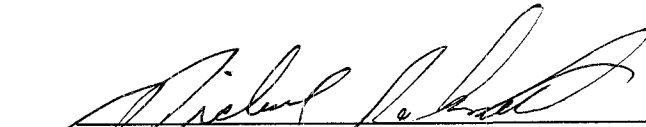
Approved as to form and legal sufficiency:


Thomas D. Wright, City Attorney

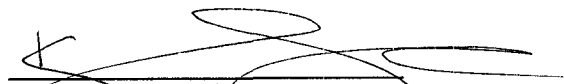
08-02-12

ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA

September 27th, 2012
Date


Michael Reckwerdt, Mayor

ATTEST:


Deputy, Village Clerk

Approved as to form and legal sufficiency:


Nina Boniske, Village Attorney

08-02-12

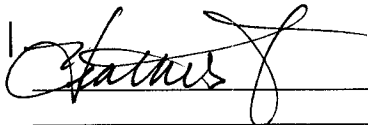
STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT

September 27, 2012
Date



Bryan W. Koon, Director

|
Approved as to form and legal sufficiency:

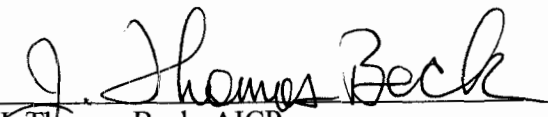


Assistant General Counsel

08-02-12

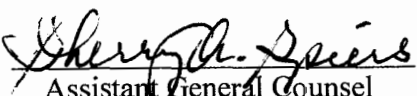
STATE OF FLORIDA DEPARTMENT
OF ECONOMIC OPPORTUNITY

November 5, 2012


J. Thomas Beck, AICP
Director, Division of Community
Development

Approved as to form and legal
sufficiency, subject only to full and
proper execution by the parties

Office of the General Counsel
Department of Economic Opportunity

By: 
Assistant General Counsel
Approved Date: 11-5-12

08-02-12

Exhibits to
Hurricane Evacuation Clearance Time Memorandum of Understanding

- Exhibit 1 Statewide Regional Evacuation Study Table of Traffic Evacuation Zone Occupancy Data: Hotel, Motel and other Vacation Rental Units
- Exhibit 2 Statewide Regional Evacuation Study Table of Traffic Evacuation Zone Occupancy Data for Site-Built and Mobile Homes
- Exhibit 3 Listing of the vehicle count and usage by Traffic Evacuation Zone (based on the 2010 Statewide Regional Evacuation Study)
- Exhibit 4 Percent of vehicles owned that will be evacuated (based on the 2010 Statewide Regional Evacuation Study)
- Exhibit 5 Identification of contributing vehicles from Naval Air Station–Key West and Florida Keys Community College.
- Exhibit 6 Roadway Capacity, dated July 18, 2010, established by the Florida Department of Transportation

Exhibit 1
Table of Traffic Evacuation Zone (TEZ) Occupancy Data: Hotel, Motel and Other Vacation Rental (Tourist) Units

TEZ	Monroe County Tourist Development Council Districts	Total	Occupancy Rate for July	Occupied Total for July	Occupancy Rate for September	Occupied Total for September	Occupancy Rate for October	Occupied Total for October	Occupancy Rate for November	Occupied Total for November	Occupancy Rate for Hurricane Season	Occupied Total for Hurricane Season
1208	Key West	1,993	90.50%	1,804	63.20%	1,260	74.70%	1,489	85.20%	1,698	79.40%	1,582
1209	Key West	1,696	90.50%	1,535	63.20%	1,072	74.70%	1,267	85.20%	1,445	79.40%	1,347
1210	Key West	162	90.50%	147	63.20%	102	74.70%	121	85.20%	138	79.40%	129
1211	Key West	1,144	90.50%	1,035	63.20%	723	74.70%	855	85.20%	975	79.40%	908
1212	Key West	210	90.50%	190	63.20%	133	74.70%	157	85.20%	179	79.40%	167
1213	Key West	0	90.50%	0	63.20%	0	74.70%	0	85.20%	0	79.40%	0
1214	Key West	31	90.50%	28	63.20%	20	74.70%	23	85.20%	26	79.40%	25
1215	Key West	230	90.50%	208	63.20%	145	74.70%	172	85.20%	196	79.40%	183
1216	Key West	992	90.50%	898	63.20%	627	74.70%	741	85.20%	845	79.40%	788
1217	Monroe w/o Key West*	1	75.90%	1	45.30%	0	52.80%	1	63.50%	1	61.80%	1
1218	Monroe w/o Key West*	25	75.90%	19	45.30%	11	52.80%	13	63.50%	16	61.80%	15
1219	Monroe w/o Key West*	1	75.90%	1	45.30%	0	52.80%	1	63.50%	1	61.80%	1
1220	Monroe w/o Key West*	1	75.90%	1	45.30%	0	52.80%	1	63.50%	1	61.80%	1
1221	Monroe w/o Key West*	136	75.90%	103	45.30%	62	52.80%	72	63.50%	86	61.80%	84
1222	Monroe w/o Key West*	105	75.90%	80	45.30%	48	52.80%	55	63.50%	67	61.80%	65
1223	Monroe w/o Key West*	82	75.90%	62	45.30%	37	52.80%	43	63.50%	52	61.80%	51
1224	Monroe w/o Key West*	217	75.90%	165	45.30%	98	52.80%	115	63.50%	138	61.80%	134
1225	Monroe w/o Key West*	6	75.90%	5	45.30%	3	52.80%	3	63.50%	4	61.80%	4
1226	Marathon	496	79.00%	392	44.90%	223	52.90%	262	62.30%	309	63.10%	313
1227	Marathon	191	79.00%	151	44.90%	86	52.90%	101	62.30%	119	63.10%	121
1228	Marathon	1,461	79.00%	1,154	44.90%	656	52.90%	773	62.30%	910	63.10%	922
1229	Marathon	576	79.00%	455	44.90%	259	52.90%	305	62.30%	359	63.10%	363
1230	Islamorada	87	67.50%	59	40.30%	35	46.10%	40	58.50%	51	54.80%	48
1231	Islamorada	173	67.50%	117	40.30%	70	46.10%	80	58.50%	101	54.80%	95
1232	Islamorada	202	67.50%	136	40.30%	81	46.10%	93	58.50%	118	54.80%	111
1233	Islamorada	1,156	67.50%	780	40.30%	466	46.10%	533	58.50%	676	54.80%	633
1234	Islamorada	106	67.50%	72	40.30%	43	46.10%	49	58.50%	62	54.80%	58
1235	Islamorada	103	67.50%	70	40.30%	42	46.10%	47	58.50%	60	54.80%	56
1236	Key Largo	21	77.80%	16	47.90%	10	55.90%	12	67.30%	14	64.20%	13
1237	Key Largo	169	77.80%	131	47.90%	81	55.90%	94	67.30%	114	64.20%	108
1238	Key Largo	52	77.80%	40	47.90%	25	55.90%	29	67.30%	35	64.20%	33
1239	Key Largo	212	77.80%	165	47.90%	102	55.90%	119	67.30%	143	64.20%	136
1240	Key Largo	840	77.80%	654	47.90%	402	55.90%	470	67.30%	565	64.20%	539
1241	Key Largo	232	77.80%	180	47.90%	111	55.90%	130	67.30%	156	64.20%	149
1242	Key Largo	1	77.80%	1	47.90%	0	55.90%	1	67.30%	1	64.20%	1
1243	Key Largo	186	77.80%	145	47.90%	89	55.90%	104	67.30%	125	64.20%	119
1244	Key Largo	284	77.80%	221	47.90%	136	55.90%	159	67.30%	191	64.20%	182
1245	Key Largo	85	77.80%	66	47.90%	41	55.90%	48	67.30%	57	64.20%	55
1246	Key Largo	0	77.80%	0	47.90%	0	55.90%	0	67.30%	0	64.20%	0
1247	Key Largo	0	77.80%	0	47.90%	0	55.90%	0	67.30%	0	64.20%	0
Total of Units		13,665		11,287		7,299		8,578		10,034		9,540

*The "Big Pine Key and Lower Keys" District did not participate in the current Smith Travel Research survey.

For the purposes of the TIME Model, the Lower Keys will be using "Monroe County w/o Key West" as default occupancy.

Source data: Monroe County Tourist Development Council; Smith Travel Research 2012: Historic Trend Report; Department of Business and Professional Regulation: Division of Hotels and Restaurants; 2010 Statewide Regional Evacuation Study: South Florida Region

Exhibit 2

Table of Traffic Evacuation Zone (TEZ) Occupancy Data: Site-Built and Mobile Home Units

TEZ	Sub-County Location	Site-Built			Mobile Home		
		Total	Occupancy Rate	Occupied Total	Total	Occupancy Rate	Occupied Total
1208	Key West	2,196	67.85%	1,490	1	100.00%	1
1209	Key West	2,252	65.32%	1,471	69	100.00%	69
1210	Key West	1,387	87.89%	1,219	8	100.00%	8
1211	Key West	2,779	77.69%	2,159	42	100.00%	42
1212	Key West	514	92.61%	476	0	0.00%	0
1213	Key West	1,069	87.65%	937	365	96.44%	352
1214	Key West	289	85.35%	247	10	100.00%	10
1215	Key West	1,586	77.96%	1,236	15	100.00%	15
1216	Key West	699	78.40%	548	10	100.00%	10
1217	Key West	610	81.97%	500	576	89.06%	513
1218	Key West	106	84.91%	90	304	79.28%	241
1219	Key West	448	86.61%	388	0	0.00%	0
1220	Lower Keys	1,041	86.36%	899	517	56.87%	294
1221	Lower Keys	1,112	71.22%	792	50	100.00%	50
1222	Lower Keys	1,521	55.03%	837	472	40.25%	190
1223	Lower Keys	2,477	66.98%	1,659	376	48.14%	181
1224	Lower Keys	1,174	59.20%	695	343	62.97%	216
1225	Lower Keys	464	63.79%	296	20	100.00%	20
1226	Middle Keys	747	56.09%	419	458	77.95%	357
1227	Middle Keys	1,613	58.15%	938	204	69.12%	141
1228	Middle Keys	3,854	49.35%	1,902	298	45.64%	136
1229	Middle Keys	1,093	37.60%	411	192	44.79%	86
1230	Middle Keys	258	62.79%	162	422	9.01%	38
1231	Middle Keys	1,155	34.37%	397	9	66.67%	6
1232	Upper Keys	525	57.52%	302	123	33.33%	41
1233	Upper Keys	273	57.88%	158	64	34.38%	22
1234	Upper Keys	885	49.83%	441	122	53.28%	65
1235	Upper Keys	2,299	57.16%	1,314	79	37.98%	30
1236	Upper Keys	619	53.96%	334	162	54.94%	89
1237	Upper Keys	933	52.52%	490	366	45.63%	167
1238	Upper Keys	377	75.86%	286	177	20.90%	37
1239	Upper Keys	1,509	55.53%	838	105	2.86%	3
1240	Upper Keys	1,547	46.15%	714	371	46.90%	174
1241	Upper Keys	1,009	79.58%	803	293	49.15%	144
1242	Upper Keys	487	63.24%	308	809	48.21%	390
1243	Upper Keys	1,114	52.96%	590	649	63.64%	413
1244	Upper Keys	605	32.23%	195	10	50.00%	5
1245	Upper Keys	1,071	34.08%	365	32	46.88%	15
1246	Mainland Monroe	4	50.00%	2	11	45.46%	5
1247	Mainland Monroe	17	70.59%	12	0	0.00%	0
Totals		43,718		27,320	8,134		4,576

Source data: 2010 US Census and 2006-2010 American Community Survey for Monroe County

Exhibit 3

Table of Traffic Evacuation Zone (TEZ) Vehicle Per Unit Data: Site-Built, Mobile Home and Tourist Units

TEZ	Sub-County Location	Site-Built			Mobile Home			Tourist (based on July Occupancy)		
		Occupied Units	Vehicle per Unit	Total Vehicles	Occupied Units	Vehicle per Unit	Total Vehicles	Occupied Units	Vehicle per Unit	Total Vehicles
1208	Key West	1,490	1.08859	1,622	1	1.00000	1	1,804	1.1	1,984
1209	Key West	1,471	0.99544	1,464	69	0.85507	59	1,535	1.1	1,689
1210	Key West	1,219	1.36423	1,663	8	1.37500	11	147	1.1	162
1211	Key West	2,159	1.41147	3,048	42	1.45238	61	1,035	1.1	1,139
1212	Key West	476	1.22899	585	0	0.00000	0	190	1.1	209
1213	Key West	937	1.31910	1,236	352	1.36080	479	0	1.1	0
1214	Key West	247	1.45398	359	10	1.50000	15	28	1.1	31
1215	Key West	1,236	1.29993	1,607	15	1.26667	19	208	1.1	229
1216	Key West	548	1.31934	723	10	1.30000	13	898	1.1	988
1217	Key West	500	1.40800	704	513	1.40156	719	1	1.1	1
1218	Key West	90	1.64444	148	241	1.63900	395	19	1.1	21
1219	Key West	388	0.00000	0	0	0.00000	0	1	1.1	1
1220	Lower Keys	899	1.22914	1,105	294	0.62925	185	1	1.1	1
1221	Lower Keys	792	1.92045	1,521	50	1.92000	96	103	1.1	113
1222	Lower Keys	837	1.24134	1,039	190	1.60000	304	80	1.1	88
1223	Lower Keys	1,659	1.41772	2,352	181	1.70166	308	62	1.1	68
1224	Lower Keys	695	1.01727	707	216	1.71759	371	165	1.1	182
1225	Lower Keys	296	1.75000	518	20	1.70000	34	5	1.1	6
1226	Middle Keys	419	0.94033	394	357	1.03081	368	392	1.1	431
1227	Middle Keys	938	1.51386	1,420	141	1.39716	197	151	1.1	166
1228	Middle Keys	1,902	1.71451	3,261	136	1.75735	239	1,154	1.1	1,269
1229	Middle Keys	411	1.52555	627	86	1.58140	136	455	1.1	501
1230	Middle Keys	162	1.71605	278	38	1.71053	65	59	1.1	65
1231	Middle Keys	397	1.62972	647	6	1.66667	10	117	1.1	129
1232	Upper Keys	302	1.89073	571	41	1.90244	78	136	1.1	150
1233	Upper Keys	158	1.88608	298	22	1.86364	41	780	1.1	858
1234	Upper Keys	441	0.00000	0	65	0.00000	0	72	1.1	79
1235	Upper Keys	1,314	1.86758	2,454	30	1.76667	53	70	1.1	77
1236	Upper Keys	334	1.79042	598	89	1.78652	159	16	1.1	18
1237	Upper Keys	490	1.32245	648	167	0.93413	156	131	1.1	144
1238	Upper Keys	286	1.60140	458	37	1.56757	58	40	1.1	44
1239	Upper Keys	838	1.95346	1,637	3	2.00000	6	165	1.1	182
1240	Upper Keys	714	1.88936	1,349	174	1.40230	244	654	1.1	719
1241	Upper Keys	803	1.81071	1,454	144	1.83333	264	180	1.1	198
1242	Upper Keys	308	1.42532	439	390	1.40513	548	1	1.1	1
1243	Upper Keys	590	2.12881	1,256	413	1.93220	798	145	1.1	160
1244	Upper Keys	195	0.46154	90	5	1.60000	8	221	1.1	243
1245	Upper Keys	365	0.81096	296	15	1.86667	28	66	1.1	73
1246	Mainland Monroe	2	1.50000	3	5	1.40000	7	0	1.1	0
1247	Mainland Monroe	12	0.00000	0	0	0.00000	0	0	1.1	0
Totals		27,320		38,579	4,576		6,533	11,287		12,416

Source data: 2010 US Census and 2006-2010 American Community Survey for Monroe County; Smith Travel Research 2012: Historic Trend Report; 2010 Statewide Regional Evacuation Study: South Florida Region

Exhibit 4

Table of Traffic Evacuation Zone (TEZ) Vehicle Use Rate Data: Site-Built, Mobile Home and Tourist Units

TEZ	Sub-County Location	Site-Built			Mobile Home			Tourist (based on July Occupancy)		
		Total Vehicles	Vehicle Use Rate	Available Vehicles	Total Vehicles	Vehicle Use Rate	Available Vehicles	Total Vehicles	Vehicle Use Rate	Available Vehicles
1208	Key West	1,622	90%	1,460	1	90%	1	1,984	100%	1984
1209	Key West	1,464	90%	1,318	59	90%	53	1,689	100%	1,689
1210	Key West	1,663	90%	1,497	11	90%	10	162	100%	162
1211	Key West	3,048	90%	2,743	61	90%	55	1,139	100%	1,139
1212	Key West	585	90%	526	0	90%	0	209	100%	209
1213	Key West	1,236	90%	1,112	479	90%	431	0	100%	0
1214	Key West	359	90%	323	15	90%	14	31	100%	31
1215	Key West	1,607	90%	1,447	19	90%	17	229	100%	229
1216	Key West	723	90%	651	13	90%	12	988	100%	988
1217	Key West	704	90%	634	719	90%	647	1	100%	1
1218	Key West	148	90%	133	395	90%	356	21	100%	21
1219	Key West	0	90%	0	0	90%	0	1	100%	1
1220	Lower Keys	1,105	75%	829	185	75%	139	1	100%	1
1221	Lower Keys	1,521	75%	1,141	96	75%	72	113	100%	113
1222	Lower Keys	1,039	75%	779	304	75%	228	88	100%	88
1223	Lower Keys	2,352	75%	1,764	308	75%	231	68	100%	68
1224	Lower Keys	707	75%	530	371	75%	278	182	100%	182
1225	Lower Keys	518	75%	388	34	75%	26	6	100%	6
1226	Middle Keys	394	80%	315	368	80%	294	431	100%	431
1227	Middle Keys	1,420	80%	1,136	197	80%	158	166	100%	166
1228	Middle Keys	3,261	80%	2,609	239	80%	191	1,269	100%	1,269
1229	Middle Keys	627	80%	502	136	80%	109	501	100%	501
1230	Middle Keys	278	80%	222	65	80%	52	65	100%	65
1231	Middle Keys	647	80%	518	10	80%	8	129	100%	129
1232	Upper Keys	571	85%	485	78	85%	66	150	100%	150
1233	Upper Keys	298	85%	253	41	85%	35	858	100%	858
1234	Upper Keys	0	85%	0	0	85%	0	79	100%	79
1235	Upper Keys	2,454	85%	2,086	53	85%	45	77	100%	77
1236	Upper Keys	598	85%	508	159	85%	135	18	100%	18
1237	Upper Keys	648	85%	551	156	85%	133	144	100%	144
1238	Upper Keys	458	85%	389	58	85%	49	44	100%	44
1239	Upper Keys	1,637	85%	1,391	6	85%	5	182	100%	182
1240	Upper Keys	1,349	85%	1,147	244	85%	207	719	100%	719
1241	Upper Keys	1,454	85%	1,236	264	85%	224	198	100%	198
1242	Upper Keys	439	85%	373	548	85%	466	1	100%	1
1243	Upper Keys	1,256	85%	1,068	798	85%	678	160	100%	160
1244	Upper Keys	90	85%	76	8	85%	7	243	100%	243
1245	Upper Keys	296	85%	252	28	85%	24	73	100%	73
1246	Mainland Monroe	3	75%	2	7	80%	6	0	100%	0
1247	Mainland Monroe	0	75%	0	0	80%	0	0	100%	0
Totals		38,579		32,394	6,533		5,461	12,416		12,416

Source data: 2010 US Census and 2006-2010 American Community Survey for Monroe County; Smith Travel Research 2012: Historic Trend Report; 2010 Statewide Regional Evacuation Study: South Florida Region

Exhibit 5

Table of Traffic Evacuation Zone (TEZ) Data: Special Population

TEZ	Sub-County Location	Special Population Type	Originating Location	Number of Beds/Vehicles Used
1216	Key West	University Population	Florida Keys Community College - Blue Lagoon Residence Hall	100 vehicles
1220	Lower Keys	NAS Key West Personnel	NAS Key West - Boca Chica	2,338 vehicles

Source data: Naval Air Station (NAS) Key West; Florida Keys Community College

Exhibit 6
Maximum Sustainable Traffic Flow Rates per Functional Evacuation Lane:
US Highway 1 (Overseas Highway) and CR 905/Card Sound Road in the Florida Keys, Monroe
County, Florida

Area	Milemarkers		Location/Description	Functional Evacuation Lane	Maximum Sustainable Flow Rate per Functional Lane
	From	To			
Lower Keys	2	4	Key West to Stock Island	2	900
Lower Keys	4	9	Stock Island To Big Coppitt Key	2	900
Lower Keys	9	17	Big Coppitt to Sugarloaf Key	1	1,100
Lower Keys	17	22	Sugarloaf to Cudjoe Key	1	1,100
Lower Keys	22	24	Cudjoe Key to Summerland Key Cove Airport	1	1,100
Lower Keys	24	25	Summerland Key Cove Airport to Summerland Key	1	1,100
Lower Keys	25	30	Summerland Key to Big Pine Key	1	1,100
Lower Keys	30	34	Big Pine Key to West Summerland Keys	1	1,050
Lower Keys	34	35.2	West Summerland Keys to Spanish Harbor Keys	1	1,100
Lower Keys	35.2	36.5	Spanish Harbor Keys to Bahia Honda Bridge	2	1,100
Lower Keys	36.5	37.5	Bahia Honda Bridge to Bahia Honda Key	1	1,100
Middle Keys	37.5	47	Bahia Honda Key to Hog Key	1	1,200
Middle Keys	47	48	Hog Key to Boot Key	1	1,100
Middle Keys	48	50.2	Boot Key to Marathon	2	900
Middle Keys	50.2	58	Marathon to Marathon Shores	2	900
Middle Keys	50.8	54	Marathon Shores to Key Colony Beach	2	900
Middle Keys	54	54.5	Key Colony Beach to Deer Key	2	900
Middle Keys	54.5	58	Deer Key to Grassy Key	1	1,100
Upper Keys	58	74	Grassy Key to Matecumbe Harbor	1	1,100
Upper Keys	74	80	Matecumbe Harbor to Teatable Key	1	1,100
Upper Keys	80	83.5	Teatable Key to Islamorada	1	1,100
Upper Keys	83.5	85.6	Islamorada to Windley Key	1	1,100
Upper Keys	85.6	90	Windley Key to Plantation Key	1	1,100
Upper Keys	90	100	Tavernier Key to Newport Key	2	900
Upper Keys	100	105	Newport Key to Sexton Cove	2	900
Upper Keys	105	106.3	Sexton Cove to Rattlesnake Key	2	900
Upper Keys	106.3	126.5	Rattlesnake Key to Card Sound Road	1	1,200
Upper Keys	126.5	HEFT	Card Sound Road to HEFT	1	900

Exhibit 6 Maximum Sustainable Traffic Flow Rates per Functional Evacuation Lane: US Highway 1 (Overseas Highway) and CR 905/Card Sound Road in the Florida Keys, Monroe County, Florida					
Area	Milemarkers		Location/Description	Functional Evacuation Lane	Maximum Sustainable Flow Rate per Functional Lane
	From	To			
Upper Keys	106.3	Int CR 905/CR 905A	Lake Surprise to Crocodile Lake	1	1,100
Upper Keys	Ocean Reef	Int CR 905/CR 905A	Tanglefish Key to Crocodile Lake	1	1,100
Upper Keys	Int CR 905/CR 905A	US1	Crocodile Lake to South Miami Dade	1	1,100

Source data: Florida Department of Transportation: Letter to Department of Community Affairs on June 18, 2010 - Tables 2A and 2B; Statewide Regional Evacuation Study for the South Florida Region