

CITIZENS NOT SERFS

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Dear Fellow Citizens Not Serfs Members,

As Citizens Not Serfs founder, I am constantly energized and humbled by the faith you have placed in me. Our motto **“Together we can save the Keys”** epitomizes our mutual conviction. Your attendance at meetings, writing letters, phone banking etc, dramatizes your commitment to realize our two and the following additional major objectives.

After extensive thought, research and consultation I reached the conclusion that there is **absolutely no reason why FEMA should not exempt post 1974 homes with downstairs enclosures from FEMA downstairs enclosure regulations. The logic and reasoning to justify our FEMA request is found in the section following discussion of the Monroe County Amnesty resolution.**

Another one of our assumed objectives but herewith enumerated, to allay any fears is our determination to insist and mandate continuance of FEMA Flood Insurance for all Monroe County Structures.

1. Preserve the 1974 State of Florida Area of Critical Concern Designation.
2. Rescind FEMA’s unjustified prohibition against downstairs enclosures imposed on Florida Keys homeowners.

Reference our first mission, unlike previous years; this was the first time in a long time when all Five Monroe County Commissioners assured Governor Crist that Florida Keys residents are in favor of retaining the critical Florida Keys Area of Critical Concern Designation. This Critical Designation is the primary reason why the Keys are devoid of high rise condos and hotels.

Unfortunately, our developer friends have proposed legislation to end run our vital Area of Critical Concern Designation. Some pro development, at any price, legislators initiated a campaign to effectively abolish the State of Florida DCA [Department of Community Affairs] and move its responsibility to the Department of State.

If this bill passes and the Governor fails to veto this horrendous legislation it will cause a seismic shift in Florida Development. Developers will be granted de facto State control over all major Florida developments, since most if not all DCA personnel who ruled on 8000 major projects will be dismissed. All that will be left is a rubber stamp which developers will gladly stamp

approved on all their proposals. This legislation is a lobbyist dream and informally referred to as placing developer foxes in charge of the Florida development chicken coop.

FEMA Downstairs Enclosure Mission

The Monroe County FEMA Downstairs Enclosure Resolution has hit an Amnesty Language Road Block. I'm not accusing any of our Commissioners of fouling up this agreement since they did not write the resolution. I'm sure they requested and received assurance from Citizens Not Serfs and all others involved, that the amnesty language and interpretation of this resolution would be acceptable to most if not all their constituents.

You entrusted me with the responsibility to supervise Citizens Not Serfs. I failed you since I did not see the resolution until early April long after it was approved by Citizens Not Serfs and the Monroe County Commission. I sincerely apologize for failing to protect your interests and can assure you it will never happen again. The old Harry Truman adage "**the buck stops here**" is truer than ever. **Responsibility without Accountability always leads to self destruction.**

I like most of you were operating on the assumption that **Amnesty was for all, not just some.** Unfortunately, the resolution **prevents many of you from ever attaining amnesty** and the language is so broadly written it could be interpreted as eventually eliminating all Florida Keys downstairs enclosures.

Experience teaches us to be apprehensive and skeptical about broad legal language which after being approved by **FEMA** is then converted into Monroe County very specific legal language which traditionally has not been homeowner friendly. This resolution is extremely broad and subsequent to **FEMA** approval of the initial broad resolution, code enforcement specific legal language will be **written here in Monroe County.** This is a classic "the devil is in the details" narrative and since the enforcement language is contrived and written in Monroe County our apprehension and skepticism is justified.

The existing **onerous FEMA** Pilot downstairs enclosure enforcement language which Florida Keys homeowners have suffered with every day for the past nine years **was written in Monroe County not Washington.** The reason why **FEMA** told Myrtle Beach officials that Monroe County loves the pilot is because Monroe County **wrote all the regulations** which were subsequently approved by **FEMA.**

This is also why the Florida Keys are only **one of 23,000 FEMA communities subject to this pilot after nine years. Not surprisingly, no other U.S. community has Volunteered to copy Monroe County Enforcement Code which mandates Downstairs Enclosure Inspections prior to Qualifying for FEMA Flood Insurance.**

When I informed Mayor George Neugent and Commissioner Mario Di Gennaro of my serious concerns, he suggested we meet to discuss the issues. The meeting produced a general agreement

of five items which eliminated many of our major objections. While I am most grateful for the Mayor's time and believe he is sincere in his wishes to resolve the language issues. All will be in vain unless the resolution is rewritten to specifically include the five items and approved by at least three Commissioners. **I firmly believe the existing resolution as written is not in the best interest of most if not all Florida Keys downstairs enclosure homeowners. Listed below is a powerful and logical argument to exempt downstairs enclosure homeowners from FEMA regulations.**

New Citizens Not Serfs Proposal to Exempt Florida Keys Downstairs Enclosure Homeowners from FEMA Regulations

Obviously, the last few weeks have been very difficult for me. As it turns out this tenuous time could end up being a wonderful blessing. I have used this time to develop a FEMA exemption of post 1974 downstairs enclosures regulations based on the following logical suppositions. .

Florida Keys are made of Erosion Proof Limestone Rock not Erosion Oriented soil or sand which causes homes to be swept away or made inaccessible.

The Florida Keys Coral Reef reduces and minimizes hurricane Storm Surge to rising and declining tides not the high velocity damaging waves which have ravaged other Coastal communities.

CAT 5 Hurricanes will cause major damage to any community but Downstairs Enclosure will not make a difference.

If CAT 5 loss of life potential is used to deny FEMA Exemption then FEMA and or Monroe County should also ban all Florida Keys Major Development since major development has the potential to substantially increases loss of life.

FEMA does not insure Downstairs Enclosure and has no liability except for removing post hurricane debris. Florida Keys Homeowners with Downstairs Enclosures will contribute to a Monroe County fund to reimburse FEMA.

This proposal is based on the supposition that all post 1974 Florida Keys Homes are built on Erosion Proof Limestone Rock which is never less than 75 feet thick deep. That's right the Florida Keys which are 200 miles long and 30 miles wide are made of Key Largo Limestone Rock and a combination Miami and Key Largo Limestone Rock not Soil or Sand which is common to all Southern Coastal communities. Our Florida Keys homes will not be swept away.

As you know most Florida Keys homes constructed after 1974¹ have downstairs enclosures. The first level living area is safely set between 8 to 15 feet or more above sea level. The height level is dictated by Monroe County building codes and flood maps.

Post 1974 Florida Keys homes are built on **Robust Concrete Columns** [piers] augured three feet down into **Erosion Proof Limestone Rock**. Accordingly, the rest of the home is built to extremely high and stringent hurricane building codes.

Virtually all other coastal communities in the Southeast have homes built on **Erosion Oriented Soil and or Sand**, which can **cause their homes to be swept away** or made inaccessible during and after hurricanes.

Obviously, a CAT 5 hurricane would cause serious damage to any community. However, a **FEMA Exempt downstairs enclosure would not make the difference in a CAT 5 hurricane. Existing FEMA regulations permit automobiles, trucks and a multitude of other items in existing downstairs areas. All can agree that cars and trucks have the capacity to cause more damage than a simple bed and bed stand.**

FEMA Exemption & Major Development

Logically FEMA and or Monroe County can't use CAT 5 Hurricanes as a reason to deny our request for a FEMA Downstairs Enclosure Exemption. If they do then logically FEMA and or Monroe County would have to establish a moratorium on all Major Developments. FEMA and or Monroe County can't use potential loss of life as a reason because obviously major developments substantially increase the potential for loss of life in a CAT 5 hurricane situation. FEMA and or Monroe County can't deny FEMA downstairs enclosure exemptions without also establishing a major development moratorium.

The other problem associated with hurricanes is Storm Surge. The Keys are blessed to be both resting on limestone rock and surrounded by a 30 mile wide by 200 mile long coral reef. **In 2005, the Florida Keys Coral Reef Diffused the CAT 3 Wilma's Storm Surge**, which flooded the Lower Keys.

The Wilma Storm Surge emerged and dissipated as waters do in a rising & declining tide, as opposed to other coastal communities where the storm surge hits the coast as a high velocity powerful damaging wave and is slow to retreat. **As a result storm surge damage to post 1974 residential structures in the Keys is essentially insignificant compared to the significant massive damage sustained in other coastal communities. The aforesaid statement is confirmed by low Florida Keys insurance loss reports.**

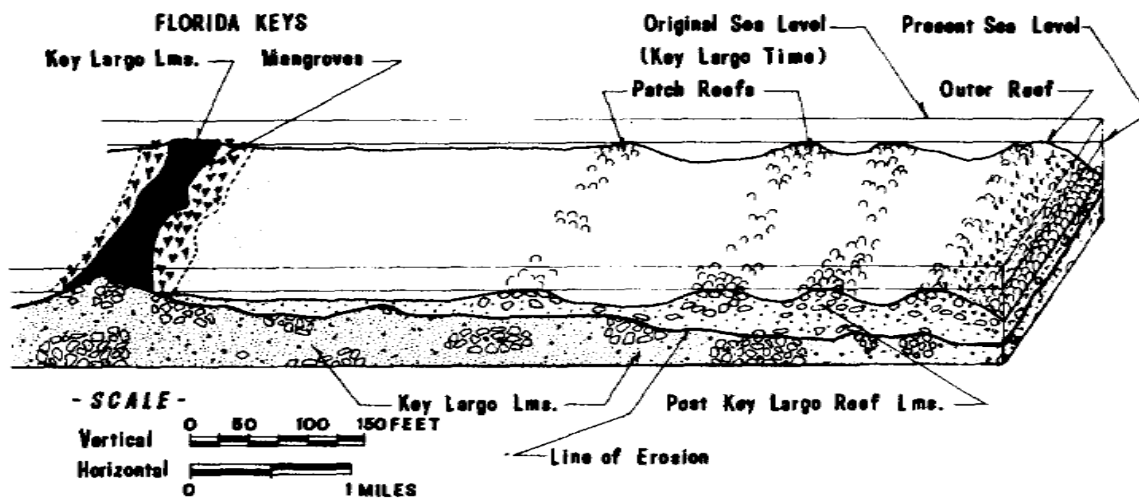


Fig. 55. Generalized block diagram showing conditions across the Florida coral reef tract in the present time.

FEMA insures all homes with living quarters on the first floor resting on the ground built before 1974.

FEMA does not insure downstairs enclosures for homes built after 1974. Since FEMA does not insure downstairs enclosures, FEMA is not responsible nor liable for any downstairs enclosures losses except for debris removal.

To that end, Florida Keys downstairs enclosure homeowners are willing to reimburse FEMA for post hurricane downstairs enclosure debris removal. Monroe County will collect a downstairs enclosure permit fee from all downstairs enclosures homeowners. This fund will be used to reimburse FEMA for post hurricane debris removal.

This is significant because it demonstrates Florida Keys good & concerned Citizenship values. Our Citizens acknowledge their responsibility to pay FEMA for removal of downstairs enclosure debris. The existing Florida Keys FEMA debris removal situation requires the U.S. Treasury and our fellow U.S. taxpayers to pay for downstairs enclosure debris removal. Adopting this proposal will do what is right for both the Florida Keys and the USA.

Documents and illustrations from the Florida Department of Environmental Protection stipulating both Key Largo & Miami Limestone as ROCKS will be available on our Citizens Not Serfs web site.

Also planned for the web site are supporting pages from Dr. John Hoffmeister² book, which is in its fifth printing, *Land from the Sea, the Geologic Story of South Florida*. This book attests to the

thickness of the Florida Keys limestone rock from Soldier Key, near Miami, to 130 miles south to Key West and extending another 70 miles to the Marquesas, Rebecca Shoal and the Dry Tortugas.

The existing Monroe County FEMA Amnesty Resolution will also be available on our web site.

Listed below are suggested changes to the Monroe County FEMA amnesty resolution. Ideally, our Monroe County Commissioners will adopt our Limestone Rock proposal as the official County Resolution. Please be advised that under no conditions will Citizens Not Serfs tolerate any suspension or threat by FEMA to quit providing flood insurance to Monroe County homeowners.

Due to negative member response reference the details of the County FEMA downstairs enclosure request for amnesty resolution. We held a lengthy meeting with Mayor George Neugent expressing our concerns, citing possible limitations and inherent resolution loopholes. Mayor Neugent was patient and understanding of our issues and agreed to the following compromises:

1. Amnesty for all and no inclusion of date.
2. Inspections limited to lower enclosure.
3. Annual fee structure based on the lower of 1% or \$500.
4. There would only be an initial inspection [no annual inspection] and a point of sale inspection of the lower enclosure. The lower enclosure can be passed on to the new owner without penalty.
5. If a date has to be included it will be referred to as homes built before 2002 rather than non-conforming structures.

Citizens Not Serfs Law School Graduate Fellowships Good News

In early March Citizens Not Serfs introduced two individual two year Law School Graduate Fellowships. Each Fellow will receive an annual \$50,000 stipend and free accommodations at our Summerland Key headquarters.

Citizens Not Serfs received 49 Fellowship applications from 38 top U.S. Law Schools each with a resume and two corresponding recommendation letters.

We awarded the Fellowships to 2009 Law School Graduates from the University of Florida and Florida State University, both of whom will join Citizens Not Serfs after taking the Florida Bar exam. We also awarded a summer internship to a rising third year University of Florida law student.

Additional good news

Additional plans call for awarding a Graduate Civil Engineer Fellowship and establishing a Lower Keys Citizens Not Serfs office and the IRS recognizes Citizens Not Serfs as a 501c3 Public Charity which can accept tax deductible donations.

While I was initially very discouraged with the existing resolution, I am now very encouraged because logic and reason are on our side. There is absolutely **no reason why FEMA should deny our exemption plea, since our lives and homes are both safe and built for hurricanes, are erosion proof, safe from damaging storm surge and we will reimburse FEMA for post hurricane debris removal expenses.**

Only the Florida Keys can make that statement.

Listed below are names, phone numbers and addresses of all elected officials involved. Please write, call, email etc. them about our FEMA exemption proposal.

Remember ... **TOGETHER WE CAN SAVE THE KEYS**

Again, I want to thank you for your forbearance, support, understanding and commitment to our planetary paradise.

Sincerely,

Phil Shannon

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