

City of Pensacola 2021 Legislative Priorities

LEGISLATIVE REQUESTS

1. PFAS/PFOS/AFFF CONTAMINATION AT FIRE AND AIRPORT FACILITIES

SUPPORT: FUNDING MECHANISM FOR ASSESSMENT, REMEDIATION

SUPPORT: LIABILITY PROTECTION PROVISIONS

**SUPPORT: BROWNFIELD TAX CREDIT ELIGIBILITY FOR SITES AT WHICH
PFAS/PFOS/AFFF HAS BEEN USED IN FIRE-FIGHTING AND FIRE
TRAINING OPERATIONS**

SUMMARY: The City of Pensacola operates an airport and as such has the obligation under federal law to maintain aqueous film-forming foam (AFFF) to extinguish flammable and combustible substances. Further, AFFF may be used in scenarios off airport property for training and actual firefighting that involve the same type of combustible substances. AFFF contains hydrocarbon-based surfactants that can contaminate soils and groundwater. Normal wastewater treatment processes do not remove the compounds. FDEP has started testing for possible contamination here and elsewhere throughout the State as the EPA is doing throughout the Country. The State is placing responsibility for assessing cleaning up any contamination on local governments despite the federal requirement to use the compounds. Due to the soluble nature of AFFF it completely dissolves in groundwater and migrates readily through soils and the aquifer. In addition, a party who has “caused or contributed” to contamination after 1997, cannot sign a Brownfield Site Rehabilitation Agreement and therefore, cannot get liability protections or tax credits for corrective environmental actions as with other contaminants. This further inhibits the ability of local governments to fund assessment and cleanup.

We propose state and federal legislation to: 1) develop a non-general revenue source to protect subject compliant local governments from the financial responsibility for cleanup of PFAS contamination; 2) provide for liability protection for local governments from cleanup responsibility and cost; 3) utilize the non-general revenue fund to provide water to citizens where necessary; and, 4) amend the Brownfield Act to allow eligibility for sites at which PFAS has been used in fire-fighting and fire training operations.

This initiative may collaborate with the Florida League of Cities, the Florida Airports Council and the Florida Association of Counties.

2. HOUSING TRUST FUND:

SUPPORT: RESTORING FULL FUNDING TO THE HOUSING TRUST FUND IF A SPECIAL SESSION IS CALLED

SUPPORT: FULL FUNDING FOR THE HOUSING TRUST FUND IN FY 2021/2022

SUPPORT: LEGISLATION THAT WILL STOP THE SWEEP OF FUNDS FROM THE HOUSING TRUST FUND

SUMMARY: The Documentary Stamp Tax passed in 1992, with the adoption of the Sadowski Affordable Housing Act. The Act was for the express purpose of funding the state and local housing trust funds. Last year Governor DeSantis supported full funding of the trust fund and the State Legislature appropriated full funding. However, due to unforeseen challenges created by the coronavirus, the Governor enacted a line item veto and zeroed out funding for the Housing Trust Fund. The lack of affordable housing continues to be a significant issue for the state. As families face uncertain economic futures because of the effects of the virus, affordable housing continues to be an unmet need throughout the State. Years of reduced or no funding being allocated to the trust fund has resulted in long waitlist for housing assistance for homeless, very low, and moderate income residents.

In Pensacola, almost half of the renters and one in four homeowners are cost burdened, which means the families are spending more than 30 percent of their income for housing. Locally the allocation supports the development and rehabilitation of housing for persons with special needs; housing repair programs; a homebuyer assistance program; the development of rental units for low and moderate income residents; and disaster mitigation assistance for residents after a declared disaster.

Last year the Governor vetoed the allocation for the Housing Trust Fund. Full funding would have resulted in \$3.8 million for Pensacola/Escambia, to support affordable housing initiatives. If the Governor or Legislature call a special session to review existing appropriations, the City of Pensacola is asking that full funding be restored to the Housing Trust Fund.

During previous legislative sessions, representatives have brought forward bills that will stop the sweep of funds from the Housing Trust Fund. The City of Pensacola is asking the Legislature to support any such bills brought forward during the upcoming session.

The City of Pensacola is asking the Legislature to **support** full funding for the Housing Trust Fund during the regular FY 2021/2022 session, which supports local affordable housing activities through the State Housing Initiatives Partnership (SHIP) program. Since there is no specific bill allocating funding for housing, the funds must be allocated through the appropriations process.

Current Funding FY 2020/2021:	\$0
Estimated Allocation at Full Funding FY 2020/2021:	\$3,818,257
Estimated Allocation at Full Funding FY 2021/2022:	Not available

3. 5G SMALL CELL TOWERS *Do we want to request this again in 2021?*

REQUEST: RESCIND 2019 SB 1000

SUPPORT: RESTORE BALANCE OF POWER TO CITY OF PENSACOLA AUTHORITIES AND RESIDENTS TO DETERMINE WHAT CAN AND CANNOT BE INSTALLED IN TAXPAYER-OWNED RIGHT OF WAY

SUMMARY: When the Florida Legislature adopted SB 1000, the City of Pensacola was denied its ability to uphold the aesthetic integrity of our historically significant City and ESSENTIALLY stripped the City of its authority to regulate the use of public rights of way. This legislation is a direct violation of the constitutional separation of powers. Since 2017, multiple telecommunication vendors have saturated the City of Pensacola with requests to install over 140 poles with attached 5G appurtenances. These poles are between 35 and 40 feet tall and most are clustered together amongst archeological and historically significant locations. The burden placed on the City of Pensacola to review requests for permits, comply with this recent legislation, and ensure 140 poles will not create visual pollution to our beloved City is a near impossible task. Ms. Amber Hughes, a senior legislative advocate with the Florida Leagues of Cities said it best when she questioned, "Why should a private entity get carte blanche over taxpayer-owned right of ways without any real concern over aesthetics or public safety?"

4. FIREFIGHTERS' RELIEF AND PENSION FUND SPECIAL ACT *Finance to review background*

SUPPORT: An act relating to the Firefighters' Relief and Pension Fund of the City of Pensacola, Escambia County: amending Chapter 21483, Laws of Florida (1941), as amended; providing for a defined contribution plan as required by Florida Law; providing severability; providing an effective date.

Section 34: Defined Contribution Plan.

- (a) **Established.** Pursuant to Section 175.351; Florida Statutes, a defined contribution plan to be entitled "Firefighters' Relief and Pension Fund Defined Contribution Plan" is hereby created. The purpose of this plan is to receive fifty percent (50%) of the excess insurance premium tax revenues over the insurance premium tax revenues received for calendar year 2012. The plan will not be funded if the City and the collective bargaining units come to mutual consent on an alternate use of the funds. The separate defined contribution plan hereby created shall be in addition to any other benefits available to the members under the Firefighters' Relief and Pension Fund and nothing herein shall in any way affect any other benefits that now or hereafter exist.
- (b) Any extra benefits to be provided or on behalf of participants of the Firefighters' Relief and Pension Fund Defined Contribution Plan shall be provided through

individual accounts with each participant – directed investments and in accordance with section 401(a) of the Internal Revenue Code and its related regulations.

- (c) The City shall not be required to levy any additional taxes on its residents or to make any other contributions to the defined contribution plan.
- (d) Notwithstanding anything herein to the contrary, the Firefighters' Relief and Pension Fund Defined Contribution Plan shall at all times and in all events be construed and interpreted to be a qualified retirement plan within the meaning of section 401(a) of the Internal Revenue Code and its related regulations.

5. BAYBRONT PARKWAY DESIGNATION *PPD to provide background*

6. FDOT DISTRICT 3 FIVE YEAR PLAN *Do we want to include in 2021 Request?*

SUPPORT: FDOT DISTRICT 3 FIVE YEAR PLAN INCLUDING SCENIC HWY MULTI-USE TRAIL BOX FUNDING

SUMMARY: The City of Pensacola seeks the support and funding for the FDOT District 3 Five-Year Plan and those transportation projects which are vital to the continued growth within our region and community. The projects within the FDOT District 3 Five-Year Plan are based upon FDOT maintenance requirements, the TPO Long Range Transportation Plan (LRTP), Transportation Systems Management (TSM) studies, Transportation Alternatives Project (TAP) Priorities, and Aviation, Part, and Transit Master Plans. The FDOT District 3 Five-Year Plan is consistent with the Florida-Alabama TPO's adopted priorities to the extent feasible.

7. CS/HB 1159: PRIVATE PROPERTY RIGHTS *City Attorney to review and provide background*

SUPPORT: REVISE CS/HB 1159 PRIVATE PROPERTY RIGHTS

SUMMARY: The legislature should review CS/HB 1159 for the constitutional concerns raised and modify the statute so it can be applied consistently in a manner that protects property owners based on clearly defined and objective standards that balance the importance of trees to ecological protection, storm water management systems, historical resources and aesthetics while providing an expedient process for property owners to remove trees that are objectively dangerous to persons or property.

The City of Pensacola has a comprehensive land use and planning regulatory system that manages growth consistent with community values and public safety. As part of that regulatory system, certain trees are protected in certain areas of the City, not only for their scenic beauty, but also to enhance water filtration for storm water management, which enhances property values by lowering erosion impacts and protecting existing infrastructure. The statute enacted as Section 163.045 lacks standards and definitions,

which invites unscrupulous “experts” to provide whatever opinion a property owner wishes without a meaningful examination of the actual risks posed by the tree. Experts agree that every tree is dangerous depending on the circumstances; thus, the assessment of risk standards used by ISA certified arborists would provide an objective approach to assessing the value of a tree in the context of what risk that tree poses to nearby structures and residents. The statute further creates uncertainty and risk around preserving the beauty in neighborhoods and along canopy roads, where long-standing community values are such that the removal of trees causes negative impacts not analyzed by the legislature. Without notice to the public or an opportunity to question an expert’s opinion on a tree that is believed in good faith to be healthy and not dangerous, neighbors become divided as opposed to living in harmony with shared values. The statute does not present clearly defined rules on when a property owner may cut down a tree because of the lack of definitions for when a tree is a “danger,” what is “residential,” and what kind of “documentation” with what content would suffice to provide a safe harbor from other regulations designed to prevent erosion caused by sheet flow.

8. OPIOID SETTLEMENT *Do we include in 2021 Request?*

SUPPORT: DISTRIBUTION OF SETTLEMENT FUNDS TO APPLICABLE LOCAL GOVERNMENT ENTITIES

SUMMARY: *To be provided*

STATE APPROPRIATION REQUESTS

9. SCENIC HIGHWAY BICYCLE / PEDESTRIAN PATH *Do we include this item and in this format?*

REQUEST: STATE APPROPRIATION \$XXXXXXX

SUMMARY: There is strong and continually growing support from the citizens of Pensacola and unincorporated Escambia County to eventually construct a bicycle / pedestrian path of sorts alongside US90 (Scenic Highway) in Escambia County, FL in an effort to connect non-motorized roadway users to US90 to the north and US98 to the south, as well as enjoying the beautiful, natural scenery along the highway.

The entire project limit is expected to run from 17th Avenue at the south terminus to US90 at Escambia River Bridge at the north terminus and is approx. 10.7 miles. Of that, the City’s portion (17th Avenue to Baywoods Drive) is approx. 6.5 miles, with the remaining approx. 4.2 miles in unincorporated Escambia County.

The project is supported by both the City of Pensacola and Escambia County local government agencies, the Florida – Alabama Transportation Planning Organization, the University of West Florida, the Scenic Highway Foundation, the Council of Neighborhood Association of Pensacola Presidents, Bike Pensacola, local elected officials, and the local citizenry at large.

After recent discussions with FDOT, FDEP and ECRC Staff, the City of Pensacola is formally requesting legislative appropriation funding in the amount of \$XX,XXX.XX to solicit an A&E firm to perform a feasibility study for the proposed path. The feasibility study will address several points, including but not limited to, path options, possible alignment concepts, environmental concerns, possible right-of-way / property acquisition impacts, public involvement, etc. in advance of the formal environmental planning phase for the project.

The incorporation of a bicycle / pedestrian path along Scenic Highway not only carries forward the City's vision of creating place-making projects, but also provides several other benefits such as encouraging physical fitness and healthy lifestyles, creating a new outdoor recreation opportunity for non-motorized transportation, strengthening the local economy, protecting the environment (improving air and water quality), and preserving and recognizing the historical value of Scenic Highway.

10. WEST MAIN STREET CORRIDOR IMPROVEMENTS *Do we include in 2021 Request?*

REQUEST: STATE APPROPRIATION: \$2,900,000

SUMMARY: Main Street is a vital east-west corridor located within the City of Pensacola. Early in the 20th century, the corridor was primarily occupied by industrial uses adjacent to the Alabama and Gulf Coast railroad line. While retaining some of its industrial uses, in the past few decades the corridor has increased its density of new single-family residential as well as enhanced commercial uses. As part of the construction of the Community Maritime Park (Blue Wahoos Baseball Stadium), five blocks of Main Street (Baylen to Clubbs Street) were totally reconstructed to serve the new Park facility to create greatly enhanced walkability, beautiful aesthetics and much needed traffic calming. The objective of this request is to implement the recent Corridor Management Plan (CMP) funded by the state to reconstruct the final eleven remaining blocks of Main Street (Clubbs to Barrancas) and complete the plan.

The objective of the Main Street CMP was to identify operational and access management improvements and priorities needed to support all modes of transportation including roadway capacity, public transit and bicycle and pedestrian movements along the corridor. The Main Street CMP study area spans from Barrancas Avenue on the west to Clubbs Street on the east- a distance of approximately 0.77 miles (11 blocks).

Currently, this remaining unimproved portion of Main Street is functionally classified as a minor arterial and is an urbanized 2-lane undivided roadway.

Completion of the Main Street corridor improvements offers a major opportunity to create a special place within the City of Pensacola and will greatly impact/enhance ongoing revitalization efforts in downtown by creating a unique and intrinsic Western Gateway District to the downtown Pensacola Core.

DRAFT

11. SPECIAL NEEDS UNIVERSAL DESIGNED PLAYGROUND BOUNDLESS-ALL-INCLUSIVE PARK-TIPPIN PARK *Do we include in 2021 Request?*

REQUEST: STATE APPROPRIATION \$850,000

SUMMARY: Childhood presents many challenges for special needs children, especially on the playground. In today's society, children need to adapt to circumstances that may pose potential problems for them. Children learn about feelings of belonging, acceptance, and rejection at an early age. Therefore, it has become imperative for educational and recreational institutions to incorporate an inclusive child care program. Educators and instructors who accommodate special-needs children gain peace of mind in knowing that no child is left alone with a feeling of inadequacy. Inclusive play enables special-needs children to build the necessary social skills to handle any circumstance. This increases positive attitudes and interaction between all children regardless of abilities.

A Special Needs Universal Designed Playground and Boundless All Inclusive Playground at Tippin Park would include a boundless playground, a multipurpose athletic court to accommodate wheelchair sports/activities, several amenities for the visually impaired, a gazebo and an amphitheater for small performances, restrooms, a walking path, music stimulation instruments, exercise equipment, swings and spinners, a picnic area, and a splash pad/water feature. Additionally, new parking would be needed to accommodate additional ADA parking. The project cost is estimated to be approximately \$1,000,000. City funding will be available at \$150,000. Corporate partnerships will also be pursued.