

EXHIBIT “A”

The City of Coconut Creek, Florida

Proposed 2023 Federal Legislative and Regulatory Agenda





Prepared by Van Scoyoc Associates for the

Coconut Creek City Commission

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Please note that the highlighted yellow text in this document represents added, edited, or updated legislative information from the January 10, 2023, public workshop.

COMPLETED/PROGRESSED ISSUES FROM 2022 FEDERAL AGENDA

Regulations

Federal Landfill Regulations (Completed – Final Ruling Published in Federal Register)

- **FEDERAL AGENDA: Support** the Biden Administration, EPA, and the City’s Congressional delegation on revisiting the 2016 landfill regulations to create new support for full implementation.
- **STATUS:** In addition to delays caused by the Trump Administration, States were required to submit implementation plans to implement the 2016 regulations. After the national election, the State of Florida submitted their proposed plan in December 2020 for meeting the new emission regulations.
 - EPA’s final recommendation is a compilation of work by VSA on behalf of the City since 2018 as part of the City’s Federal Agenda, with many supporting efforts from the City Commission, City team members, as well as support and advocacy through your Congressional delegation.
 - *The final ruling was published in the Federal Register on February 14th, 2022, and can be found here: <https://www.govinfo.gov/app/details/FR-2022-02-14/2022-02654>*

Waters of the United States and Regulatory Reform (Completed, Will Continue to Monitor)

- **FEDERAL AGENDA: Monitor** activity related to the repeal of the EPA’s 2015 rule on Waters of the U.S. **(Completed)**
- **STATUS:** On Friday, December 30, 2022, the Environmental Protection Agency issued the final revised definition of Waters of the United States (WOTUS). As anticipated, it returns to the days of the pre-2015 rule, with some modifications. Attempting to achieve a rulemaking that more closely aligns with Justice Kennedy’s “significant nexus” test than Justice Scalia’s “relatively permanent” test, the final rule appears more expansive than the Navigable Waters Protection Rule released during the Trump Administration, but unlike the WOTUS rule issued during the Obama Administration seems to offer more clarity on those waterbodies exempt from federal jurisdiction.

Funding Requests and Grant Applications

Applied for and have been approved to receive \$3.9 million in Community Directed Funding – Federal Appropriations

- The City identified the need to secure funding for Coconut Creek’s infrastructure priorities.
- VSA helped craft a “community directed” project request with the City and Broward County MPO for \$3.9 million to fund a pedestrian lighting project on Lyons Road.
 - Through coordination with Representative Deutch, **\$3,900,000** was approved by Committee and the House. The Senate did not include this earmark request.



- The Senate and House negotiated final bills during the lame duck session in December 2022.
- **The Community Directed Funding Project was approved in the final version of the bill signed on December 29, 2022.**

Applied for \$93,000 Infrastructure Grant Funding: National Endowment for the Arts (NEA)

- Identified and developed a grant capture strategy for the “Our Town Grant Program” grant to be applied to the Phase 2 portion of the City Hall Breezeway and Courtyard Enhancement Project. VSA arranged meetings for the City with the NEA to review the project and gain advice on grant submission.
- Arranged meetings with NEA staff to help shape a potential grant application.
- VSA provided final review comments on the City’s application for \$93,000 for this project, which has since been withdrawn due to changes in breezeway timeline.

Applied for \$76,608 Infrastructure Grant Funding: National Endowment for the Arts (NEA)

- Identified and developed a grant capture strategy for the “Grants for the Arts Program” grant to be applied to the Phase 1 portion of the City Hall Breezeway and Courtyard Enhancement Project. VSA arranged meetings for the City with the NEA to review the project and gain advice on grant submission.
- Arranged meetings with NEA staff to help shape a potential grant application.
- VSA provided final review comments on the City’s application for \$76,608 for this project, which has since been withdrawn due to changes in breezeway timeline.

Preparing to Apply for EV Community Infrastructure Grant Funding: Department of Transportation

- After passage of the Infrastructure Bill (IIJA), VSA Identified and developed a grant capture strategy for the “EV Community Grant Program” for the City. VSA presented this strategy to the City during their 2022 Planning Session held in March 2022.
- Since that time, the VSA team met with the City’s Sustainability Manager (Linda Whitman) to help scope and consider input to a City Map for EV implementation that aligns with the intent of the new Grant Program. Cost estimates for implementing a community EV plan are currently being developed in anticipation of the application period being opened by DOT.
- VSA is waiting for release of the Notice of Funding by DOT, which will open up the application period. VSA will continue to support and shape input for the application and coordinate with DOT representatives. VSA will also see Congressional support for any application prepared.
- This new grant program received \$2.5 billion in new funding from the IIJA for the first year and the City is finalizing documents necessary to apply.

Preparing to Apply for State and Local Cybersecurity Grant Program: Cybersecurity and Infrastructure Security Agency (CISA) and FEMA

- Cybersecurity issues and related funding was added to the City’s Federal Agenda for 2022.
- VSA informed the City early in 2022 about a new grant program provided in the Infrastructure Bill to provide funding for local communities related to cybersecurity planning and implementation.



- VSA met several times with the City's Cybersecurity office (Francisco Porras) on a possible application strategy.
- Since the Grant Program will be administered through the State, VSA also met with the City's State Lobbyist and discussed strategy as the program is stood up.
- The program is currently available for the State to administer and receive their allocation from FEMA. Florida is scheduled to receive \$5.9 million in the first year. VSA is tracking the State's plan to sub-allocate funding to local governments, which is required by the IJA law. We will continue to shape proposals for applying for this funding in the future.

Provided Assistance to Staff re: applying for \$65,000 for the FEMA Assistance to Firefighters Grant Program and \$5 million for the SAFER Grant Program

- **FEDERAL AGENDA: Support** continued adequate funding for the wide variety of DOJ and DHS grants, i.e., Community Oriented Policing Services, Byrne Justice Assistance Grants, Project Safe Neighborhoods, Emergency Management Preparedness Grants, **Assistance to Firefighters Grants (AFG), Staffing for Adequate Fire and Emergency Response Grants**, Urban Areas Security Initiative grants, and other security-specific grants. **Support** the City of Coconut Creek's applications for these funds.
- STATUS: VSA met with City staff during the year to understand the progress and schedule of the City establishing their own fire department. Consequently, we tracked and shared funding information being added to the FEMA grant programs through legislation and upcoming grant application windows.
 - The City drafted two applications this year and VSA performed a thorough review of both: Assistance to Firefighters Grant (AFG) and Staffing for Adequate Fire and Emergency Response (SAFER).
 - VSA drafted Congressional support letters for both these applications from Congressman Deutch and Senators Rubio and Scott.
 - The City submitted grant applications for \$65,000 for equipment to be located at the temporary fire station (AFG) and approximately \$5 million for hiring additional firefighters.
 - Status: FEMA is still in progress of selecting awardees for these grants.

Provided Assistance to Staff re: Direct Federal Program Assistance to Municipalities (2022 Allocation Completed)

- **FEDERAL AGENDA: Support** COVID-19 relief funding, agency programs, and grants that provide eligible COVID assistance to municipalities.
- STATUS: VSA advocated with Congress on the behalf of the City in support to COVID financial assistance throughout 2021. VSA stayed in close coordination with the City on their needs and shared the impacts of COVID with the City's Congressional delegation. VSA also advocated for funding to be distributed directly to smaller communities and not just to the States.
 - The American Rescue Plan allocated \$4,298,732 to the City of Coconut Creek in 2022 for COVID relief.



Provided Assistance to Staff re: FEMA Public Assistance Grant Funding for Reimbursement of COVID Expenses.

FEDERAL AGENDA: Support COVID-19 relief funding, agency programs, and grants that provide eligible COVID assistance to municipalities.

- STATUS: VSA advocated with Congress on the behalf of the City in support to COVID financial assistance throughout the pandemic and to maximize eligible costs for local governments. In 2022, the City received **\$337,525** in grant funding under FEMA's Public Assistance Program.

Continued to Monitor Public Safety Programs; Project Safe Neighborhoods

- **FEDERAL AGENDA: Support** continued adequate funding for the wide variety of DOJ and DHS grants, i.e., Community Oriented Policing Services, Byrne Justice Assistance Grants, Project Safe Neighborhoods, Emergency Management Preparedness Grants, Assistance to Firefighters Grants, Staffing for Adequate Fire and Emergency Response Grants, Urban Areas Security Initiative grants, and other security-specific grants. **Support** the City of Coconut Creek's applications for these funds.
- STATUS: VSA was asked to pursue a specific strategy to evaluate obtaining a grant under the DOJ; Project Safe Neighborhood Program.
 - In February of 2021, VSA prepared a "grant overview" analysis for the Commission and City staff. VSA noted that Federal funding is distributed by formula grants to the States for this particular program.
 - VSA talked to the State executing office (Florida Department of Law Enforcement; FDLE) who manages these federal funds and issues sub-grant announcements in the fall timeframe each year. VSA discussed the grant criteria with FDLE staff and forwarded the contact information and grant procedures onto the City.

The City maintained contact with the FDLE staff during the summer and determined that they will not be competitive for this grant opportunity based on current grant criteria.

Ongoing Monitoring of Other New Infrastructure Bill (IIJA) Grants Identified by VSA and Applications to be Considered or Submitted (Ref. Grant Forecasting Report)

- Septic to Public Treatment Connections: EPA new program in the IIJA
- Solid Waste Infrastructure for Recycling Grants; EPA new program in the IIJA
- Reduce, Reuse, Recycling Education and Outreach Grants: EPA new program in the IIJA
- Department of Justice; COPS program – Body Worn Cameras: next cycle in early 2023 (Possible earmark application).
- *Status: these new grant programs have been identified and forecasted for the City to pursue in the 4th quarter of 2022. VSA has had numerous meetings with City staff and agency representatives pertaining to these new programs. Their research has led to draft strategies for each of these grant opportunities.*



PROPOSED 2023 FEDERAL AGENDA POLICIES AND ISSUES

FEDERAL ISSUE: Federal Landfill Emissions Regulations: STATUS RESOLVED – MONITORING REQUIRED

BACKGROUND. The North Broward County Resource Recovery and Central Disposal Sanitary Landfill, also known as Monarch Hill Renewable Energy Park, is a 225-foot-high landfill site owned by Waste Management located adjacent to the City of Coconut Creek. The landfill takes in an average of 3,500 tons of trash per day and has long emitted emission odors into the air of the City. Odors from the facility have been reported as far as four miles away.

In mid-2014, the Environmental Protection Agency (EPA) announced an Advanced Notice of Proposed Rulemaking (ANPRM) and public comment period regarding methods to reduce emissions from existing municipal solid waste landfills. Most existing landfills are subject to control requirements in EPA's landfill New Source Performance Standards (NSPS) or the federal or state plans implementing the landfill emissions guidelines, which were both promulgated in 1996. The EPA believed that these guidelines merited review and possibly updating with regards to emissions of landfill gas. VSA assisted the City in submitted comments in support of this review.

In 2016, EPA finalized the proposed rule by calling for a reduction in the threshold at which a landfill must install emissions control systems from 50 mega grams (Mg) per year to 34 Mg per year. Any landfill that exceeds those thresholds would be required to install and utilize a gas collection and control system to bring emissions levels below the threshold within 30 months of the violation. The City submitted additional comments in support of this rule. The final rule was finalized and became effective on October 28, 2016.

In 2018 EPA issued a new proposed ruling to amend the 2016 final regulation by changing the timing requirements for States to submit their compliance plans delaying the State's due dates from May 2017 to Aug 2019. VSA attended the public hearing on this proposed rule and the City prepared a response to this proposed rulemaking highlighting the impacts from continued delays in implementing the original 2016 regulation. Copies of their response were provided to their Congressional delegation. In addition, on December 17th 2019, a federal judge rejected a Trump administration bid for more time to act on landfill methane emissions. The court concluded that the Trump Administration violated the Clean Air Act by not acting on harmful emissions from landfills. Judge Gilliam stated that "EPA's compliance with its judgment is not a substantial burden, since it has already promulgated and received comments on the Proposed Federal Plan".

In September 2019, EPA published findings of their "Residual Risk and Technology Review" of industry methods for reducing landfill emissions. In their analysis, they concluded that the health risk from landfill emissions is negligible or "acceptable". They also concluded that collecting more landfill gas or destroying the air emissions by closed flaring was not technically or economically feasible. There were



other methods that were supported but overall, their findings did not support the 2016 Ruling for significantly lowering landfill emissions that is currently in effect.

During these years, VSA worked with the City staff and the City Commission to develop letters in support to implementing the original 2016 regulations that included working with Representative Deutch, Senators Rubio and Scott, as well as directly with EPA through public hearings and coalition building.

2022 UPDATE

In December 2020, the State of Florida submitted their proposed plan for meeting the new emission regulations. Not knowing the acceptance of this plan, VSA continued their federal advocacy coordination with the City's Congressional delegation for supporting the implementation of the 2016 regulations and in consideration to legislative language that would encourage the implementation of the regulations.

Under the new Administration, EPA released their "Federal Plan" to implement the 2016 regulations in the absence of most State plans in 2021. They cited Florida in this ruling.

After some comments and revisions of the plan between EPA and FL DEP, Florida's plan was recommended for approval in the Federal Register on October 26, 2021. There is a procedural 30-day public review of this decision, but VSA expects the plan will be considered to have final approval after the public review period.

EPA's final recommendation is a compilation of work since 2018 as part of the City's Federal Agenda with many contributions from team members as well as your Congressional delegation.

In February 2022, EPA published the Final Rule for the new landfill emission standards. The final rule adds startup, shutdown, and malfunction (SSM) requirements, adds operating condition deviations for out-of-bounds monitoring parameters, requires timely control of bioreactor landfills, and changes the reporting frequency for one type of report. Hazardous pollutants covered by the rule include, but are not limited to, vinyl chloride, ethyl benzene, toluene, and benzene.

2023 POSITION: *Support* federal regulations that create stricter environmental standards and testing for municipal solid waste landfills and transportation of waste through communities. *Oppose* efforts to weaken landfill regulations. *Monitor* the EPA's implementation of the emission standards approved in early 2022 and Florida DEP emission monitoring data. *Monitor* the proposed plans to expand Broward County landfill and how the EPA ruling effects its control of emissions.



FEDERAL ISSUE: Waste Recycling Programs

BACKGROUND: As tracked in last year's Federal Agenda, waste-management companies across the country have determined that there is no longer a market for their recycling. Municipalities are now facing tough choices on whether to pay much higher rates to continue their recycling programs or discontinue their programs.

UPDATE: The Infrastructure Bill passed on November 15th, 2021, includes recycling provisions that will be implemented over the coming years. The following is a summary:

- a. **Inclusion of the RECYCLE Act** – aims to improve residential recycling by authorizing up to \$15 million per year in recycling education grants to promoting recycling practices and to encourage collection of recycled materials that are sold to developing markets. The program will also develop a Recycling Program Toolkit that researches best practices and educational materials for promoting recycling within a community.
- b. \$275 million for grants authorized under the "Save our Seas 2.0 Act" which was signed into law December 2020. This law intends to improve domestic infrastructure to prevent marine debris through new grants for and studies of waste management and mitigation. EPA is implementing a new "**Solid Waste Infrastructure for Recycling Grant Program**" under this authority. The program will be designed to (1) support improvements to local postconsumer materials management, including municipal recycling programs; and (2) assist local waste management authorities in making improvements to local waste management systems. This program is allocated \$55 million per year from Fiscal Years 2022 to 2026 to remain available until expended.

2022-2023: EPA released notices of funding availability on November 18th 2022. VSA developed Grant Capture Analysis for the City for both of these opportunities.

2023 POSITION: *Support* funding strategies that will assist local governments in administering and expanding recycling programs within their communities.



FEDERAL ISSUE: Energy Exploration

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:

Offshore Energy Development The western and eastern coasts of Florida is under a moratorium of oil and gas activities within 125 miles of the Florida coastline under the Gulf of Mexico Energy Security Act (GOMESA) of 2006. This moratorium lasted until 2022 under the current law, but in September 2020, the President issued a new moratorium that extends through 2032. The new moratorium also expands the 10-year ban to Florida's Atlantic coast.

UPDATE: In July 2022, the Department of the Interior issued a draft program for drilling within the National Outer Continental Shelf. They invited public to comment on the plan. This is the second step in a three-step planning process to determine whether or how many offshore oil and gas lease sales to allow. The proposed plan puts forward several options from no lease sales up to 11 lease sales over the next five years. Like the current program finalized in 2016, it removes from consideration the federal waters off the Atlantic and Pacific coasts while inviting public comment on 10 potential sales in the Gulf of Mexico and one in the Cook Inlet off south-central Alaska.

Onshore Energy Development (Hydraulic Fracturing)

The rapid expansion of oil and gas extraction using hydraulic fracturing — both in rural and more densely populated areas — has raised significant concerns about its potential environmental and health impacts. These concerns have focused primarily on impacts to groundwater and surface water quality, public and private water supplies, and air quality.

The Biden Administration has been opposed to hydraulic fracturing but eased that position in 2022 to allow onshore drilling leases on federal lands. On April 15, 2022, the Interior Department announced its first onshore lease sale since Biden's moratorium. In June 2022, the government offered about 144,000 acres for drilling. Nearly all of that — 132,000 acres — is in Wyoming, with the remainder in Utah, New Mexico, Colorado, Montana, North Dakota, Nevada and Oklahoma. As a practical matter, any wells that are drilled are likely to use fracking. In making their decision, the Interior Department said in a press release that it had trimmed the number of acres requested by the industry [by 80%](#).

VSA will continue to closely monitor any initiatives by the Administration that would affect lands in Florida to future oil and gas exploration on public lands. VSA will share the 2023 Federal Agenda with your new Congressional representative after the election and emphasize the City's opposition to onshore drilling especially in the Big Cypress Creek Preserve area.

2023 POSITION: **Oppose** relaxation of the prohibition against leases on permits for drilling oil or gas wells within the boundaries of Florida's territorial seas. **Oppose** legislation that would prevent the Florida Department of Environmental Protection from blocking requests for offshore drilling in Federal waters off Florida's coast. **Oppose** seismic surveying within the Everglades, surrounding critical areas, or any other federal lands. **Oppose** efforts to ease restrictions on hydraulic fracturing and other oil and gas extraction activities.



FEDERAL ISSUE: Water Quality Legislation and Rulemaking - PFAS

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: EPA has compiled state, territorial, and authorized tribal water quality standards that EPA has approved or are otherwise in effect for Clean Water Act purposes. This compilation is continuously updated as EPA approves new or revised WQS. The last time EPA updated surface water quality standards was in 2018.

On August 26, 2022, EPA issued a proposed rulemaking to designate PFOA and PFOS chemicals as hazardous substances under CERCLA laws. If the rule is finalized as drafted, it would:

- Require facilities across the country to report on PFOA and PFOS releases that meet or exceed the reportable quantity assigned to these substances.
- Enhance the ability of federal, Tribal Nations, state and local authorities to obtain information regarding the location and extent of releases.
- Allow EPA and other agencies to respond to release or threats of releases of PFOA and PFOS as hazardous substances (CERCLA 104(a)(1)(A)) without making a determination of imminent and substantial danger (CERCLA 104(a)(1)(B)).
- Help establish national consistency in the evaluation and cleanup of PFOA and PFOS, and encourage better waste management practices.

The rule is designated as “economically significant” by the Office of Management and Budget. EPA estimates that more than 20,000 drinking water systems in the U.S. have detectable levels of PFOA and PFOS in finished water. Water and wastewater treatment creates residuals that are discharged or disposed of. Residual streams of the contaminants may be land applied, sent to landfills, or discharged to other smaller water systems.

Under CERCLA, the liabilities of hazardous materials are retroactive, joint and several, and strict. That is, communities will face risk of litigation and clean-up costs if these contaminants pass through their water or land-based systems.

2023 POSITION: *Monitor* the development of PFAS chemical treatment legislation and rulemaking for water quality standards that may have cost impacts to the City. *Oppose* cuts to EPA water recycling programs.



FEDERAL ISSUE: Waters of the United States and Regulatory Reform

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Congress enacted the Clean Water Act in 1972 with the statutory objective “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” One of the Act’s principal tools in achieving that objective is a prohibition on the discharge of pollutants from a point source to “navigable waters” unless otherwise authorized under the Act. “Navigable waters” are defined in the Act as “the waters of the United States, including the territorial seas.” Thus, “waters of the United States” (WOTUS) is a threshold term establishing the geographic scope of federal jurisdiction under the Clean Water Act. The term “waters of the United States” is not defined by the Act but has been defined by EPA and the Army in regulations since the 1970s and jointly implemented in the agencies’ respective programmatic activities.

On June 9, 2021, EPA and the Department of the Army announced their intent to revise the definition of WOTUS to better protect our nation’s vital water resources that support public health, environmental protection, agricultural activity, and economic growth. Upon review of the 2020 Navigable Waters Protection Rule, the agencies determined that the rule is significantly reducing clean water protections.

In mid-November 2021, the U.S. Environmental Protection Agency (EPA) and U.S. Department of the Army (the agencies) announced a proposed rule to re-establish the pre-2015 definition of “waters of the United States” (WOTUS) which had been in place for decades, updated to reflect consideration of Supreme Court decisions. This action advances the agencies’ goal of establishing a durable definition of WOTUS that protects public health, the environment, and downstream communities while supporting economic opportunity, agriculture, and other industries that depend on clean water. This proposed rule would support a stable implementation of “waters of the United States” while the agencies continue to consult with states, Tribes, local governments, and a broad array of stakeholders in both the implementation of WOTUS and future regulatory actions.

In September 2022, EPA sent the Administration’s final WOTUS rule to Office of Management and Budget for interagency review.

On Friday, December 30th, EPA issued their final rule on how to apply the definition of Waters of the United States and the related permitting requirements. VSA provided the City with a quick summary after its release and is now performing a more detailed analysis on how the ruling may affect the City.

- Potential impact to the City: The WOTUS Rule may affect which project actions within the City will require Clean Water Act permitting and additional environmental analysis. This includes actions that the City takes as well as other public and private project sponsors.

2023 POSITION: *Monitor* Administration’s efforts to develop expected new ruling defining water of the United States and evaluate cost impacts to the City.



FEDERAL ISSUE: Climate Change

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:

President Biden is addressing Climate Change in almost every piece of legislation that he proposes. The most significant of these is the recently passed Infrastructure Bill (IIJA) which addresses climate change in grant programs and other programs that will take into account these effects.

Of note, the Infrastructure Bill provides FEMA an additional \$6.8 billion to continue to address climate change through mitigation projects. Two years ago, FEMA established the “Building Resilient Infrastructure and Communities (BRIC) program funding public projects that will make communities more resilient to disasters. The Administration is justifying this funding by noting that natural disasters are becoming more frequent and severe in recent years due to climate change effects. The Infrastructure Bill will fund FEMA at \$1 billion over five years for the BRIC program, which is in addition to the funding FEMA provides through setting aside up to 6% of the assistance the agency provides following major disaster declarations through the Public Assistance and Individuals and Households Program. **VSA has alerted the City to the BRIC program in the past and will continue to strategize on potential projects that may be eligible during 2023.**

VSA expects that the linkage between infrastructure resiliency and the new Administration’s climate goals will continue to create opportunities for the City for project funding that aligns with these measured goals.

2023 POSITION: ***Monitor*** any proposed Climate Change legislation that may impact the environment and ensure that any negative environmental and health impacts are disclosed prior to approval. ***Identify*** opportunities for funding local and regional projects from the Infrastructure Bill and any additional legislation in 2023.



FEDERAL ISSUE: Department of Housing and Urban Development Grant Programs

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The City of Coconut Creek receives direct allocations of funding from the Department of Housing and Urban Development (HUD) grant programs including the Community Development Block Grant (CDBG) formula program.

These programs include:

- HOME Investment Partnerships Program
- Continuum of Care, Homeless Assistance Program
- Community Development Block Grants Program
- Supportive Housing for the Elderly Program
- Supportive Housing for Persons with Disabilities Program

In his FY2022 budget proposal, President Biden requested a total of \$3.77 billion for the CDBG program. Of this, \$3.45 billion was directed towards the main CDBG formula grant program, while \$295 million was set aside for targeted CDBG activities to revitalize neighborhoods and communities that experience persistent and concentrated poverty.

In July 2022, the Department of the Treasury [announced new guidance](#) to increase the ability of state, local, and tribal governments to use American Rescue Plan (ARP) funds to boost the supply of affordable housing in their communities.

The guidance released by Treasury takes two additional steps: (1) increasing flexibility to use State and Local Fiscal Relief Fund (SLFRF) dollars to fully finance long-term affordable housing loans and (2) expanding presumptively eligible affordable housing uses to further maximize the availability of SLFRF funds for affordable housing.

In addition, Treasury and the Department of Housing and Urban Development have also released a joint “How-To” Guide to help governments easily combine American Rescue Plan funds with other sources of federal funding. The How-To Guide provides examples of how these flexibilities can help facilitate affordable housing deals using multiple sources of federal funding by combining eligibility for using SLFRF with existing sources of federal financing. Over the coming months, Treasury will conduct a series of webinars and briefings with state and local governments to provide continued engagement on how SLFRF funds can be used to expand the housing supply.

VSA and the City will continue to advocate funding for these programs during this year’s Congressional legislative cycle.

2023 POSITION: **Support** adequate funding for the Community Development Block Grant program for future fiscal years because of its critical role in the City’s efforts to support those that are least fortunate. **Monitor** current legislation reforming the CDBG – emergency funding program and its potential impacts to the City.



FEDERAL ISSUE: Healthcare Policy and Reform

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The American Rescue Plan (ARP), the Administration's COVID relief plan passed in March 2021, contained multiple provisions intended to bolster the ACA and get more Americans health coverage. The ARP did this in three ways: it expanded funding for Medicaid and the Children's Health Insurance Program, expanded COBRA subsidies, and expanded subsidies for ACA marketplace coverage, including for people receiving unemployment benefits. These provisions will last for at least two years, retroactive to January 1, 2021, and running at least to December 31, 2022. According to statistics released by the Administration, 2.5 million Americans were newly able to sign up for marketplace coverage during open enrollment this year because of the ARP.

2022 Activities: Inflation Reduction Act

The Biden Administration released its prescription drug plan on September 9, 2021. The plan largely aims to increase competition in the pharmaceutical industry as a lever to reduce the list prices of prescription drugs and to improve innovation. The plan primarily relies on capping out-of-pocket costs in Medicare D, Medicare drug price negotiations, and responding with regulatory action to manufacturers who raise list prices more quickly than the rate of inflation.

The Inflation Reduction Act, passed in August 2022, implemented the following healthcare policy provisions related to Prescription Drug Prices and ACA premiums:

- ***Capping Out of Pocket Prescription Drug Costs***
 - Beginning in FY 2025, places a cap on the cost of prescription drugs for individuals enrolled in Medicare at \$2,000 per year.
 - Beneficiaries will have the option of distributing those drug costs through monthly payments over the course of the year.
 - Capping prescription drug costs will improve health outcomes for the most vulnerable and reduce the burden on locally-funded hospitals and emergency rooms.
- ***Providing Free Vaccines to Medicare Recipients***
 - All CDC recommended vaccines will be free to those enrolled in Medicare.
 - Federal support for vaccine distribution will help reduce the cost of uncompensated care to locally funded health facilities and clinics.
- ***Extends Affordable Care Act Premium Subsidies to 2025***
 - Maintains expanded eligibility for ACA health insurance subsidies to individuals purchasing health care coverage on the ACA Marketplace with incomes over 400% of the federal poverty line.
 - Will reduce the number of uninsured residents using public hospitals and unable to pay.

2023 POSITION: ***Monitor*** changes to Medicare in relation to any Healthcare reform legislation.
Monitor implementation of provisions in the Inflation Reduction Act.



FEDERAL ISSUE: Assistance to Small Businesses (NEW)

BACKGROUND: HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The Small Business Administration (SBA) administers several types of federal programs to support small businesses, including:

- direct disaster loan programs for businesses, homeowners, and renters to assist their recovery from natural disasters;
- loan guaranty and venture capital programs to enhance small business access to capital;
- small business management and technical assistance training programs to assist business formation and expansion; and
- contracting programs to increase small business opportunities in federal contracting.

In 2020-2022, small businesses within the City were hit particularly hard by the COVID pandemic. The American Rescue Plan of 2021 provided an additional \$53.6 billion for SBA program enhancements, including

- \$28.6 billion for the Restaurant Revitalization grant program to provide grants of up to \$10 million per entity (up to \$5 million per physical location, limited to 20 locations) to restaurants and other food and beverage-related establishments that have experienced COVID-19-related revenue loss;
- \$15 billion for the Targeted Economic Injury Disaster Loan Advance payment program;
- \$7.25 billion for the PPP;
- \$1.25 billion for the Shuttered Venue Operators Grant Program;
- \$840 million for administrative costs to prevent, prepare and respond to the COVID-19 pandemic, including expenses related to PPP, SVOG, and grants to restaurants;
- \$460 million for the disaster loan program (\$70 million for credit subsidies and \$390 million for administrative costs);
- \$100 million for a community navigator pilot grant program to improve small business access to COVID-19-related assistance programs;

Small businesses are re-establishing and recovering from the COVID pandemic during 2022 and will continue to do so in 2023.

2023 POSITION: *Support* Federal policies, legislation, and agency programs that provide direct assistance to small businesses post-COVID pandemic.



FEDERAL ISSUE: Infrastructure Investment and Transportation Reauthorization

Background and Summary. On November 15th, 2021, the President signed into law the Infrastructure Investment and Jobs Act (IIJA) – a broad infrastructure bill (H.R. 3684) which included reauthorization of the surface transportation bill, water infrastructure legislation, and the Energy Infrastructure Act.

The combined bill has \$550 billion in new funding and when combined with the other pieces of passed legislation reaches a funding total of approximately \$1 trillion.

In VSA’s review of the bill, we want to note that a significant amount of funding will be spent through existing federal programs and competitive grants. Other smaller, amounts will be sent to the States including provisions for direct pass-throughs to local governments as well as through formula grant programs. A summary of the Bill’s framework for the next 5 years is as follows:

- **Roads and bridges:** \$110 billion in new funding will be allocated toward roads, bridges and other major projects. That includes \$40 billion for bridge repair and replacement and \$17.5 billion for unspecified “major projects.” The deal also reauthorizes a bipartisan surface transportation program for the next five years which currently expires at the end of September.
 - **Road safety:** \$11 billion toward reducing car crashes and fatalities, including through a “Safe Streets for All” program. It will also double the funding that is sent to other programs that improve road safety.
 - **Public transit:** \$39 billion to modernize public transit and improve access for people with disabilities. Funding will replace thousands of buses and other transit vehicles with zero-emission upgrades.
 - **Passenger and freight rail:** \$66 billion to eliminate Amtrak’s backlog, modernize trains and expand service.
 - **Electric vehicles and buses:** \$15 billion in spending for electric vehicle charging infrastructure, electric buses and transit. One billion dollars would also be put toward a program to reconnect communities divided by transportation infrastructure.
 - **Airports, ports and waterways:** The bill dedicates \$17 billion toward port infrastructure and \$25 billion toward airports.
 - **Water infrastructure:** \$50 billion for investment in weatherization and protection against climate-change fueled disasters like droughts and floods.
 - **Clean water:** \$55 billion in funding for clean drinking water, which includes replacing all the country’s lead pipes and service lines.
 - **Broadband:** \$65 billion in spending for broadband internet infrastructure.
 - **Environmental clean-up:** \$21 billion in funding for environmental remediation, including cleaning up superfund sites, reclaiming abandoned mine land and capping abandoned oil and gas wells.
 - **Power infrastructure:** \$73 billion to shift the country from fossil fuels to clean energy including power infrastructure. Funding also includes research in technology like nuclear, carbon capture and clean hydrogen.



Specific grant programs that VSA is already working with the City on include the following grants outlined in the bill:

- a. EV Charging and Fueling Infrastructure
- b. Promoting Resilient Transportation Projects
- c. Cybersecurity grants
- d. Recycling
- e. Septic to public treatment facilities connections
- f. Transportation Safety for Pedestrians

The Infrastructure Bill provides repetitive funding for these new programs for the next 5 years.

VSA will continue to work with the City to provide funding capture strategies and advocacy for these potential opportunities.

2023 POSITION: **Support** implementation of the Infrastructure Investment and Jobs Act (IIJA). **Support** all opportunities to secure funding for Coconut Creek’s infrastructure priorities with reauthorization of existing programs within the Act and funding for new programs. Consider a short-term and long-term strategy to take advantage of these funding opportunities. **Support** efforts to enhance federal transportation revenue streams. **Pursue** funding of transportation alternatives programs, such as bicycle, pedestrian, and trails projects made available in the IIJA. **Support** adequate funding of federal public transit programs, including high-speed rail. **Support** all opportunities to secure funding for City of Coconut Creek priorities in the IIJA including programs as Smart Cities, Complete Streets, Vision Zero Program, and other initiatives supporting municipalities.



FEDERAL ISSUE: Inflation Reduction Act

Background and Summary. On August 16, 2000, the President signed into law the Inflation Reduction Act of 2022. (IRA) – A broad bill aimed to curb inflation by reducing the deficit, lowering drug prices, and investing in domestic energy production.

BACKGROUND: HOW IT MAY AFFECT THE CITY OF COCONUT CREEK The IRA also provides tax credits to municipalities around clean energy investments. Implementation of this bill could provide opportunities for the City of Coconut Creek in 2023.

In summary the IRA provides:

Revenue

- 15% Corporate Minimum Tax -- \$222 Billion
- Prescription Drug Pricing Reform -- \$265 Billion
- IRS Tax Enforcement -- \$124 Billion
- 1% Stock Buybacks Fee -- \$74 Billion
- Loss Limitation Extension -- \$2 Billion

Investments

- Energy Security and Climate Change -- \$369 Billion
- Affordable Care Extensions -- \$64 Billion
- Western Drought Resiliency -- \$4 Billion

Many of the tax credits included in the IRA are eligible for direct payments in lieu of qualifying credits. This allows local governments, public entities, and some other eligible entities to elect to receive a direct cash transfer from the Department of Treasury in lieu of some tax credits included in the bill.

The inclusion of a direct pay option will allow recipients to fund projects themselves and forgo outside financing. The Treasury Department must still issue and publish a final rule detailing precisely how qualified recipients can apply for and receive direct payments. Specific provisions in the bill include:

Carbon Capture Credit: Extends the carbon capture (45Q) tax credit for carbon sequestrations projects that begin construction before January 1, 2033.

Clean Hydrogen Tax Credit: Creates a new tax credit for the production of clean hydrogen at a qualifying facility for the first 10 years of production.

Commercial Clean Vehicle Tax Credit: Establishes a new tax credit for eligible commercial clean vehicles, such as zero-emissions buses or garbage trucks. The credit is equal to 30 percent of the cost of the vehicle or the incremental cost of the vehicle, whichever is lower.

Greenhouse Gas (GHG) Reduction Program: Establishes two grant programs to help local governments reduce greenhouse gas emissions.

- The first provides \$7 billion in FY 2022 for EPA to make grants to states, municipalities, tribes, and nonprofits to enable low-income and disadvantaged communities to adopt and benefit from zero-emission technologies.



- The second provides \$20 billion in FY 2022 for EPA to provide financial and technical assistance on projects to reduce greenhouse gas emissions. \$8 billion of this amount would be set aside for projects in low-income communities.

Climate Pollution Reduction Grant Program: Establishes a program for states, local governments, and other eligible entities for greenhouse gas air pollution planning and implementation activities.

- Provides additional federal technical assistance.
- Funded at \$5 billion in FY 2022.

School Air Pollution Reduction Grant Programs: Provides \$37.5 million to EPA to award grants to air pollution control agencies to monitor and reduce GHG emissions and other air pollution at schools in low-income and disadvantaged communities.

- Provides an additional \$12.5 million for technical assistance to these schools to address environmental issues, develop school environmental quality plans, and identify and mitigate ongoing air pollution hazards.
- Air pollution control agencies will be eligible to apply.

Low-Emissions Electricity Program: Sets aside \$17 million for outreach and technical assistance to state and local governments to reduce greenhouse gas emissions that result from domestic electricity generation.

2023 POSITION: **Support** implementation of the Inflation Reduction Act (IRA). **Support** all opportunities to secure funding for Coconut Creek's infrastructure priorities with funding for new programs. Consider a short-term and long-term strategy to take advantage of these funding opportunities.



FEDERAL ISSUE: Tribal Legislation and Regulation

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Van Scoyoc Associates continues to monitor tribal legislation and regulations to determine if they could impact the City of Coconut Creek.

This focus would include any legislation or federal ruling that could affect the Class III Gaming Compact with the State of Florida in accordance with the Indian Gaming Regulatory Act of 1988.

In August 2021, the Indian Affairs Bureau released their final ruling and approval of the Seminole Tribe and State of Florida Gaming Compact. However, a Federal Court ruled in November 2021 that the Compact violated the Indian Gaming Rights Act as it related to online sports betting.

In January 2022, U.S. Interior Secretary Deb Haaland filed her notice to appeal the Federal Court decision in the U.S. District Court for the District of Columbia. The federal government's argument would have to convince the Appeals Court that the Indian Gaming Regulatory Act gives the Department of Interior authority to approve Florida's Gaming Compact at a federal level in August, even if the Compact allows bets to be placed outside tribal lands.

In August 2022, the state and the Seminole Tribe of Florida have filed arguments with a federal appellate court defending their five-year, \$2.5 billion gambling compact, which would allow sports betting statewide as long as all bets are funneled through computer servers on tribal land.

VSA will monitor the development of the current appeal process and any actions by the federal government related to the operations of the Compact or its components.

2023 POSITION: *Monitor* Tribal legislation and regulations that could impact the City of Coconut Creek.



FEDERAL ISSUE: ADA Government Website Accessibility

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK : The Americans with Disabilities Act (ADA) governs accessibility for those with disabilities. Specifically, Title III of the ADA has been interpreted by the courts to include public websites and the process of making the content and functions accessible to those with disabilities. “Accessibility” is defined as that people with disabilities can enjoy the full use of your website. In short, websites must be “accessible” to be ADA compliant.

U.S. courts and the Department of Justice (DOJ) have frequently referenced the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA success criteria as a standard to gauge whether websites are accessible. The WCAG 2.0 AA success criteria are comprised of 38 requirements, individually referred to as success criterion. If your website meets all 38 of those requirements, you are considered “accessible.”

The WCAG is organized around four guidelines or principles:

1. **Perceivable**: the information and content are presented and available to everyone, include persons with disabilities
2. **Operable**: the website interface does not require interaction that persons with disabilities cannot perform
3. **Understandable**: both the information and operation of the user interface must be readily understandable to everyone (make everything simple, provide clear instructions)
4. **Robust**: the website is accessible through a wide variety of user agents and technologies such as various screen readers and browsers. For example, you cannot just have an accessible website in Firefox, but not Chrome.

UPDATE. In September 2022, the WCAG guidelines were updated to reflect recommended changes for version 2.2. Although these guidelines cover a wide range of issues, they are not able to address the needs of people with all types, degrees, and combinations of disability. The guidelines were developed by the **World Wide Web Consortium (W3C) Web Accessibility Initiative (WAI)**

The Department of Justice (DOJ) administers the American with Disabilities Act and takes the position that ADA requirements apply to all the services or activities provided by State and local governments and those offered on the Internet. The Department of Justice does not have a regulation setting out detailed standards, but the Department’s longstanding interpretation of the general nondiscrimination and effective communication provisions applies to web accessibility. They also reference the WCAG guidelines on their website. Finally, DOJ states in their guidance that **even though businesses and state and local governments have flexibility in how they comply with the ADA’s general requirements of nondiscrimination and effective communication, they still must ensure that the programs, services, and goods that they provide to the public—including those provided online—are accessible to people with disabilities.** DOJ guidance can be found here: <https://www.justice.gov/opa/pr/justice-department-issues-web-accessibility-guidance-under-americans-disabilities-act>

2023 POSITION: Continue to ***monitor*** future Federal regulations and policy related to ADA accessibility standards and requirements for government websites.



FEDERAL ISSUE: FCC: Deployment of Communications Facilities and Wireless Infrastructure

BACKGROUND: On September 26, 2018, the Federal Communications Commission (FCC) adopted a [Declaratory Ruling and Third Report and Order](#), titled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment” (the Order). In the Order, the FCC clarified when the Telecommunications Act of 1996 ([P.L. 104-104](#)) preempts state and local requirements related to the deployment of fifth generation (5G) wireless infrastructure. It also set time frames (or “shot clocks”) for localities to review 5G infrastructure applications. As described in a press release, the FCC issued the Order in order to “remove regulatory barriers that inhibit the deployment of infrastructure necessary for 5G and other advanced wireless services.” Some cities, however, have criticized the Order as federal overreach. For instance, the CEO and Executive Director of the U.S. Conference of Mayors stated that the Order “misapplies federal law to federalize local public property” and “needlessly introduce[s] increased risk of right-of-way and other public safety hazards.”

VSA has worked with the City to oppose actions by the former FCC and the former Administration’s proposed rulings that reduced local oversight and control on broadband infrastructure. **VSA will continue to track and respond to any additional actions by the FCC which create these potential outcomes.**

UPDATE. The Commission continue to have an open seat for the 5th and final commissioner to be named and approved by the Senate. President Biden nominated Gigi Sohn as the 5th commissioner in October 2021 and she is still yet to be confirmed. On October 14, 2022, a consortium of nearly 250 businesses, consumer advocates, civil rights organizations, education groups, community media entities, state and local elected officials, and others sent an open [letter](#) to the Senate majority and minority leaders, as well as Senate Commerce Committee chair Maria Cantwell, Democrat of Washington State, and ranking Republican of the committee Roger Wicker of Mississippi asking the Senate to vote to confirm Sohn’s nomination. If confirmed Ms. Sohn would be the third Democratic commissioner on the FCC.

2023 POSITION: **Oppose** legislation that would preempt or limit local government zoning ordinances and its review process for the installation of 5G “small cell” wireless towers.

Wireless Infrastructure Health Issues and Impacts

Monitor and provide advocacy to address potential health issues related to increased 5G infrastructure deployment in local communities; in addition, **monitor** any insurance related regulations that would authorize the limitation of coverage for individuals claiming such injuries.



FEDERAL ISSUE: Transparency

BACKGROUND: Government transparency is vital to providing accountability and improving trust in government by citizens. Each year, over \$3.7 trillion is spent by the federal government and this number is expected to increase significantly in 2022 with the passage of the Infrastructure Bill (IIJA). It can be difficult to track that spending due to disparate and incomplete sources of data. To address this concern in 2014, the Digital Accountability and Transparency (DATA) Act of 2014 was signed into law. The DATA Act requires the federal government to set data standards across departments, to regularly report on more federal funds than in the past, and to regularly review data quality. The process of agreeing upon and implementing those policies and procedures, led by the Treasury Department and the Office of Management and Budget (OMB) took several years. In May of 2017, federal agencies began officially reporting data in compliance with the DATA Act. In November of 2017, the Government Accountability Office (GAO) completed their first review of that data and found several gaps, inaccuracies and varied interpretations of how data was reported. GAO has since made recommendations that OMB and Treasury clarify their guidance, work with agencies to produce more consistent data and disclose any known data quality issues. These recommendations are currently being reviewed and implemented by OMB and Treasury.

In February 2021, U.S. Senators Gary Peters (D-MI) and Rob Portman (R-OH), Chairman and Ranking Member of the Homeland Security and Governmental Affairs Committee, reintroduced a bipartisan bill to help make information about how the federal government is spending taxpayer dollars more accessible to the public; the “Congressional Budget Justification Transparency Act”. The legislation was intended to improve government transparency by requiring federal agencies to publish easily understandable justifications for their budget requests on a single, central website each year. Congressional budget justifications are plain-language explanations of how agencies propose to spend money that they request from Congressional appropriators. The Senate approved the bill June 24; the bill was forwarded to the President and signed into law on September 24, 2021.

Finally, the Senate passed the National Defense Authorization Act (NDAA) on December 15, 2022, with the Financial Data Transparency Act included. The President signed the NDAA into law soon thereafter. The Financial Data Transparency Act (FDTA) to modernize the collection and dissemination of financial data by federal financial regulators, making that information more accessible, more uniform, and ultimately more useful to investors and consumers. The Treasury Department and seven key regulators will jointly develop new standards, leveraging other data modernization efforts to streamline compliance and align data collections with government-wide policies for “open data assets.” There is concern by local governments that the new data standards may require costly updates to financial systems or extensive workarounds.

2023 POSITION: *Support* efforts to increase government transparency and accessibility of public records. *Monitor* efforts that may require increased mandates or costs related to data reporting.



FEDERAL ISSUE: National Flood Insurance Program

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Congress established the National Flood Insurance Program (NFIP) in 1968 to address the nation's flood exposure. Private insurance companies at the time claimed that the flood peril was uninsurable and, therefore, could not be underwritten in the private insurance market. Until 2005, the NFIP was self-supporting, as policy premiums and fees covered expenses and claim payments. Today, the program is roughly \$20,525,000,000 in debt due to several large flood events that have occurred over the past 15 years. That debt was as high as \$30,425,000,000 in 2017. **In the City of Coconut Creek**, there are 1,562 NFIP policies for both homes and commercial properties with annual premiums totaling \$708,227.

One of the most important issues being tracked by VSA is FEMA developing a new risk methodology referred to as **Risk Rating 2.0**. Risk Rating 2.0 determines flood insurance rates based on a property-specific analysis which is different from the previous approach of assessing risk across a broad group associated with flood zones and categories of properties.

VSA provided information to the City in 2021 and showed expected changes in flood insurance rates by zip code within the City based on FEMA's new methodology. Some policy holders would see slight reductions in insurance rates, and some would see significant increases in insurance rates. **In 2022, Risk Rating 2.0 was implemented for policies that were being renewed as well as new policies being issued.**

During 2022, Congress was very concerned over the changes in premiums from FEMA's new methodology. To this end, they introduced a number of bills to address potential premium rate increases:

- **The National Flood Insurance Program Reauthorization Act of 2022-** Rep. Maxine Waters (D-CA)
- **The Protecting Families and the Solvency of the National Flood Insurance Program Act of 2022-** Rep. Sean Casten (D-IL) [Cosponsored by: Rep. Earl Blumenauer (D-OR)]
- **The National Flood Insurance Program Administrative Reform Act of 2022-** Rep. Nydia Velazquez (D-NY)
- **A Bill to Cancel the Indebtedness of the National Flood Insurance Program, and for Other Purposes-** Rep. Maxine Waters (D-CA)
- **A Bill to Limit the Annual Increases in Premiums and Surcharges under the National Flood Insurance Program, and for other Purposes**

None of these bills became law and the current NFIP program was extended under passage of the Omnibus to September 30, 2023. VSA still expects some of these bills will be reconsidered in the new Congress this year.

2023 POSITION: *Support* efforts to reform and improve the National Flood Insurance Program for the benefit of all participants during the on-going reauthorization and reform process. *Oppose* recommendations that would raise rates to Coconut Creek ratepayers from FEMA's intent to implement Risk Rating 2.0.



FEDERAL ISSUE: Federal Marijuana Policy

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Today, [voters in 47 states, four U.S. territories, and the District of Columbia](#) have legalized some form of recreational or medical marijuana, including hemp and CBD products. 97.7 % of the U.S. population live in these states.

On October 6th, 2022, President Biden pardoned all federal offenses of simple marijuana possession as a first step towards decriminalizing or loosening federal classification of the drug as illegal under the 1971 Controlled Substances Act, which puts the Federal government at odds with many states. Congress so far has been unable to come up with a solution between the conflicting legal policies.

Under current law, financial institutions providing banking services to legitimate and licensed cannabis businesses under state laws are subject to criminal prosecution under several federal statutes such as "aiding and abetting" a federal crime and money laundering. Therefore, businesses that legally grow, market, or sell cannabis in states that have legalized its sale are generally locked out of the banking system.

In response, the [SAFE Banking Act](#) seeks to harmonize federal and state law by prohibiting federal regulators from taking punitive measures against depository institutions that provide banking services to legitimate cannabis-related businesses and ancillary businesses (e.g. electricians, plumbers, landlords, etc.) that serve them. The bill establishes a safe harbor for any depository institution that chooses to provide banking services to a cannabis-related legitimate businesses which holds and maintains a license from a state or local government to engage in manufacturing, growing, or producing, as well as any business who handles, sells, transports, displays or distributes cannabis or cannabis products.

Nine Senate Republicans [have already cosponsored](#) the SAFE Banking Act, making it a leading contender for reconsideration during the new Congress.

Finally, President Biden made a statement about Marijuana Reform on October 6, 2022 directing the U.S. Attorney General, all Governors, and the Secretary of Health and Human Services to develop an administrative process for issuing pardons to people with possession convictions and to expeditiously review the classification of marijuana as a Schedule I drug under the Controlled Substances Act.

2023 POSITION: Continue to **monitor** Federal legislation or agency policies related to marijuana and hemp and any impact on Florida's medical marijuana program or businesses.



FEDERAL ISSUE: Federal Policy and Legislation Related to Employment and Labor Laws

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: In the first year of the Biden presidency, he addressed employment and labor laws policies through several agency and executive actions. The following is a summary of his actions in 2022:

a. GIG Economy. On October 13, 2022, the Biden administration [released a long-awaited proposal](#) that could make it easier for truckers, Uber drivers, freelance writers, home care workers, and janitors to be classified as employees rather than independent contractors — a shift that would grant them access to federal labor protections.

The Biden administration's 184-page proposed rule would change how the federal agency determines who constitutes an employee or an independent contractor under the Fair Labor Standards Act, the 1938 law that determines eligibility for protections like minimum wage, overtime, Social Security, and unemployment insurance. It is the latest development in a legal back-and-forth between presidential administrations that stretches back more than a decade. If the rule is finalized, it will almost certainly be challenged in court.

b. National Labor Relations Board. Through a proposed rule issued on September 6, the NLRB has proposed reversing the current joint-employer standard for determining joint-employer status. The proposed rule would revert to Obama-era standard which states that entities may be deemed joint employers if they "share or codetermine those matters governing employees' essential terms and conditions of employment." These terms and conditions include wages, benefits and other compensation, work and scheduling, hiring and discharge, discipline, workplace health and safety, supervision, assignment, and work rules.

2023 POSITION: *Monitor* employment and labor law legislation in 2023 and identify any impacts to the City's policies and requirements.



FEDERAL ISSUE: Federal Funding of Public Safety Programs

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Most federal grant funding for safety programs within the Department of Justice (DOJ) and Department of Homeland Security (DHS) are provided as block grants with each state receiving a certain amount of funding, generally linked to population. That funding is then passed through to local jurisdictions to help support police, fire, emergency management, and homeland security functions. Examples of these formula programs include the Emergency Management Performance Grant (EMPG) the Byrne Justice Assistance Grant (JAG), and Project Safe Neighborhoods (PSN).

In other instances, funding from Federal programs is made available to local governments via competitive grant solicitations. Competitive program funds can be used to hire police officers through Community Oriented Policing Services (COPS) or firefighters through Staffing for Adequate Fire & Emergency Response Grants (SAFER), and purchase equipment through the Assistance to Firefighters Grant (AFG). The Infrastructure Bill (IIJA) provided increased funding for many of these programs.

While the City has benefited from several of the formula-based Federal programs in the past, VSA will continue to assist the City in pursuing competitive grant opportunities during 2023. Based on the City's direction, we have also provided a special focus on FEMA Firefighter Grant Programs (AFG) as well as DOJ Body Work Camera Program.

We will continue to identify and provide a funding analysis of all DOJ and FEMA public safety grant programs in 2023 of interest to the City. We will also continue to prepare strategies, review, and Congressional support for each individual grant application.

2023 POSITION: *Support* continued adequate funding for the wide variety of DOJ and DHS grants, i.e., Community Oriented Policing Services, Byrne Justice Assistance Grants, Emergency Management Preparedness Grants, Assistance to Firefighters Grants, Staffing for Adequate Fire and Emergency Response Grants, Body Worn Camera Program, Urban Areas Security Initiative grants, and other security-specific grants. *Support* the City of Coconut Creek's applications for these funds.



FEDERAL ISSUE: Mental Health Care Initiatives to Reduce Gun and Other Violence

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The City of Coconut Creek strongly supports legislation that would ban assault weapons, automatic weapons, and large external magazine weapons and ammunition. The City also supports the requirement that the purchase and ownership of a gun to be registered and licensed; and prohibit any person, other than law enforcement, to carry a weapon or firearms into a government facility or park.

In June 2022, the Congress passed the first federal legislation in 30 years to combat rising gun violence. The “Bipartisan Safer Communities Act” was signed by the President on June 25th. The recent [mass shooting](#) in Uvalde, Texas, along with the [multitude of mass shootings](#) this country regularly experiences, prompted the drafting and passing of this bill.

The law implements several changes to the mental health system, school safety programs, and gun safety laws. More specifically it provides:

- Support for state crisis intervention orders
- Protection for victims of domestic violence
- Clarifies the definition of “Federally Licensed Firearms Dealer”
- Provides an under-21 enhanced review process
- Creates penalties for “straw purchasing”
- Provides funding for community-based violence prevention initiatives
- Supports national expansion of community behavioral health center model
- Improves access to mental health services for children and families through Medicaid
- Increases access to mental health services for youth and family in crisis via telehealth
- Provides major investments at HHS to expand provider training in mental health and suicide prevention
- Provides school-based trauma support
- Creates the National Suicide Prevention Lifeline/988
- Increases funding for schools in support to mental health staffing and services

2023 POSITION: **Support** legislation that bans high-capacity assault weapons. **Support** legislation that restricts the sale of firearms and requires thorough background checks and licensing. **Support** legislation that responsibly expands treatment options and mental health programs.



FEDERAL ISSUE: Thin Blue Line Legislation

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: “Thin Blue Line” legislation (H.R. 99 / S. 3458) was re-introduced in 2022 but was not scheduled for a vote out of Committee. There are a group of Congressional leaders who have introduced and supported this bill each year because of a significant increase in law enforcement fatalities nationally. 14 Republicans in the House co-sponsored the bill in 2021 including Rep. Carlos Gimenez, Rep. Steube, and Rep. Bill Posey from Florida. 18 Republican Senators co-sponsored the Senate version including Senator Rubio and Senator Scott. The legislation adds “killing a law enforcement officer” to the list of aggravating factors in federal death penalty cases.

Co-sponsors to date supporting this legislation have been exclusively Republicans who argue that this legislation is a necessary measure to address escalating threats to public safety. Opponents cite that this legislation is unnecessary and duplicative to improving law enforcement and community relations and add that all 50 states currently contain the provision on a state level.

Update. Rep. Buchanan reintroduced the bill on January 9 and VSA expects it to receive to stronger support in the House this year.

2023 POSITION: *Monitor* the development of legislation that expands statutory aggravated determinations to include killing or targeting law enforcement.



FEDERAL ISSUE: Cybersecurity Legislation and Policy

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Cybersecurity is an important priority for the new Administration.

Two key federal actions in 2021 strengthened the cybersecurity opportunities for municipalities:

1. FEMA listed cybersecurity as a critical priority area for their preparedness grant programs requiring 7.5% of formula grant recipients to expend their funds on enhance their cybersecurity posture. And,
2. The Infrastructure Bill (IIJA) includes the State and Local Cybersecurity Improvement Act which authorizes a new grant program at the Department of Homeland Security dedicated to improving cybersecurity for state, local, tribal, and territorial entities. This grant program, which will provide \$1 billion over 4 years, would be administered by the Federal Emergency Management Agency (FEMA), to take advantage of existing grant systems and expertise, while the Cybersecurity and Infrastructure Security Agency (CISA) would provide subject matter expertise.

In 2023, VSA will share further guidance on the new grant program and continue to advocate for legislation that provides specific assistance to cyber threats to municipalities that might assist Coconut Creek. In October, CISA working with FEMA released the proposed funding allocations to the States under the newly created State and Local Cybersecurity Grant Program. VSA has been in coordination with the City's Cybersecurity Director and their State lobbyist to anticipate how Florida will organize their sub-grant program for allocating 80% of the funds to local communities as required by the IIJA.

We continue to coordinate this opportunity as it develops.

2023 POSITION: *Monitor* the development of cybersecurity legislation and federal policy. *Support* federal funding and programs that support local governments in improving their cybersecurity strategic goals and to prevent "ransomware" attacks.

