

January 24, 2023

The Honorable Ron DeSantis, Governor
Ashley Moody, Attorney General
Jimmy Patronis, Chief Financial Officer
Wilton Simpson, Commissioner of Agriculture and Consumer Service
Meredith Ivey, Acting Secretary, Department of Economic Opportunity
Jim Zingale, Executive Director, Department of Revenue
Barbara Leighty, Governor's Office of Policy and Budget

Re: Florida Keys – Please Don't Increase Our Hurricane Vulnerability

Greetings:

We write to you on behalf of our thousands of members in the Florida Keys about unsafe hurricane evacuation. We need your help. There is only one road out of the Keys to escape a hurricane. Too many cars on the road trying to evacuate create a terrible safety risk. This causes many residents not to evacuate, yet the single evacuation route is still highly congested. And that makes it very dangerous. Rapid intensification or a simple wobble in the hurricane path further increases the number of last-minute evacuations, adding to the already dangerous congestion on our one-road-to-safety. And we see from Hurricane Ian how dangerous it can be for people who don't or can't evacuate.

To avoid these dangers, Florida law,¹ as well as agreements (MOU)² which the Department of Economic Opportunity (DEO), all municipalities, and Monroe County have signed, restrict permanent residential growth in the Florida Keys to that which can be evacuated in 24 hours.

Yet, despite the dangers, some developers and some local officials are now trying to change the hurricane evacuation statute to allow additional residential growth, regardless of the risks to our residents and visitors alike.

¹ Section 380.0552 (9)(a)2, Florida Statutes.

² "Following the direction of the Governor and Cabinet, seated as the Administration Commission, a Memorandum of Understanding was drafted to address the input variables and assumptions to depict hurricane evacuation clearance time for the Florida Keys. The draft Memorandum of Understanding was the result of four workshops that were organized by the Department and included representatives from each local government in the Florida Keys, several federal and state agencies such as the National Hurricane Center, Florida Division of Emergency Management, and the South Florida Regional Planning Council, and various members of the Keys communities." *From DEO website.*

In 2018, these interests convinced former Governor Rick Scott to order DEO to add an additional 1300 rate of growth allocations (ROGOS) to the Florida Keys, denominated affordable housing, and requiring (without enforcement!) early evacuation by residents of these new buildings. This was directly contrary to §380.0552(9)(a)2, Fla. Statutes, and the MOU which DEO and all local governments had signed. The existing ROGOS allow for yearly growth that would not exceed the 24-hour evacuation limit.

The Third District Court of Appeal recently ruled that the 1300 additional ROGOS former Governor Scott had ordered are illegal; it overturned the award. The Supreme Court of Florida recently declined to review that opinion. Now, some local officials and developers are trying to convince the legislature to change the hurricane evacuation statute to enable even more residential growth in excess of the cap set by law.

These interests have indicated to the press that DEO is in agreement with them about changing the evacuation statute and the MOU. But that statement is not based on any publicly available facts. Former Governor Scott ordered the DEO to award the 1300 additional ROGOS, violating §380.0552(9)(a)2, not you or DEO under your administration. On the contrary, DEO in your administration did not intervene in support of the additional ROGOS in the judicial process and has made no public statement of which we are aware claiming it supports the local officials' and developers' efforts to change the law.

The Florida Keys are an Area of Critical Concern. The 24-hour evacuation statute and the accompanying MOU are also intended to limit residential growth because of the restrictions of the carrying capacity of the Keys, including the water quality of the Florida Keys National Marine Sanctuary surrounding them. The carrying capacity of the Keys also requires hurricane evacuation limitations and the need to maintain traffic flow at no less than 45 miles per hour on U.S. Highway One. Traffic flow is currently at 45.5, even without the proposed additional residential growth.

DEO is in the process of assembling data to run the hurricane model as required by the MOU. However, this exercise likely will not be completed within the next six months. No changes should be made to the hurricane evacuation statute until the results of the most recent hurricane model are available, and then, only if the model results show that the MOU and the hurricane evacuation statute permit such changes.

We don't believe you or your administration are in favor of changing the law which will increase the hazards of hurricane evacuations. Your leadership in making known your administration's support for the MOU previously signed and for the existing 24-hour hurricane evacuation statute are crucial to the safety of those of us in the Florida Keys.

Thank you,

Ann Olsen, FOLKS Spokesperson

cc: Ben Melnick, Deputy Secretary DEO;
Kate Doyle, Asst Deputy Secretary, DEO;
James Stansbury, Bureau Chief, DEO;
Barbara Powell, Assistant Bureau Chief, Division of Community Planning, Dept. of Economic Opportunity
Representative Jim Mooney
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