



REQUEST TO INCREASE RESIDENTIAL ALLOCATIONS IN THE FLORIDA KEYS

1. Area of Critical State Concern:

The Florida Keys have been designated by the State of Florida as an *Area of Critical State Concern* due to its unique and significant environmental resources. The State, through the Administration Commission, maintains oversight on the growth and development issues within the Florida Keys.

2. Hurricane Evacuation and Development Permits:

To ensure the safe evacuation of residents in the event of a hurricane, state law limits residential growth in the Keys. The goal is to ensure that all permanent residents can be evacuated within 24 hours. This is achieved through the rationing of building permits, which are allocated annually. The number of permits available each year is determined by the State and is incorporated into the Monroe County Comprehensive Plan, as well as the plans of the cities of Key West, Marathon, Islamorada, and Layton.

3. State Modeling and Analysis:

Every 10 years, the State's land planning agency conducts new hurricane evacuation modeling. This modeling is based on a Florida statute that requires Keys' residents to be able to evacuate within 24 hours before a storm. The Florida Department of Commerce's **December 2023 Florida Keys Hurricane Evacuation Modeling Report** outlines the impacts of various allocation scenarios, from remaining at 24 hours (allowing for 220 additional allocations) to 28.5 hours (allowing for 7,954 additional allocations.) This upper limit number was based on the estimated number of privately owned vacant properties throughout Monroe County (including the County and municipalities) that may potentially require permits to avoid legal challenges.

4. Process for Considering Additional Allocations:

- **December 2023 Report:** Upon the release of the State's modeling report, the Board of County Commissioners determined that a more precise understanding of privately owned vacant lots was needed to assess potential *takings* liability to preserve private property rights and inform any legislative efforts for additional allocations.
- **Vacant Parcel Analysis:** The Monroe County Planning Department conducted an extensive analysis of privately owned vacant parcels to estimate how many are already restricted from development due to protected habitats or current zoning densities. After a comprehensive analysis, approximately 2,476 vacant parcels were determined to be buildable throughout Monroe County (including the County and municipalities.)
- **Public Engagement:** Monroe County held multiple workshops, meetings, town halls, and surveys throughout the past year to gather public input on the number of new allocations that should be requested from the State.
- **Justifications for Additional Allocations:**
 1. To mitigate potential takings liability related to vacant, buildable lots, since each property owner may seek a building permit on their privately owned lot.
 2. To address the growing need for workforce housing.

5. County Commission Direction and Legislative Recommendation (December 19, 2024):

The Board of County Commissioners approved a resolution supporting legislation to:

- Increase the hurricane evacuation time from 24 to up to 26 hours, allowing for a maximum of 3,550 new residential allocations across the Keys, over a period of 40 years.
- Require protective conditions to ensure these new allocations are:
 - Used to address *takings* liability by prioritizing vacant buildable lots.
 - Directed toward increasing the stock of permanent workforce housing.
 - Distributed gradually over time to balance growth and ensure infrastructure concurrency.

- **Allocation Plan:**

1. A maximum of **3,550 additional residential allocations** will be allowed County-wide.
2. Allocations will be released over a **40-year period**.
3. Allocations will be distributed to each local jurisdiction based on the number of vacant buildable lots in each local jurisdiction (County: 2,320, Marathon: 803; Islamorada: 307; Key West 120.)
4. 70% of new allocations will be **directed to vacant buildable lots** to address the takings risk, with 70% of those allocations dedicated to **workforce housing**. The balance may be used for market rate and multi-family workforce and affordable.
5. New workforce housing will be restricted to households that earn their income in Monroe County, ensuring these homes are occupied by **full-time residents who work in Monroe County**.
6. **New allocations released by the State must be accompanied by these protective conditions.**

6. Requested Legislative Action:

SUPPORT SB 1326 (Rodriguez) to increase the hurricane evacuation time from 24 to up to 26 hours, allowing for a maximum of **3,550 additional residential allocations** with protective conditions that they be distributed over a **40-year period** and directed to **vacant, buildable lots** and **workforce housing**.

Contacts:

Christine Hurley, County Administrator, 305-292-4441, hurley-chrisine@monroecounty-fl.gov
Emily Schemper, Planning Director, 305-453-8772, schemper-emily@monroecounty-fl.gov
Bob Shillinger, County Attorney, 305-292-3740, shillinger-bob@monroecounty-fl.gov
Lisa Tennyson, Legislative Affairs Director, 305-292-4441, tennyson-lisa@monroecounty-fl.gov