

I. Related Hurricane Evacuation Administrative Proceedings

Prior to Monroe County's adoption of phased hurricane evacuation, Administrative Law Judge Carolyn S. Holifield made the following findings of fact in a rule challenge proceeding that are incorporated in the Department's Final Order in DOAH Case No. 04-2756RP, *Florida Keys Citizens Coalition, Inc., and Last Stand, Inc., v. Florida Administration Commission and Monroe County, and Department of Community Affairs*.

144. The Monroe County Comprehensive Plan and the Marathon Comprehensive Plan currently state that each ". . . shall reduce hurricane evacuation clearance times to 24 hours by the year 2010." The 24-hour standard was adopted by the Administration Commission at the conclusion of prior litigation over the Monroe County Comprehensive Plan.

145. The DCA contracted with Miller Consulting, Inc., to create a computer model to estimate the actual hurricane evacuation clearance time for the Florida Keys. The Miller model provides the best available data and analysis for estimating the clearance time. The latest run of the Miller model performed by the DCA using 2000 Census data, supplemented with development permit data up to August 2004, provides the best estimate of clearance time. This run of the Miller model estimates a hurricane evacuation time of 23 hours and 56 minutes to reach the beginning of the Homestead Extension of the Florida Turnpike on the mainland, and 24 hours and 48 minutes to reach the hurricane shelter at Florida International University ("FIU").

146. The beginning of the Florida Turnpike in Florida City is the appropriate endpoint for hurricane evacuation clearance time estimates. Florida City is a point of relative safety outside of the Category 3 vulnerability zone. Florida City is also the point of dispersal for the Florida Keys, where evacuees disperse to any number of destinations, such as South Dade, the FIU shelter, or a hotel in Orlando.

148. Proposed Rule 28-20.110 adds the following requirement to Year Eight of the Work Program in Policy 101.2.13 of the Monroe County Comprehensive Plan and Policy 101.2.12 of the Marathon Comprehensive Plan: "Complete a comprehensive analysis of hurricane evacuation issues in the Florida Keys and develop strategies to reduce actual hurricane clearance times and thereby reduce potential loss of life from hurricanes."

150. The working group must develop a strategy that balances or accommodates development and also addresses hurricane clearance times. The hurricane workgroup must do much more than simply squeeze a few more minutes out of the Miller model. There are currently 13,000 to 14,000 vacant platted lots in the Florida Keys, which must be allowed to develop or must be purchased by government. On average, 3,000 dwelling units generates about one hour of clearance time. As an example, if 8,000 or so lots were purchased for habitat protection, then two more hours of clearance time will be needed to accommodate the remaining 5,000 or 6,000 lots. The hurricane workgroup

must develop a strategy to handle the amount of development permitting that can be expected and a program to acquire the balance of the vacant lots.

II. Section 380.0552, Florida Statutes, Florida Keys Area; protection and designation as area of critical state concern

(4)(e) After removal of the designation as an area of critical state concern, the state land planning agency shall review proposed local comprehensive plans, and any amendments to existing comprehensive plans, which are applicable to the Florida Keys Area, the boundaries of which were described in chapter 28-29, Florida Administrative Code, as of January 1, 2006, for compliance with subparagraphs 1. and 2. in addition to reviewing proposed local comprehensive plans and amendments for compliance as defined in s. 163.3184. All procedures and penalties described in s. 163.3184 apply to the review conducted pursuant to this paragraph.

1. Adoption of construction schedules for wastewater facilities improvements in the annually adopted capital improvements element and adoption of standards for the construction of wastewater treatment facilities which meet or exceed the criteria of chapter 99-395, Laws of Florida.

2. **Adoption of goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours.** The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency.

III. Section 163.3178, Florida Statutes, Coastal management

(1) The Legislature recognizes there is significant interest in the resources of the coastal zone of the state. Further, the Legislature recognizes that, in the event of a natural disaster, the state may provide financial assistance to local governments for the reconstruction of roads, sewer systems, and other public facilities. Therefore, it is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(d) A component which outlines principles for hazard mitigation and protection of human life against the effects of natural disaster, including population evacuation, which take into consideration the capability to safely evacuate the density of coastal population proposed in the future land use plan element in the event of an impending natural disaster. The Division of Emergency Management shall manage the update of the regional hurricane evacuation studies, ensure such studies are done in a consistent manner, and ensure that the methodology used for modeling storm surge is that used by the National Hurricane Center.

(h) Designation of coastal high-hazard areas and the criteria for mitigation for a comprehensive plan amendment in a coastal high-hazard area as defined in subsection (9). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Application of mitigation and the application of development and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(9)(a) Local governments may elect to comply with rule 9J-5.012(3)(b)6. and 7. Florida Administrative Code, through the process provided in this section. A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions pursuant to rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
2. **A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available;** or
3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, but elect to comply with rule 9J-5.012(3)(b)6. and 7., Florida Administrative Code, by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

(c) This subsection shall become effective immediately and shall apply to all local governments. No later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

IV. Monroe County 2010 Comprehensive Plan

Objective 101.2

Monroe County shall **reduce hurricane evacuation clearance times to 24 hours by the year 2010.**

Policy 216.1.8

In the event of a pending major hurricane (category 3-5) Monroe County shall implement the following staged/phased evacuation procedures to achieve and maintain an overall 24-hour hurricane evacuation clearance time for the resident population.

1. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational vehicles (RV's), travel trailers, live-aboard (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 Boat 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 County 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.

For the purpose on implementing Policy 216.1.8, this Policy shall not increase the number of allocations to more than 197 residential units a year, except for workforce housing. Any increase in the number of allocations shall be for workforce housing only.

V. Islamorada Comprehensive Plan

Policy 2-1.2.8: Provide a Staged/Phased Evacuation Procedure to Maintain a 24-Hour Hurricane Evacuation Clearance Time. In the event of a pending major hurricane (category 3-5) ISLAMORADA, VILLAGE OF ISLANDS CHAPTER 2: TRANSPORTATION ELEMENT

Islamorada, Village of Islands shall **implement the following staged/phased evacuation procedures to achieve and maintain an overall 24-hour hurricane evacuation clearance time for the resident population.**

7. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of nonresidents, visitors, recreational vehicles (RVs), travel trailers, live-aboards (transient and non-transient), and military personnel from the Village

shall be initiated. State parks and campgrounds should be closed at this time or sooner and entry into the Village by nonresidents should be strictly limited.

8. 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 Village shall be initiated.
9. Approximately 30 hours in advance of tropical storm winds, a mandatory phased evacuation of permanent residents by evacuation zone shall be initiated. Islamorada, Village of Islands is within existing evacuation Zone 4 - West end of Long Key Bridge to CR 905 and CR 905A intersection (MM 63-106.5).

The actual sequence of the evacuation by zones will vary depending on the individual storm. The concepts incorporated in this staged evacuation procedure should be embodied in the Village Comprehensive Emergency Management Plan. 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.

VI. City of Marathon Comprehensive Plan

Objective 1-2.2 Hurricane Evacuation

The City shall maintain an up-to-date hurricane evacuation plan and meet the required 24 hour hurricane evacuation time or other applicable state standard for hurricane evacuation.

Policy 1-2.2.1 Implement Staged/Phased Hurricane Evacuation for Major Hurricanes (Category 3 –5)

In order to provide for safe and efficient evacuation of the residents in the event of a major hurricane (category 3 – 5), the City shall implement, in coordination with Monroe County, the following staged/phased evacuation procedures to achieve and maintain an overall 24-hour hurricane evacuation clearance time for the resident population.

- a. Approximately 48 hours in advance of tropical storm winds, a mandatory evacuation of non-residents, visitors, recreational vehicles (RVs), live-boards (transient and non-transient), and military personnel from the Keys shall be initiated. State parks and campgrounds should be closed at this time and entry into the Florida Keys by non-residents should be strictly limited.
- b. 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.
- c. Approximately 30 hours in advance of tropical storms winds, a mandatory phased evacuation of permanent residents, by evacuation zone shall be initiated.

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 county operational emergency management plans.

Policy 1-2.2.2 Coordinate Evacuation Plans

The City shall coordinate plans for evacuation of coastal area populations with appropriate local or regional hurricane evacuation plans.

VII. Key West Comprehensive Plan:

Rule 28-37.002(7)(b)3.

Objective 4: Develop a hurricane evacuation plan consistent with regional and county plans that provides an opportunity for residents and visitors to evacuate to a place of safety during a natural disaster.

Policies:

a. It shall be the policy of the City to develop and adopt a hurricane evacuation plan consistent with regional and county plans. This plan shall be developed and adopted within twelve (12) months of the adoption of a hurricane evacuation plan by Monroe County.

b. After the adoption of a hurricane evacuation plan, any development that contains habitable units and that also meets the threshold requirements of the Community Impact Assessment Ordinance shall include in the assessment a statement of:

i. The manner in which residents are informed of the plan.

ii. The developer's responsibility under the plan.

c. Where appropriate, all City, County, State, Federal and other public buildings shall be built so as to incorporate hurricane mitigation measures such that the building may serve as an approved hurricane shelter in times of emergency.