

# EXHIBIT "A"

The City of Coconut Creek, Florida

*2021 Federal Legislative and  
Regulatory Agenda*





**Prepared by Van Scoyoc Associates for the**

**Coconut Creek City Commission**

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**Updated January 2021**



## City of Coconut Creek, Florida 2021 Federal Legislative and Regulatory Agenda

### **RESOLVED AND/OR COMPLETED ISSUES IN 2020**

#### **Remote Sales-Tax Legislation**

**Support** legislation that requires companies making catalog and internet sales to collect and remit the associated taxes. **Support** federal tax policies that maintain revenue streams to local governments.

VSA advocated with Congress on the behalf of the City in support to local retailers on this issue over the past several years. On June 21, 2018, the U.S. Supreme Court ruled in *South Dakota v. Wayfair* that states and local governments can require vendors with no physical presence in a state to collect and remit existing sales taxes on remote or online purchases. This ruling enables each state to decide whether to enforce sales tax collection on remote purchases. Florida has not mandated online sellers to comply yet. SB126 was introduced last year and would allow collection of online sales tax in Florida but it was withdrawn from consideration on March 14<sup>th</sup>, 2020.

#### **Healthcare Policy and Reform**

**Support** the repeal of the excise tax on high-cost health insurance plans (a.k.a. the Cadillac tax) within the Affordable Care Act. VSA advocated for the repeal through briefing the City's congressional delegation on the Federal Agenda and emphasizing the City's position.

On December 20, 2019, President Trump signed into law a full repeal of the Cadillac Tax (along with other ACA taxes).

#### **Federal Housing Policy Regarding Assistance Animals**

**Monitor** federal proposed policy on the definition and usage of "Assistant Animals" to include "service animals" and "emotional support animals".

VSA coordinated with HUD to monitor the release and interpretation of potential new guidance throughout 2019 and early into 2020. On January 28, 2020, HUD issued additional guidance that laid out procedures and eligibility criteria for providing reasonable accommodations for "assistance animals". VSA provided the new federal guidance with summary to Coconut Creek.

#### **Surprise Medical Billing**

**Support** ending the practice of surprise medical billing. VSA, as a firm, supported legislation throughout 2020 to end surprise medical billing.

The COVID Relief Bill passed by Congress and signed by the President in late December addresses those charges that result from a long-running practice in which out-of-network medical providers send insured Americans "surprise bills," sometimes for tens of thousands of dollars. The way the Relief Bill is written fundamentally protects patients from being balance-billed. Balance billing is when out-of-network medical providers bill patients for amounts their insurer did not cover.



## **CURRENT FEDERAL AGENDA POLICIES AND ISSUES**

### **1. COVID-19 Legislation, Federal Emergency Programs, and Federal Funding**

#### **Direct Federal Program Assistance to Municipalities (Pg. 6)**

**Support** COVID-19 relief funding and agency programs and grants that provide eligible COVID assistance to municipalities.

#### **FEMA Reimbursement Policies (Pg. 7)**

**Support** federal policy that maximizes eligibility for FEMA reimbursement to municipalities. **Oppose** FEMA policy that would restrict future reimbursements for municipalities during pandemic response and recovery.

#### **Assistance to Small Businesses (Pg. 8)**

**Support** federal policies, legislation, and agency programs that provide direct assistance to small businesses impacted by the COVID pandemic.

#### **COVID Economic Stimulus Legislation (Pg. 9)**

**Support** COVID Stimulus legislation and eligibility for direct funding from agency programs that assist municipalities.

### **2. Energy & Environment**

#### **Federal Landfill Regulations (Pg. 10)**

**Support** federal regulations that create stricter environmental standards and testing for municipal solid waste landfills, and subsequently reduce landfill emissions. **Oppose** efforts to weaken landfill and coal ash regulations. **Monitor** the EPA's implementation of the coal ash provisions in the WIIN Act.

#### **Waste Recycling Programs (Pg. 11)**

**Support** federal legislation and funding that will assist local governments in administering and expanding recycling programs within their communities.

#### **Energy Exploration (Pg. 12)**

**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/gas extraction activities.



#### **Water Quality Legislation and Rulemaking (Pg. 14)**

**Oppose** the EPA forcing Florida DEP rulemaking to set new Human Health-Based Water Quality Criteria.

**Monitor** development of PFAS chemical treatment legislation and rulemaking for water quality standards. **Oppose** cuts to EPA water recycling programs.

#### **Waters of the United States and Regulatory Reform (Pg. 16)**

**Monitor** activity related to the repeal of the EPA's 2015 rule on Waters of the U.S. (Completed)

**Monitor** Administration's efforts to develop expected new ruling defining water of the United States.

#### **Climate Change (Pg. 17)**

**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 federally funded local and regional projects.

### **3. Social Services & Economic Development**

#### **Department of Housing and Urban Development Formula Programs (Pg. 18)**

**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.

#### **Healthcare Policy and Reform (Pg. 19)**

**Monitor** changes to Medicare in relation to any Healthcare reform legislation.

#### **School Vouchers (Pg. 20)**

**Oppose** federal efforts to expand school voucher programs.

#### **Electronic Smoking Devices (Pg. 21)**

**Support** the creation of federal regulations for e-cigarettes and other vapor producing devices.

### **4. Infrastructure**

#### **Infrastructure Investment (Pg. 22)**

**Support** new federal investment in infrastructure. **Support** all opportunities to secure funding for Coconut Creek's infrastructure priorities.

#### **Transportation Re-authorization (Pg. 23)**

**Support** efforts to enhance federal transportation revenue streams. **Support** adequate funding of transportation alternatives programs, such as bicycle, pedestrian, and trails projects. **Support** adequate funding of federal public transit programs, including high-speed rail. **Support** all opportunities to secure funding for City of Coconut Creek priorities via the 2021 Transportation Reauthorization Bill including programs as Smart Cities, Complete Streets, Vision Zero Program, and other initiatives supporting municipalities.



## **5. General Regulatory Issues**

### **Tribal Legislation and Regulation (Pg. 24)**

**Monitor** tribal legislation and regulations that could impact the City of Coconut Creek.

### **ADA Government Website Accessibility (Pg. 25)**

**Monitor** future federal regulations and policy related to ADA accessibility and requirements for government websites standards.

### **Domestic Discretionary Spending Pressure (Pg. 26)**

**Monitor** proposed cuts to non-defense discretionary programs of importance to the City of Coconut Creek.

### **Deployment of Communications Facilities and Wireless Infrastructure (Pg. 27)**

**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 health issues related to increased 5G infrastructure deployment in local communities

- **FCC Auctions planned in 2021 and potential effects on public safety frequencies**

**Monitor** the new 2021 agenda for the FCC and their plans to address this issue.

### **Transparency (Pg. 29)**

**Support** efforts to increase government transparency and accessibility of public records.

### **National Flood Insurance Program (Pg. 30)**

**Support** efforts to improve the National Flood Insurance Program for the benefit of all participants during the on-going 2021 reauthorization and reform process. **Oppose** recommendations that would raise rates to Coconut Creek ratepayers.

### **Federal Marijuana Policy (Pg. 32)**

**Monitor** any impacts federal marijuana policy may have on Florida’s medical marijuana program.

### **Employment and Labor Laws (Pg. 33)**

**Monitor** employment and labor law legislation and identify any impacts to the City’s policies and requirements.



## **6. Public Safety**

### **Federal Funding of Public Safety Programs (Pg. 34)**

**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, Urban Areas Security Initiative grants, and other security-specific grants. **Support** the City of Coconut Creek’s applications for these funds.

### **Mental Health Care Initiatives and Legislation to Reduce Gun and Other Violence (Pg. 35 )**

**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 for the mentally ill.

### **Thin Blue Line (Pg. 36 )**

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

### **Cybersecurity Legislation and Federal Policy (Pg. 37)**

**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.

### **Sanctuary City Issue (Pg. 38)**

**Monitor** Sanctuary City policies and potential impacts to the City of Coconut Creek.



**FEDERAL ISSUE: Direct Federal Program Assistance to Municipalities**

**BACKGROUND: HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** The COVID-19 virus has severely impacted the City in terms of economic revenue and the ability to provide services. In response, the federal government is expanding current federal agency programs and passing legislation for additional direct financial assistance to municipal governments. Navigating and advocating for these opportunities on behalf of the City will be an important priority during the 2021 legislative year. VSA will provide real-time updates, strategic planning, and targeted advocacy for these opportunities.

**UPDATE:** In December 2020, the COVID relief bill did not include a proposed \$160B for State and municipalities. The Biden Administration has stated that this current version is a “down payment” in terms of relief and plan to develop another COVID Relief Bill early this year to address direct funding to municipalities. Similarly, we expect the Biden Administration to establish clear new federal policies through Executive Orders and guidance to the federal agencies to address the needs of citizens and public agencies who have been impacted by the COVID Pandemic.

VSA will have particular focus on human resources related issues that have been included in already passed COVID relief bills such as rental eviction protection, landlord assistance, emergency sick leave, and emergency family medical leave.

Concurrently, we will also track all Federal agency programs that receive additional funding under the Biden Administration which would be eligible for municipal programs.

**POSITION:** *Support* Federal agency programs and grants that provide eligible COVID assistance to municipalities.





**FEDERAL ISSUE: 2021 FEMA Reimbursement Policies**

**BACKGROUND: HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** The City of Coconut Creek is well experienced with natural disaster response, FEMA policies, and now COVID-19 FEMA funding. During 2021, we expect the continuing effort to submit and process COVID-19 FEMA reimbursement claims under their Public Assistance program. We also expect the City to be involved in this same process if it is impacted during the 2021 hurricane season. VSA will continue to advocate for the City with your Congressional delegation, as visibility and advocacy support could help avoid delays in reimbursements as well as resolve eligibility issues for specific reimbursement costs.

**POSITION:** ***Support*** Federal policy that maximizes eligibility for FEMA reimbursement to municipalities.  
***Oppose*** FEMA policy that would restrict future reimbursements for municipalities during pandemic response and recovery.



## **FEDERAL ISSUE: Assistance to Small Businesses**

**BACKGROUND: HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** Small businesses within the City have been hit particularly hard by the COVID pandemic. COVID relief legislation has established the Paycheck Protection Program, loans for small businesses, and other targeted relief programs. More specifically, six different pieces of legislation during 2020 addressed needs for small businesses impacted by the COVID Pandemic. These are:

- P.L. 116-123, the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, provided the SBA an additional \$20 million for SBA disaster assistance administrative expenses and made economic injury from the coronavirus an eligible expense for SBA's Economic Injury Disaster Loans (EIDL).
- P.L. 116-136, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), among other provisions provided \$349 billion to support SBA's Section 7(a) lending programs and create a new Paycheck Protection Program (PPP). PPP loans have a 100% SBA loan guarantee, a 10-year maximum term, and a not-to-exceed 4% interest rate to assist small businesses, small 501(c)(3) nonprofit organizations, and small 501(c)(19) veterans organizations that have been adversely affected by COVID-19. Loan deferment and forgiveness are provided under specified conditions. The loans were originally available through June 30, 2020 and had a two-year term at 1% interest.
- P.L. 116-139, the Paycheck Protection Program and Health Care Enhancement Act, among other provisions provided \$321.335 billion to support up to \$659 billion in Section 7(a) lending.
- P.L. 116-142, the Paycheck Protection Program Flexibility Act, among other provisions, extended the PPP loan forgiveness covered period from 8 weeks after the loan's origination date to the earlier of 24 weeks or December 31, 2020. PPP borrowers could use the 8-week-covered period if they received their loan prior to enactment (June 5, 2020).
- P.L. 116-147, to extend the authority for commitments for the paycheck protection program, extended the PPP covered loan period from June 30, 2020, to August 8, 2020, and authorized \$659 billion for PPP loan commitments and \$30 billion for 7(a) loan commitments.
- H.R. 133, the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (Division M, Title III of the Consolidated Appropriations Act of 2021), would, among other provisions, extend the PPP through March 31, 2021, increase the program's authorization amount from \$659 billion to \$806.45 billion, and allow second-draw PPP loans of up to \$2 million.

These programs have expiring dates that will need reauthorization in 2021 as well as specific provisions that could limit assistance under specific conditions. Any limitations that could affect City's small businesses will need to be addressed and the City's position expressed to your Congressional delegation.

**POSITION:** *Support* Federal policies, legislation, and agency programs that provide direct assistance to small businesses impacted by the COVID pandemic.



## **FEDERAL ISSUE: COVID Economic Stimulus Legislation**

**BACKGROUND: HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** The Biden Administration has identified the need for additional COVID Relief legislation – especially to States and municipalities, which were left out of the bill passed in late December. VSA expects this legislation to address specific needs and COVID impacts to municipalities. VSA will work with the City to prioritize the City’s recovery needs during 2021 and to ensure these needs are supported by your Congressional delegation and requested in future COVID legislation.

On January 14<sup>th</sup>, President-elect Biden announced his framework for an additional COVID Relief Bill. The following is a summary of key components he is recommending to the Congress:

- A national vaccination plan that would invest \$20 billion into partnerships with states, localities and tribes as well as more investments for COVID-19 testing and treatments
- \$1,400 stimulus checks for individuals who make under \$75,000
- A public health jobs program that would fund 100,000 jobs
- \$130 billion to help K-12 schools reopen as well as \$35 billion for higher education, including public colleges and universities, community colleges and public and private HBCUs; also would provide an additional \$1,700 in financial assistance for college students in need
- \$400-a-week unemployment benefit and an extension of unemployment insurance programs implemented under past relief bills through September
- \$30 billion in rental and utilities assistance, plus \$5 billion in assistance to help address homelessness
- Increasing the federal minimum wage to \$15 an hour
- \$15 billion in grants to help small struggling small businesses
- \$350 billion in state and local government aid and additional rental and food assistance.

**POSITION:** **Support** COVID Stimulus legislation and eligibility for direct funding from agency programs that assist municipalities.



## **FEDERAL ISSUE: Federal Landfill Regulations**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** 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 2016, EPA finalized a 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 rule was finalized and became effective on October 28, 2016.

Under the Trump Administration, the EPA announced that they were reconsidering several issues in the 2016 rule and enacted a 90-day stay on the 2016 NPS rule. This stay expired in August 2017, meaning the rule remained in effect at that time.

Finally, 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 the Biden Administration, we expect this issue to be revisited. VSA will advocate for reconsideration to the Obama passed landfill regulation from 2016 and for its implementation.***

**POSITION:** **Support** the Biden Administration, EPA, and the City’s Congressional delegation on revisiting the 2016 landfill regulations in an effort to support the emission standards passed in 2016.

**Oppose** efforts to weaken landfill and coal ash regulations.



## **FEDERAL ISSUE: Waste Recycling Programs**

**BACKGROUND:** For decades, the U.S. sent the bulk of our recycling to China to be made into goods such as shoes and bags and new plastic products. But last year, the country restricted imports of certain recyclables, including mixed paper—magazines, office paper, junk mail—and most plastics. Waste-management companies across the country have determined that there is no longer a market for their recycling. These municipalities are facing tough choices on whether to pay much higher rates to continue their recycling programs or throw it all away.

To address this issue, Congress introduced two bills this past year to incentivize new methods for recycling programs. The House introduced H.R. 5115 – the “RECOVER Act – Realizing the Economic Opportunities and Values of Expanding Recycling”. The bill would allocate \$500 million in matching federal grants to eligible municipalities and tribal governments to invest in improving their recycling infrastructure, programs, and education efforts. Similarly, the Senate introduced S. 2941 – the “RECYCLE Act – Recycling Enhancements to Collection and Yield through Consumer Learning and Education Act of 2019”. This bill would establish a grant program for municipalities to improve the effectiveness of residential and community recycling programs through public education and outreach. Both bills have bipartisan support and are under community review.

**UPDATE: The education-focused RECYCLE Act and infrastructure-centric RECOVER Act have both received some bipartisan support but stalled amid the coronavirus pandemic. Those bills could see a revival with the new Congress in 2021 with support from the Biden Administration. Also, more recent bills like the Plastic Waste Reduction and Recycling Act introduced this summer could be combined into new legislation next year.**

**POSITION: *Support*** Congressional policy and funding for municipal recycling programs.



## **FEDERAL ISSUE: Energy Exploration**

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

*Offshore Energy Development* Active energy drilling does not currently occur off the Atlantic coast of Florida. State waters in the Atlantic extend three miles from shore, with the federal government controlling waters beyond that point.

The most recent 5-year proposal from the Department of Interior includes leasing sales in the South Atlantic areas off the east coast of Florida and the “Straits of Florida” adjacent to the areas of Coconut Creek and Fort Lauderdale. However, the western coast of Florida is under a moratorium of oil and gas activities under the Gulf of Mexico Energy Security Act of 2006. This moratorium lasts 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.

The Trump Administration held its last auction of drilling rights in November, and looking forward, President-Elect Joe Biden has pledged to prohibit new drilling on all federal lands and waters almost immediately upon taking office in 2021. The U.S. Bureau of Safety and Environment Enforcement, which oversees offshore oil and gas drilling, said it will consider lower royalty payments to the government for producers that invest in projects to enable existing platforms to reach their full capacity. Such a move would not create new drilling projects but would likely result in significantly increased activity and output at many current sites.

**In anticipation of a Biden Administration next year, Democrats in the House of Representatives are preparing to push a large package of bills to address the ocean impacts of climate change and reform federal ocean management to better account for climate mitigation.**

**Such legislation is likely to include a prohibition on oil and gas leasing in all areas of the Outer Continental Shelf (OCS), as well as a prohibition on any geological activities carried out in support of oil, gas, or methane hydrate exploration and development. It will also likely express the importance of increasing electricity production from offshore wind in achieving a national goal of net-zero emissions and would direct the Secretary of the Interior to seek to permit not less than 12.5 gigawatts of offshore wind energy production on the OCS by January 1, 2025 and not less than 25 gigawatts of offshore wind energy production by January 1, 2030.**

In 2021, VSA will closely monitor the new Administration’s orders on offshore drilling and exploration and advocate support for legislation in the House of Representatives that prohibits new offshore permitting.

### **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.



BOEM also addresses fracking in their 5-year plan emphasizing the economic benefits and energy security aspects of this growing industry. In addition, they summarize the public comments received to date on the plan and cite comment letters received by local governments including Coconut Creek expressing opposition to expansion of any offshore drilling in the Atlantic Ocean. Similarly, the Florida Department of Environmental Protection (DEP) coordinated review by Florida's state agencies and provided comments stating, "that protection of coastal and marine resources should be paramount".

With regards to hydraulic fracturing on public lands, these policies are promulgated by the Administration through the Department of Interior; Bureau of Land Management (BLM). The Trump Administration has attempted to expand oil and gas exploration leases on public lands as part of their overall energy plan since 2016 but has not been successful. Leases in effect in 2016 were 40,143 and leases in 2018 were 38,147. It should be noted that from 2009-2018, there have been no leases approved in Florida, **and the incoming Biden Administration is likely to ban all new fracking permits on public lands.**

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.

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**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** In 2016, the Florida Department of Environmental Protection (DEP) initiated a rulemaking to set less strict Human Health-Based Water Quality Criteria for 39 chemicals and to adjust the standards for 43 chemicals currently regulated by the state. The Florida Environmental Regulation Commission approved these standards in July by a 3-2 vote.

Many groups made their opposition clear. The Florida chapter of Physicians for Social Responsibility, a national health association, opposed any rulemaking that would increase the allowable limits of toxic compounds discharged into the state's waters. The compounds proposed for regulation include known human carcinogens and endocrine disruptors. Allowing higher carcinogen levels in Florida's water could also hurt Florida's fish and seafood industry as well as the tourism industry.

In September and November 2016, the City of Coconut Creek Council passed two resolutions in opposition to any efforts to weaken the human health-based water quality criteria. Also, the City sent a letter directly to the Environmental Protection Agency (EPA) expressing opposition to this rulemaking and asking the EPA to slow the development of this rulemaking. Concerns expressed by the City include public health, economic (tourism and seafood industries), inadequate public comment period, and the vacancies on the Florida Environmental Commission when this rulemaking was considered.

Before Florida DEP submitted the rule to the EPA, multiple groups (including the Seminole Tribe) sued over the new criteria. On February 2018, Florida DEP withdrew the rule. DEP proceeded with conducting a thorough 2018 Integrated Water Quality Assessment for the state and published it in June 2018.

**MORE RECENT DEVELOPMENTS:** States are required to review their water quality standards at least once every three years and if appropriate, revise or adopt new standards as per the Clean Water Act. This process is known as the "triennial review." Any new or revised water quality standards must be submitted to EPA for review and approval or disapproval.

**As part of an overall environmental agenda, we expect the Biden Administration to direct the EPA in evaluating more stricter water quality standards during 2021.**

**POSITION:** *Oppose* the Florida DEP rulemaking to set less strict Human Health-Based Water Quality Criteria

**PFAS chemicals.** PFAS refers to a large class of chemicals used to make furniture, paper packaging for food and cookware resistant to water, grease or stains. The chemicals are linked to health effects including certain cancers and damage to liver and immunity functions, developmental impacts on fetuses, as well as cognitive and behavioral effects in exposed children. Studies in recent years have highlighted the risks of PFAS substances as a potential national concern and Congress started weighing in on the issue during last year's legislative session.

Issues around PFAS disposal are among the biggest facing the wastewater industry. Under the Trump administration, the EPA has repeatedly touted its work on PFAS, including its PFAS Action Plan. But





multiple sources say the agency is stalling on setting a maximum contaminant level (MCL) for drinking water. The President has also threatened to veto legislation that would regulate some PFAS.

**In 2021, we expect Democrats and some Congressional Republicans to push for PFAS legislation targeting several areas. Those include drinking water standards, limitations on the incineration of PFAS-laden firefighting foam, and items like food packaging which have brought the chemicals into compost.**

POSITION: **Monitor** the development of Federal requirements for the treatment and management of PFAS classified chemicals expected in 2021.



## **FEDERAL ISSUE: Waters of the United States and Regulatory Reform**

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

A series of decisions by the U.S. Supreme Court over the past decade, imposed restrictions on the scope of wetland regulation governed by Section 404 of the Clean Water Act (CWA), which regulates “dredge and fill” activities in navigable waters and their adjacent wetlands. Opponents of these restrictions have urged Congress to redefine Waters of the U.S. (WOTUS) and apply that definition to all aspects of the CWA.

The Environmental Protection Agency and Department of the Army (the agencies) under the Trump Administration published a final rule (“Step One”) to repeal a 2015 Rule defining “waters of the United States” and re-codify the regulatory text that existed prior to the 2015 Rule. The final rule became effective on December 23, 2019. In 2020, the Trump Administration released their new proposed rule that proposed the following categories for federal regulatory water authority:

- 1) traditional navigable waterways (such as large rivers, and lakes etc.);
- 2) tributaries, e.g. rivers and streams that flow to traditional navigable waters;
- 3) certain navigable ditches, such as the Erie Canal;
- 4) lakes and ponds that contribute to navigable waterways;
- 5) impoundments of jurisdictional waters; and
- 6) adjacent wetlands

**UPDATE: President Biden is widely expected to overturn Trump's Waters of the U.S. rewrite, but legal experts warn that he could face a heavy legal lift; lengthy rulemaking; and an onslaught of opposition from industry, ranching, and agricultural interests.**

**Similarly, we expect the Biden Administration to evaluate all past actions from the previous Administration that repealed or restricted federal regulations. VSA will report status on each regulation that may affect the City and coordinate any potential recommendations.**

VSA will monitor and report these developments and suggest potential opportunities for the City to develop a supportive position if appropriate.

**POSITION: *Monitor* activity related to the Waters of the U.S. rule. *Monitor* activity related to any regulatory reform that may affect the City.**



**FEDERAL ISSUE: Climate Change**

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

Biden plans to address Climate Change with an ambitious agenda and, what he calls, the climate emergency. He has linked the goals of a 100% clean energy economy and net-zero emissions no later than 2050.

In relation to infrastructure investment he has stated that he wants to make smart infrastructure investments to ensure that buildings, water, transportation, and energy infrastructure can withstand the impacts of climate change. Every dollar will be used to prevent, reduce, and withstand a changing climate. He plans to work with regional and local governments to boost climate resilience efforts by developing regional climate resilience plans, using the most relevant science, data, information, tools, and training.

VSA expects that the linkage between infrastructure resiliency and the new Administration's climate goals will create opportunities for the City in the form of federal funding programs for infrastructure projects that align with these goals.

**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 Federally funded local and regional projects.



## **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

Currently the President has recommended funding for all the HUD Programs listed except for the Home Investment Partnerships Program. The recent Appropriations Bill that Congress passed, and the President signed into law included additional funding for these programs. Specifically, the CDBG program received \$3.5 billion dollars, an increase of \$50 million over the President's budget.

**CDBG Disaster Funding.** CDBG-DR program is the nation's primary long-term disaster rebuilding program, providing states and communities with the flexible resources needed to rebuild affordable housing and infrastructure after a disaster.

In December 2019, the House passed legislation that would, for the first time, codify in federal law the fundamental requirements and policy objectives of the CDBG-DR program. Prior to this legislation, the federal government has been reauthorizing and individually appropriating the CDBG-DR program following severe disasters in an ad hoc fashion. Typically, using this method of funding for disaster led to delays and a backlog on the distribution of funds. This bill would establish a level of standardization and codification by Congress, solving the unnecessary delays. The bill was not taken up by the Senate, but Democrats may reintroduce it in the 118<sup>th</sup> Congress.

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

**POSITION: *Support* adequate funding for the Housing and Urban Development Grant Programs in 2021.**



## **FEDERAL ISSUE: Healthcare Policy and Reform**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** The Patient Protection and Affordable Care Act (PPACA), often referred to simply as the Affordable Care Act (ACA) or “Obamacare,” was passed by Congress and signed into law in 2010. While the current Administration has been challenging components of the plan as well as the special taxes and revenue generators that are set to take place in the future, the Biden Administration is expected to be much more friendly to the ACA and take actions to strengthen the law.

Lawmakers and the Trump Administration were able to implement a variety of long sought solutions to lowering health care costs in 2020, including the end of surprise medical billing, policies to lower the cost of prescription drugs, and increasing transparency in the health care market.

### **Prescription Drug Prices**

The Trump Administration in 2020 implemented a variety of proposals aimed at reducing the prices of prescription drugs.

In September, the Department of Health and Human Services approved a final rule allowing the importation of prescription drugs from Canada. Six states, including Florida, have passed laws seeking approval from the Federal Government to import drugs from across the border, and this rule clears the way for those states to begin doing so. The measure does not apply to biologics such as insulin. The broader impact remains unclear as Canada recently announced a ban on distribution of many drugs outside of Canada if that would cause or worsen a shortage in the country, and the rule is also being challenged in court. President-Elect Joe Biden has indicated he is also interested in continuing to allow consumers to import drugs from foreign countries as long as they are deemed safe.

The Administration also implemented two measures this year to increase transparency around drug prices. The “Transparency in Coverage Final Rule”, issued on October 29<sup>th</sup>, requires health insurance companies to give their customers estimated out-of-pocket costs for prescription drugs and disclose to the public the negotiated prices they pay for drugs. This rule does not apply to Medicare or Medicaid. Furthermore, under the “Most Favored Nation Rule” issued by the Centers for Medicare and Medicaid, HHS seeks to lower the amount paid for 50 high-cost Medicare Part B drugs to the lowest price that drug manufacturers receive in similar countries. This rule is also being challenged in court.

**POSITION:** *Monitor* efforts to repeal/replace or amend the Affordable Care Act. *Monitor* changes to Medicare.



## **FEDERAL ISSUE: School Vouchers**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** The concept of school vouchers is to allow parents to use public funds to pay for some or all their child's private school tuition, in some cases, even religiously affiliated schools. Most often, vouchers are created and distributed by State governments. School voucher programs currently exist in 29 states and provide state support through direct payments or tax credits.

Voucher programs are politically contentious. Opponents contend that private-school vouchers pull down the education system as a whole -- widening achievement gaps and exacerbating segregation -- while only providing limited improvements to student performance. Proponents of school choice say the current network of traditional public schools fails to accommodate children with varying degrees of aptitude and learning styles and that parents should have more choice in between private and public schools that are supported with federal funding.

**2021 Update.** The Biden transition team officially stated that they "opposes the Trump/(Betsy) DeVos conception of 'school choice,' which is private school vouchers that would destroy our public schools. He is also against for-profit and low-performing charter schools and believes in holding all charter schools accountable. He does not oppose districts letting parents choose to send their children to public magnet schools, high-performing public charters or traditional public schools."

As part of a broader education policy outlined on his website, Biden calls for nearly tripling the Title 1 funding for aid to schools serving lower income neighborhoods and raising teacher pay.

VSA will continue to track and monitor any new developments related to school vouchers in 2021.

**POSITION:** *Oppose* Federal efforts to expand school voucher programs.



## **FEDERAL ISSUE: Electronic Smoking Devices**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** The use of electronic smoking devices (also known as e-cigarettes) has risen rapidly in recent years. However, e-cigarettes are currently unregulated by the U.S. Food and Drug Administration (FDA), despite the growing warnings about their long-term effects on individual and public health.

In 2019, the Centers for Disease Control and Prevention (CDC) advised people to avoid e-cigarettes while federal and state officials investigate an ongoing nationwide outbreak of severe lung injuries associated with the use of e-cigarette, or vaping, products. Since that time, federal and state officials have reported thousands of cases related to a newly identified lung disease that the CDC has named **EVALI** (the acronym stands for e-cigarette or vaping product use-associated lung injury).

President-elect Biden said he would halt the sale of vaping products until more research about its effects is conducted, proposing even tighter restrictions than the Trump administration's partial ban on the sale of flavored products. He has stated that there needs to be "serious scientific data as to whether or not it has the kind of long-term damage on the lungs and it causes death before we allow it to be sold."

The City of Coconut Creek is committed to protecting the health and safety of its residents and acted to locally regulate the use of e-cigarettes. In July 2014, the City approved a zoning in progress for businesses that sell e-cigarettes in order to warn potential investors that changes to current law would be coming. Then, in February of 2015, the City passed an ordinance prohibiting the use of e-cigarettes in traditionally smoke-free locations, such as schools, libraries, indoor workplaces, and City-controlled buildings, among others.

**POSITION:** *Support* the creation of Federal regulations for e-cigarettes and other vapor producing devices.



## **FEDERAL ISSUE: Infrastructure Investment**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** Traditionally, Congress has invested in infrastructure via a number of methods, primarily through legislation or programs like transportation authorizations, Federal Aviation Administration authorizations, Army Corps of Engineers, revolving loan funds, through the tax code via bond programs, or earmarks prior to 2009. The last big influx of new and unexpected investment in infrastructure occurred via the 2009 Stimulus bill, which, among other things provided \$105.3 billion for infrastructure, including \$48.1 billion on transportation, \$18 billion on water, environment, and public lands, and the remainder on government buildings, telecommunications and broadband, and energy infrastructure. The 2020 CARES Act contained roughly \$36 billion for infrastructure projects; most of those funds were narrowly targeted to the Airport Improvement program administered by the Federal Aviation Administration and formula programs run by the Federal Transit Authority.

Aging infrastructure continued to be a national issue as federal appropriations for infrastructure since that time has not kept up with the need. The American Society of Civil Engineers said in its latest report that \$3.6 trillion was needed to bring all segments of U.S. infrastructure up to a state of good repair.

**UPDATE.** The incoming Biden Administration, and Secretary of Transportation-designate Pete Buttigieg, have indicated the administration will prioritize and attempt to sell Congress on a job-creating infrastructure plan that also attempts to blunt the impact of climate change, but it remains to be seen if the new administration will be able to overcome the same obstacles that have stymied the Trump Administration on its infrastructure goals. Funding for transportation projects remains a major stumbling block, with Democrats supporting an increase in the gas tax but Republicans arguing such a move is a short-term fix as the tax is quickly headed for extinction with the increasing prevalence of hybrid and electric vehicles.

We also expect that “resiliency” will continue to be a bi-partisan issue in terms of building new infrastructure safer and more resilient to an increase in natural disaster impacts. FEMA is expected to implement a new public loan program that will help communities fund resiliency projects in the future. This loan program was authorized into law on January 1<sup>st</sup> of this year.

**POSITION:** **Support** new Federal investment in infrastructure. **Support** all opportunities to secure funding for Coconut Creek’s infrastructure priorities.





## **FEDERAL ISSUE: Transportation Re-authorization**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** As previously noted, Congress failed to pass a new surface transportation bill in 2020 upon the expiration of the 2015 FAST Act. Instead, Congress extended the FAST Act by one year, until October 1, 2021.

The FAST Act also included a provision related to Complete Streets, which requires state Departments of Transportation and local MPOs to consider all users of the roadways, such as bicyclists and pedestrians, when designing and constructing projects. The Broward County MPO is pursuing a Greenways and Complete Streets initiative throughout the County, including in Coconut Creek, and the City is strongly supportive of efforts to make the roads effective and safe for all users.

The City of Coconut Creek is strongly supportive of mass transit initiatives, including high-speed rail. While the FAST Act does not specifically include high-speed rail, it does increase formula funding for federal public transit programs by approximately 10 percent in FY 2016 and increasing slightly each year after that to adjust for inflation. Funding for many new mass transit improvements is provided through the Capital Investment Grants Program. In FY 2018, the Trump Administration proposed only \$1.2 billion for Capital Investment Grants, which includes New Starts, Small Starts, and Core Capacity projects. This is a decrease from the FY 2017 level of \$2.4 billion. However, the Congress restored the funding level to \$2.6 billion in their 2018 Appropriations cycle.

Specific priorities include:

- Increased funding for Vision Zero / Highway Safety
- Additional funding for highway grade crossing safety improvements
- Support funding for the Surface Transportation Block Grant Program (STBGP) and Transportation Alternatives Program (TAP)
- Additional funding for SMART Cities

VSA will work closely with the City to track and support these discussions with a focus on creating additional opportunities both through the State and directly through competitive grants for transportation investment within the City during 2021. **We will also work to identify opportunities that align with the City's support to Florida's MPO legislative agenda.**

**POSITION:** *Support* efforts to enhance Federal transportation revenue streams. *Support* adequate funding of transportation alternatives programs, such as bicycle, pedestrian, and trails projects. *Support* adequate funding of Federal public transit programs, including high-speed rail. *Support* all opportunities to secure funding for City of Coconut Creek priorities via the FAST Act or other means of transportation funding.



## **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. As an example, in 2015, we identified new federal legislation that could have impacted the City's relationship with the Seminole Tribe. H.R. 538, the Native American Energy Act introduced by Rep. Don Young (R-AK), was ostensibly meant to "facilitate the development of energy on Indian lands by reducing Federal regulations that impede tribal development of Indian lands." This could have limited the opportunity for the City (and others) to comment on a wide variety of actions that could otherwise impact the community.

Similar legislation is introduced each year which is designed to support Tribal economic opportunities. We will continue to monitor legislative activity in the House Natural Resources Subcommittee on Indigenous Peoples of the United States, whose membership includes Florida Congressman Darren Soto, and the Senate Committee on Indian Affairs, to ensure that the complementary relationship the City has with the Seminole Tribe is not adversely affected by Congressional action.

**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. (There are three tiers, A, AA, and AAA). 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 2.0 can be found:

<https://www.w3.org/WAI/standards-guidelines/wcag/>

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 October 2020, legislation (The Online Accessibility Act) was introduced in the House of Representatives to try to alleviate the lack of clarity concerning how companies are supposed to make websites accessible to vision impaired individuals. There is currently no law or regulations under the Americans with Disabilities Act (“ADA”) directly addressing technical or legal standards for website accessibility.

**The Online Accessibility Act intends to remedy many of these issues and concerns by creating a new Title VI for the ADA devoted entirely to consumer facing websites and mobile applications. The Act requires “substantial” compliance with WCAG 2.0 A, AA, an exhaustion of administrative remedies with the Department of Justice, and that plaintiffs plead “with particularity each element of the plaintiff’s claim, including the specific barriers to access.”**

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



## **FEDERAL ISSUE: Domestic Discretionary Spending Pressure**

**BACKGROUND: HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** For the first time in more than a decade, Congress will not be faced with strict budgeting requirements that prescribe annual Federal discretionary spending levels and the distribution of funding between defense and non-defense programs.

The Budget Control Act of 2011 set in place limits on annual Federal discretionary spending and required that it be equally divided between defense and non-defense programs. Exceeding these limits would have resulted in the sequestration of funding -- automatic across-the-board cuts in all Federal discretionary accounts.

The current Fiscal Year 2021 budget is the last year that the Budget Control Act is in effect. Beginning with Fiscal Year 2022 and the budget the new Biden Administration will submit to Congress early this year, the House and Senate will have to determine the annual level of discretionary spending, with no statutory requirements on top-line numbers or the distribution between defense and non-defense spending.

This, in combination with a new Administration and new leadership in the Senate, will have an impact on the spending priorities for the 117<sup>th</sup> Congress.

VSA will continue to monitor funding levels for programs that are of greatest interest to Coconut Creek to include:

- FEMA state and local grant funding, Firefighter Grant programs, Pre-Disaster Mitigation Grants and the Department of Homeland Security Urban Area Security Initiative program (UASI).
- The Community Development Block Grant program (CDBG)
- Medicare
- The HOME, Choice Neighborhoods and the Self-help Homeownership Opportunity Program
- Department of Justice grant programs
- EPA's Sustainable Materials Management Program and Waste Reduction Model.
- Renewable energy programs

**POSITION:** *Monitor* funding levels for non-defense discretionary programs of importance to the City of Coconut Creek.



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

**a. Recent actions of the FCC to preempt or limit local government zoning ordinances and review processes**

**BACKGROUND:** The Federal Communications Commission (“FCC”) through its adoption of the Declaratory Ruling and Third Report and Order, WC Docket No. 17-84 and WT Docket No. 17-79 (“Streamlining Small Cell Order”) effective on January 14, 2019, and In the Matter of Implementation of State and Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012, Declaratory Ruling, WT Docket No. 19-250 and RM-11849, (“Mandatory Approval Order”) effective June 10, 2020, it has drastically impinged on localities authority reserved under the Telecommunications Act of 1996.

Some of the far-reaching effects of the FCC’s actions include imposing limits on local subject matter review, creating new time constraints for processing permits, and restricting collection of costs associated with professional review of wireless communications facilities. Going beyond both the Florida and previously established Federal regulations, the FCC has expanded the deemed granted remedies to a larger group of wireless facilities than was originally contemplated in Spectrum Act of 2012.

Although previous litigation challenging the FCC’s action has yielded a mixed result, the City continues to litigate the Mandatory Approval Order, joined by other local jurisdictions throughout the nation, in the hope that the appeal will curtail the FCC’s continued overreach.

VSA has worked with the City to oppose actions by the FCC and the Administration’s proposed rulings that reduced local oversight and control on broadband infrastructure. **We will continue to track and respond to any additional actions by the FCC which create these same outcomes in terms of the expected Biden Administration’s support to broadband deployment but with a greater consideration to health effects.**

**POSITION:** The City of Coconut Creek **opposes** any legislation that increases the FCC’s authority over the deployment of communications facilities and wireless infrastructure within the local government purview, and any rulemaking by the FCC that overreaches beyond its clear federal mandate in this arena.

**b. FCC Auctions planned in 2021 and potential effects on public safety frequencies**

A FCC federal government T-Band spectrum auction planned for February 2021 could restrict the use of current frequencies for public safety emergency communications. There could also be a potential cost to the City to upgrade operations to a new frequency.

In September 2020, the House passed legislation which would prevent the FCC from proceeding with this auction. This bill did not pass, but it addressed the tradeoffs and potential impacts of future spectrum auctions. Furthermore, the GAO conducted an investigation in 2019 confirming potential impacts and recommended stopping the auction. <https://www.gao.gov/assets/700/699916.pdf>

**POSITION:** **Monitor** the new 2021 agenda for the FCC and their plans to address this issue.



## **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. 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.

The House, during its third session of the new 117<sup>th</sup> Congress, approved H.R. 22, the Congressional Budget Justification Transparency Act of 2021 to require the budget justifications of every Federal agency to be made publicly available on a single website. To do this, the bill requires the Office of Management and Budget to issue a full listing of agency budget justifications and the individual agency web pages where they are posted. This would ensure that the public has access to the complete publication of these authoritative budget resources. The bill also requires the U.S. Treasury Department to centrally publish all the materials on USAspending.gov as open data. The sponsors of this legislation see this as an extension of the 2014 DATA Act that has made USAspending.gov the primary public resource for the public to track how the government is using tax dollars. Adding Congressional budget justifications to the USAspending.gov website will provide even more context on Federal agency spending activity and plans.

**POSITION:** *Support* efforts to increase government transparency and accessibility of public records.



## **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. A three-part floodplain management and insurance program was created to (1) identify areas across the nation most at risk of flooding; (2) minimize the economic impact of flooding events through floodplain management ordinances; and (3) provide flood insurance to individuals and businesses. In the City of Coconut Creek, there are 1,562 NFIP policies for both homes and commercial properties with annual premiums totaling \$708,227.

Until 2005, the NFIP was self-supporting, as policy premiums and fees covered expenses and claim payments. Today, the program is roughly \$20,225,000,000 in debt due to a number of large flood events that have occurred over the past 15 years. That debt was as high as \$30,425,000,000 in 2017.

**2020 Update:** The Continuing Funding Resolution that became Public Law on October 1, 2020 extended the authorization of the National Flood Insurance Program through September 30, 2021. This is the 16<sup>th</sup> short-term extension of the program's authorization since 2017.

The last Congressional action on a long-term authorization bill for the program was in October 2019, when the House Financial Services Committee marked up and approved **H.R. 3167, the National Flood Insurance Program Reauthorization Act of 2019**, introduced by Chair Maxine Waters of California. The full House took no further action on the bill. The Senate did not advance any legislation either.

H.R. 3167 would have reauthorized the National Flood Insurance Program (NFIP) and its flood mapping program for five years, and addressed affordability of premiums by:

- creating a 5-year pilot program for means tested assistance to low-income policyholders;
- repealing surcharges;
- enabling policyholders to pay premiums in monthly installments; and
- creating a state revolving loan fund.

Faced with the expiration of the program at the end of 2019, 14 members of the Florida Congressional delegation, including Congressman Ted Deutch signed a letter and sent it to the House leadership expressing their concern about the expiration of the NFIP program and potential future changes/reforms.

The signers urged action on a bipartisan reauthorization bill for NFIP, but they expressed concern about premium increases that would result from the bill as well as uncertainties caused by the bill and the pending Risk Rating 2.0 program – a new FEMA program that would calculate flood insurance premiums based on new criteria. FEMA was scheduled to roll out new flood insurance rates based on Risk Rating 2.0 in 2019 but postponed that initiative at the urging of Congress.



FEMA says it plans to implement **Risk Rating 2.0** in 2021, which would have an impact on flood insurance rates and also could have an impact on building codes at the local level. Specifically, under this new program FEMA would reassess the factors it looks at in calculating flood insurance premiums. The shift would move the NFIP from the current practice, which looks at risk across a broad group associated with flood zones and categories of properties to create an individualized picture of each property's risk.

The new rating characteristics being used by FEMA to calculate flood insurance premiums for homeowners include:

1. Distance to the coast or another flooding source
2. Different types of flood risk
3. The cost to rebuild a home

All existing statutory and regulatory requirements, including rate caps on premium increases, would remain in effect; but in the end, some rates would go up, and some would go down.

With a new Administration and new leadership at FEMA, it is unclear if FEMA will advance the Risk Rating 2.0 program.

**POSITION:** *Support* efforts to reform and improve the National Flood Insurance Program for the benefit of all participants.





## **FEDERAL ISSUE: Federal Marijuana Policy**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** In 2016, the voters of Florida passed a state constitutional amendment to allow the use of medical marijuana. Subsequently, the Office of Compassionate Use under the Florida Department of Health began implementing a state-managed medical marijuana program. Additionally, the state legislature passed limitations on the zoning of dispensaries and local governments have taken action to either allow or ban dispensaries within their boundaries. The City of Coconut Creek is one of the few jurisdictions within Broward County that allows dispensaries.

To date, 35 States have legalized marijuana for medicinal use and of those, 15 States have legalized it recreational use.

At the Federal level, bills were introduced during 116<sup>th</sup> Congress that mainly focused on three policy areas:

1. Taxing/regulating marijuana products
2. Decriminalizing marijuana under federal law
3. Study/Research on the long term effects of marijuana policy on communities

Just before the end of the 116<sup>th</sup> Congress, the House approved H.R. 3884, the Marijuana Opportunity Reinvestment and Expungement Act (MORE Act), on December 4, 2020 by a vote of 228-164. The bill would have for the first time decriminalized marijuana by removing it from the list of scheduled substances under the Controlled Substances Act and eliminated criminal penalties for individuals who manufacture, distribute, or possesses marijuana.

The bill also would have:

- replaced statutory references to marijuana and marihuana with cannabis,
- required the Bureau of Labor Statistics to regularly publish demographic data on cannabis business owners and employees,
- established a trust fund to support various programs and services for individuals and businesses in communities impacted by the war on drugs,
- imposed a 5% tax on cannabis products and required revenues to be deposited into the trust fund,
- made Small Business Administration loans and services available to entities that are cannabis-related legitimate businesses or service providers,
- prohibited the denial of federal public benefits to a person on the basis of certain cannabis-related conduct or convictions,
- prohibited the denial of benefits and protections under immigration laws on the basis of a cannabis-related event (e.g., conduct or a conviction),
- established a process to expunge convictions and conduct sentencing review hearings related to federal cannabis offenses, and
- directed the Government Accountability Office to study the societal impact of cannabis legalization.



The bill was sent to the Senate, which took no further action before the end of the 116th Congress. The legislation will have to be reintroduced in the new 117th Congress.

In addition, Congress continues to review Federal laws and regulations related to hemp and CBD products. Late in 2018, Senate Majority Leader Mitch McConnell added a provision to the 2018 Farm Bill that would lift the Federal government's longstanding ban on industrial hemp. This led to developing the first "U.S. Domestic Hemp Production Program" which allows hemp to be grown under Federally approved plans and makes hemp producers eligible for other agricultural programs. The issues around regulating hemp production is in certifying the seeds and testing the hemp to ensure it does not exceed the limits for THC content – the ingredient that defines the definition for marijuana under the Controlled Substances Act.

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



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

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** President-elect Biden proposed an ambitious labor and employment agenda during his campaign, with proposals ranging from prohibiting mandatory arbitration, to restricting the use of non-competition and non-solicitation agreements, to adopting a \$15 per hour minimum wage and repealing the ability of states to implement right-to-work laws. Most of these proposals would require Congressional approval. As his agenda unfolds this year, the City can expect changes with a more employee-friendly direction for labor and employment law.

**POSITION:** *Monitor* employment and labor law legislation 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:** Federal grant funding for many Department of Justice (DOJ) and Department of Homeland Security (DHS) programs 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) and the Byrne Justice Assistance Grant (JAG).

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). There is also another category of grants that are distributed to certain recipients based on specific criteria, such as the Urban Area Security Initiative (UASI), which provides funds to eligible regions to help communities prepare for, prevent, respond to, and recover from potential attacks and other hazards.

The City of Coconut Creek has benefited from several of these Federal programs in the past, while other programs offer competitive grant opportunities from which the City may seek funds. With the creation and implementation of the City of Coconut Creek Fire Rescue Department, VSA will assist the City in identifying and applying for additional funding.

The recently signed FY2021 Omnibus Funding Bill provided increases over last year's amounts in most of the DOJ grant programs. This includes JAG and COPS hiring grants.

DOJ also received funding in the amount of \$7.5 million for a new competitive grant program to award grants to state and local law enforcement to educate, train and prepare officers so that they are equipped to appropriately interact with mentally ill or disabled individuals in the course of completing their job responsibilities. This training should be developed in conjunction with healthcare professionals to provide crisis intervention training focused on understanding mental and behavioral health, developing empathy, navigating community resources, de-escalation skills, and practical application training for all first responders.

In 2021, DHS received a modest increase of \$5 million to \$360 million for Assistance to Firefighter Grants. They also received \$360 million for Staffing for Adequate Fire & Emergency Response (SAFER) grants.

**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, 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:** Gun control has risen to the forefront of the national discussion amid several deadly mass shootings throughout recent years.

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.

The Biden Administration will need to address the current environment of rising firearm suicides, homicides, unintentional shootings and mass shootings. Some of these conditions have been worsened by the COVID-19 Pandemic. The virus has significantly impacted small businesses, unemployment, overwhelmed our health care system contributing to a rise in gun violence in some locations. The Council on Criminal Justice, a nonpartisan research organization, found that homicides increased an average of 42% across 28 major American cities during the summer and 34% over the fall. Criminologists suspect that challenges to mental health, economic stress, the inability of officers to engage in community policing, a rise in gang violence and a spike in gun ownership are behind the increase.

President Biden has stated that he plans to ask Congress to repeal liability protections for gunmakers and close loopholes for background checks, according to statements he made during his campaign. He also wants to ban production of assault weapons and high-capacity magazines, require registration for existing assault weapons, limit individual gun purchases to one per month and end all online sales.

President Biden's measures will face a tough battle in the Senate where 60 votes are required to pass legislation.

**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 for the mentally ill.



## **FEDERAL ISSUE: Thin Blue Line Legislation**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** “Thin Blue Line” legislation (H.R. 99 / S. 1508) was re-introduced in 2020 but unfortunately timed-out at the end of the 2020 Congressional legislation. There are a group of Congressional leaders who have introduced and supported this bill each year as a result of a significant increase in law enforcement fatalities nationally. 19 Republicans in the House co-sponsored the bill in 2020 including Rep Neal Dunn from Florida. 25 Republican Senators co-sponsored the Senate version including Senator Rubio. 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.** President-elect Biden has established a plan for “America’s Commitment to Justice”. His plan addresses reforming the criminal justice system to focus on reducing crime, strengthening opportunities for reform, and reducing violence. His plan focuses on four pillars:

- Preventing crime and providing opportunities for all.
- Eliminating racial disparities and ensuring fair sentences.
- Offering second chances.
- Reducing violence in our communities and supporting survivors of violence.

This approach pivots away from more extreme discussions during 2020 that proposed reducing funding for law enforcement. It should also be noted that as Vice President, Mr. Biden supported additional funding for law enforcement in the American Recovery and Reinvestment Act.

More specifically related to “Thin Blue Line” legislation. We expect it to be re-introduced in the new Congress by the Congressional coalition of members who support this legislation. VSA will continue to monitor and report any added support for this legislation and any potential advancement through the Congressional process.

**POSITION:** *Monitor* Thin Blue Line legislation and report its consideration by Congress and provisions in its final bill form.



## **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. In mid-January, President-Elect Biden chose a career intelligence officer from the NSA to serve in a newly created cybersecurity role for his National Security Council.

VSA expects President Biden’s first Federal 2021 Budget to match or exceed previous budget requests with respect to cybersecurity investments. A spokesperson from the Biden-Harris Administration said in a statement that we “will make cybersecurity a top priority, elevating it as an imperative across the government from day one. We will strengthen our partnerships with the private sector, academia, and civil society; renew our commitment to international norms and engagement on cyber issues; and expand our investment in the infrastructure and people we need to effectively defend the nation against malicious cyber activity.”

Ransomware attacks continues to be a key threat to municipalities.

During 2020, one bill (S.315) was passed by the Senate that provided assistance to municipalities attacked by ransomware. Unfortunately, this bill timed-out and was not passed into law.

In 2021, VSA will continue to advocate for legislation that provided specific assistance to cyber threats to municipalities and provide analysis on key provisions that might assist Coconut Creek.

**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.



**FEDERAL ISSUE: Sanctuary City Issue**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** In the past, the Trump administration has taken the position to restrict funding to “sanctuary cities.” Although the City of Coconut Creek is not a sanctuary city, there is some concern that the City may be negatively impacted if other jurisdictions meet the definition of a sanctuary jurisdiction.

The Biden Administration has not taken a specific stance on sanctuary cities, but we expect his policies to be wrapped into a broader Immigration Agenda. We also expect the new Administration to fully restore an Obama-era program that shields 640,000 undocumented immigrants who were brought to the U.S. as children from deportation, as well as rescind the Trump Administration’s travel and immigration restrictions on 13 countries, most of which are African or predominantly Muslim. Mr. Biden has also stated that he plans to implement a 100-day freeze on deportations while his administration issues guidance narrowing who can be arrested by immigration agents.

**POSITION:** *Monitor* Sanctuary City and immigration policies that may have potential impacts to the City of Coconut Creek.