

EXHIBIT "A"

The City of Coconut Creek, Florida

*2020 Federal Legislative and  
Regulatory Agenda*





**Prepared by Van Scoyoc Associates for the**

**Coconut Creek City Commission**

**Mayor Sandy Welch  
Vice Mayor Lou Sarbone  
Commissioner Becky Tooley  
Commissioner Mikkie Belvedere  
Commissioner Josh Rydell**

**Questions regarding the information in this book may be directed to:**

<b>Karen Brooks</b>	<b>James Crum</b>
<b>(954) 973-6720</b>	<b>(202) 737-6561</b>

**Updated January 2020**



## City of Coconut Creek, Florida 2020 Federal Legislative and Regulatory Agenda

### Energy & Environment

#### **Federal Landfill Regulations (Pg. 4)**

**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.

#### **Energy Exploration (Pg. 7)**

**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. 9)**

**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. 11)**

**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.

#### **Geoengineering (Pg. 12)**

**Monitor** any proposed geoengineering bills that may impact the environment and ensure that any negative environmental and health impacts are disclosed prior to approval.

#### **Waste Recycling Programs (Pg. 13)**

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

### Social Services & Economic Development

#### **Department of Housing and Urban Development Formula Programs (Pg. 14)**

**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. 15)**

**Monitor** efforts to repeal/replace or amend the Affordable Care Act. **Monitor** changes to Medicare. **Support** the repeal of the excise tax on high-cost health insurance plans (a.k.a. the Cadillac tax) within the Affordable Care Act.

### **School Vouchers (Pg. 17)**

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

### **Electronic Smoking Devices (Pg. 18)**

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

### **Federal Housing Policy Regarding Assistance Animals (Pg. 19)**

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

## **Infrastructure**

### **Infrastructure Investment (Pg. 20)**

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

### **Transportation Authorization (Pg. 21)**

**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** any and all opportunities to secure funding for City of Coconut Creek priorities via the 2020 Transportation Reauthorization Bill including programs as Smart Cities, Complete Streets, and other initiatives supporting municipalities.

## **General Regulatory Issues**

### **Domestic Discretionary Spending Pressure (Pg. 22)**

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

### **Remote Sales-Tax Legislation (Pg. 23)**

**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. Supreme Court ruling in June 2018 allows states to implement sales tax for online transactions. This issue is under implementation and being monitored.

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

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



### **Communications Facilities and Wireless Infrastructure in the Public Right of Way (Pg. 25)**

**Oppose** legislation that would preempt local government regulation and oversight on such infrastructure siting and permitting. Generally, monitor bills that exempt communications facilities from the National Environmental Protection Act or National Historic Preservation Act, and the like.

### **Transparency (Pg. 26)**

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

### **National Flood Insurance Program (Pg.27)**

**Support** efforts to improve the National Flood Insurance Program for the benefit of all participants during the on-going 2019-2020 reauthorization and reform process. **Oppose** recommendations that would raise rates to Coconut Creek ratepayers.

### **Federal Marijuana Policy (Pg. 29)**

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

### **ADA Government Website Accessibility (Pg. 30 )**

**Monitor** federal regulations and policy related to government website accessibility.

## **Public Safety**

### **Mental Health Care Initiatives and Legislation to Reduce Gun and Other Violence (Pg. 31)**

**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. 32)**

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

### **Sanctuary City Issue (Pg. 33)**

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

### **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.

### **Cybersecurity Legislation and Federal Policy (Pg. 35)**

**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: 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.

The Environmental Protection Agency (EPA) announced an Advanced Notice of Proposed Rulemaking (ANPRM) and public comment period in mid-2014 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 regard to emissions of landfill gas. The City 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 May 2017, 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.

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.

***Current.*** On December 17<sup>th</sup> 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 taking action 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".

Under the court's order, EPA must make final decisions approving or disapproving existing state plans by Sept. 6 and finalize a federal plan by Nov. 6 — keeping the court apprised of its progress through status reports every 90 days. The final "federal plan" has not yet been finalized but these developments are being monitored closely by VSA.



The state coalition in the landfill case included California, Illinois, Maryland, New Mexico, Oregon, Pennsylvania, Rhode Island and Vermont.

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.

### Coal Ash

The EPA issued a final rule in April 2015 related to coal ash that regulates coal combustion residuals generated from the combustion of coal at electrical utilities, power producers, and some landfills. Coal ash contains toxic substances that can cause significant health related problems. While the EPA’s new regulation did not designate coal ash as hazardous waste, it did take steps to establish standards and enforcement mechanisms for coal ash management and disposal.

In December 2016, the Water Infrastructure Improvements for the Nation (WIIN) Act was signed into law. The bill included additional provisions to address the control of coal combustion residuals (CCR). The bill provides the authority to establish state and EPA permit programs for coal ash and allows flexibility for states to incorporate the EPA final rule for coal ash or develop other criteria that are at least as protective of the final rule. The EPA is required to approve state permit programs within 180 days of a state submitting a program for approval.

### MORE RECENT DEVELOPMENTS:

In 2018, the EPA Administrator signed the first of two final rules that proposes to amend the original April 2015 regulation. The first proposal:

1. Allows states with approved CCR permit programs under the Water Infrastructure Improvements for the Nation (WIIN) Act or EPA, the ability to use alternate performance standards;
2. Revises the groundwater protection standard for entities which do not have an established drinking water standard (known as a maximum contaminant level or MCL); and
3. Allows facilities which are triggered into closure by the regulations additional time to cease receiving waste and initiate closure.

In addition, EPA revised the groundwater protection standards for four constituents in Appendix IV to title 40 of the Code of Federal Regulations (CFR) part 257 for which MCLs under the Safe Drinking Water Act have not been established. EPA also extended the deadline by which facilities must close coal ash units for two situations:





1. Where the facility has detected a statistically significant increase above a groundwater protection standard from an unlined surface impoundment; or
2. Where the unit is unable to comply with the location restriction regarding placement above the uppermost aquifer.

It is expected that additional changes to the 2016 rule will be released in 2020 for public comment.

POSITION: **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. **Monitor** Congressional and Administration action with regard to the repeal or modification of rules related to solid waste landfills. **Oppose** cuts to EPA 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.

In 2018, the Trump administration (BOEM; Bureau of Ocean Energy Management) released the draft 2019-2024 (5 year) proposal for offshore drilling off the U.S. Pacific and Atlantic coasts, the west coast of Florida in the Gulf of Mexico, and Alaska. Though this drilling proposal has been delayed as a result of litigation, coastal communities remain deeply concerned that the administration's final decision will irreversibly damage the health of America's coastal and marine environments.

Opposition to the Trump administration's offshore drilling plan has been widespread and bipartisan. It includes governors from 17 coastal states; more than 330 municipalities; more than 2,100 local, state, and federally elected officials; the U.S. Department of Defense; the U.S. Air Force; the Florida Defense Support Task Force; NASA; and an alliance representing more than 43,000 businesses and 500,000 fishing families. Furthermore, 60 percent of voters oppose expanding offshore drilling, and more than 70 percent favor giving states the power to veto federal offshore drilling plans near their coastlines. A recent House bill (H.R.1941) to ban offshore drilling in the Atlantic and Pacific Outer Continental Shelf (OCS) planning areas passed the House with 238 votes, including 12 votes from Republicans.

The Administration's 5-year proposal 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.

During 2020, VSA and the City will closely monitor the BOEM proposed program and requirements to complete an Environmental Impact Study to address public comments and all environmental-related issues and impacts. We will also advocate support for H.R. 1941 as it is assigned committee consideration in the Senate.

#### **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.

Despite this, they have focused their efforts on expanding leases in California. In October 2019, they announced a proposal to open more than 1 million acres of public lands in central California.

VSA will 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.

In March 2019, DEP began conducting a triennial review of the state's water quality standards. DEP has announced that all surface water quality standards are open under the current review and may be revised as a result of their findings.

In November, the DEP held a number of public workshops to review preliminary findings. A public notice for comments on DEP's proposed findings is expected early in 2020.

**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.



In July 2019, the U.S. House of Representatives approved their version of the defense authorization bill (NDAA) with a provision by two Michigan Democrats that would designate all toxic fluorinated chemicals (PFAS) as hazardous substances under the Superfund program within a year. Michigan members also successfully pushed an amendment to phase out military fire-fighting foam containing so-called PFAS compounds. The Superfund amendment passed by voice vote in the U.S. House over opposition from some Republicans who said it was overly broad and amounted to a "de facto ban" on the class of over 5,000 chemicals.

Formally listing PFAS as hazardous would give the U.S. Environmental Protection Agency additional authority to require responsible parties to undertake or pay for cleanup for contaminated sites under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). **This would include municipalities who own land where PFAS is found or is involved in water treatment of the chemicals.**

Related provisions in the Senate version of the bill would require the EPA to set within two years a national drinking water standard for PFAS. It also would require industrial PFAS manufacturers and users to disclose when they release PFAS chemicals into the environment.

POSITION: **Monitor** the development of federal requirements for the treatment and management of PFAS classified chemicals expected in 2020.



## **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.

On October 22, 2019, the Environmental Protection Agency and Department of the Army (the agencies) 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. It is expected that a “Step Two” in the form of a new proposed rule will be released in early 2020 that will refine the definitions from the 2015 regulations.

It is expected that the changes proposed would separate navigable waterways under federal authority into six categories:

- 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

VSA will provide a review of the ruling expected in early 2020 and recommended comments in coordination with the City.

### *Regulatory Reform*

The current Administration continues to roll-back federal regulations as part of their regulation reform agenda. While Congress has debated regulatory reform and has made some strides towards enactment of these reforms, The President has also indicated that he is going to have to work more closely with the House and their priorities in 2020.

VSA will continue to monitor any and all proposed regulatory actions that may affect Coconut Creek.

**POSITION:** *Monitor* activity related to the Waters of the U.S. rule. *Monitor* activity related to regulatory reform.



## **FEDERAL ISSUE: Geoengineering**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** Geoengineering is a scientific field that looks at using technology to counteract the effects of climate change. This is a rather new field with targeted research beginning in 2016. In January 2017, the Office of Science and Technology produced for Congress the National Global Change Research Plan that was a culmination of research in global climate change and with specific reference to geoengineering. It concluded that geoengineering practices to remove carbon dioxide from the atmosphere and/or reflecting sunlight to cool the planet requires coordinated research to conduct experiments in "ethical and responsible ways" for the future.

Under the Trump administration, enthusiasm appears to be growing for the controversial technology of solar geoengineering, which aims to spray sulphate particles into the atmosphere to reflect the sun's radiation back to space and decrease the temperature of Earth.

There was no new legislation introduced in 2018 specifically addressing geoengineering however, in 2017 Congressman Jerry McNerney (D-CA) introduced the Geoengineering Research Evaluation Act of 2017. Specifically, the legislation would direct the National Academies of Science (NAS) to produce two reports recommending a geoengineering research strategy and oversight principles for such research, building upon two previously published NAS reports. This bill was referred to the Science, Space, and Technology; Environment Sub-Committee for review and never brought to a vote for approval by the Committee.

**RECENT DEVELOPMENTS:** The US government has for the first-time authorized funding to research geoengineering. The \$1.4 trillion spending bills that Congress passed at the end of December included a provision setting aside at least \$4 million for the National Oceanic and Atmospheric Administration to conduct stratospheric monitoring and research efforts. The program includes assessments of "solar climate interventions," including "proposals to inject material [into the stratosphere] to affect climate."

**POSITION:** *Monitor* any proposed geoengineering bills that may impact the environment and ensure that any negative environmental and health impacts are disclosed prior to approval.



## **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 are telling municipalities 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 “Recovery 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.

**POSITION:** *Support* funding for municipal recycling programs.





## **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 \$3.4 billion dollars an increase of \$100 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 in solving the unnecessary delays.

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 2020.



## **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. Since that time, 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. Related to this issue, House Democrats held hearings in 2019 on universal healthcare legislation including proposals for *Medicare for All* that is currently being supported by candidates running for the 2020 Presidential election.

The coming year will implement many new provisions that were approved in the 2020 Appropriations Bill that was passed in December 2019. These provisions addressed a number of healthcare policy items and specific ACA provisions. The following is a summary going into 2020:

- Two years of Medicaid funding for Puerto Rico and other U.S. territories, providing a financial reprieve for localities that had been relying on temporary funding extensions.
- A ban on selling tobacco products to people under 21. (this raises the minimum age from 18)
- Extensions of key health programs through May 22, 2020 including, among others:
  - A scheduled \$4 billion reduction in disproportionate share hospitals
  - Community health center programs
  - Teaching Health Center Graduate Medical Education Program
  - National Health Service Corps
  - Temporary Assistance for Needy Families Program
  - Certified Community Behavioral Health Clinics demonstration program
  - Health profession opportunity grants
- A rider barring HHS from ending auto-reenrollment in the Obamacare exchanges and preventing the Trump administration from banning a practice called "silver-loading," a strategy to minimize fallout from President Donald Trump's elimination of a key Obamacare subsidy.
- **The three Affordable Care Act taxes the spending bill would repeal are:**
  - **The “Cadillac tax,” a 40% excise tax on pricey, generous health-insurance plans.**
  - **A 2.3% excise tax on medical devices.**
  - **An annual fee on the health insurance industry.**
- The spending bill omits legislation on surprise medical billing, but it sets up an opportunity to take up the matter again in May 2020. .

In terms of setting the 2020 legislative goals, lawmakers have promised to continue working on advancing key issues that didn’t pass in 2019. In a statement, Senate Health, Education, Labor and Pensions (HELP) Committee Chair Alexander (R-TN) listed 4 provisions he wants Congress to continue working on in 2020; they include:

- **Ending the practice of surprise medical billing**
- Five years of funding for community health centers and other public health programs
- Lowering the cost of prescription drugs
- Increasing transparency in the health care market



### **Drug Importation from Canada**

On Wednesday, the Trump administration issued two proposals aimed at loosening federal restrictions on importing prescription drugs. A proposed rule published by the FDA would allow states, wholesalers and pharmacies to import certain medicines from Canada. Guidance issued by the Department of Health and Human Services would enable the importation of certain medications made and sold outside the United States. HHS and FDA will accept initial public comment on the proposals for 75 days.

The import plan excludes controlled substances, IV drugs, and biologics such as insulin and Humira to treat rheumatoid arthritis. HHS Secretary Azar said that as states prove cost-savings and drug safety under the plan, Congress could look at expanding it to more complex and expensive medications.

If the draft rule is adopted, it likely will be years before states can actually implement importation plans. States will have to draft their own plans to comply with the federal rule and imported drugs will need to bear new FDA-approved labels and undergo safety testing.

Canadian officials have warned that exporting drugs to the U.S. could cause shortages in their country and would not significantly lower costs to U.S. consumers.

**POSITION:** *Monitor* efforts to repeal/replace or amend the Affordable Care Act. *Monitor* changes to Medicare. *Support* ending the practice of surprise medical billing.



## **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 of 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.

**Update.** In February 2019, Secretary of Education Betsy DeVos announced a new initiative to create a federal tax credit voucher program that would provide donors a dollar-for-dollar tax credit for donating to organizations that provide vouchers to students to attend private schools. Legislation to create this program has been introduced by Senator Ted Cruz (R-TX) and Representative Bradley Byrne (R-AL) but neither bill made it out of Committee review.

On March 11, 2019, the President's proposed budget for FY2020 included \$50 billion over ten years to fund the Education Freedom Scholarship Program. The President touted this as an "unprecedented level of resources" for school choice. The budget proposal also proposed increasing funding for the D.C. voucher program, doubling the funding level from \$15 million to \$30 million.

VSA will continue to track and monitor any new developments related to school vouchers in 2020.

**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).

Even though the agency announced that vitamin E acetate (an ingredient added to some THC products) appears associated with this vaping-related illness, officials stressed that their findings remain inconclusive, and more than one chemical could be contributing to lung damage. With no single cause yet identified, the agency continues to double down on its cautionary advice.

The City of Coconut Creek is committed to protecting the health and safety of its residents and took action 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.

**UPDATE:** On December 27, 2019 the White House received new guidance from the Food and Drug Administration on a potential ban of flavored vapes, according to the website of the Office of Information and Regulatory Affairs. A previous submission by the FDA was scrapped by Trump last month.

Anything short of a ban on nearly all flavors is likely to enrage medical and family groups who warn of an epidemic of teen addiction. On the other hand, conservative and business groups say any wide ban would shutter stores, cost jobs and drive adults to smoke instead. Trump's political advisers are also wary of alienating voters during his re-election bid.

In September, President Trump and Health and Human Services Secretary Alex Azar announced they would ban all flavors except tobacco, a significant decision that health groups cheered. But Trump watered down his pledge soon after, and later called it merely a "suggestion." On January 2<sup>nd</sup>, the Trump administration declared a ban on certain flavors of cartridge-based e-cigarettes but is stopping short of eliminating all types of vaping products. Under the policy the Food and Drug Administration, the administration will strip the market of every pod-based flavor except for tobacco and menthol. Pod-based products, like those manufactured by Juul and NJOY, are the most popular with teens.

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



**FEDERAL ISSUE: Federal Housing Policy Regarding Assistance Animals**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** The U.S. Department of House and Urban Development (HUD) has always taken the position that housing providers must provide reasonable accommodations to persons with disabilities who require assistance animals. The 2013 “Notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs” discusses how the Fair Housing Act and the Americans with Disabilities Act (ADA) intersect regarding the use of service or assistance animals by persons with disabilities.

In recent years, a growing need to apply housing policy for “emotional support animals (ESA) has reached the federal level. HUD has been drafting clarifying guidance on this subject for the past year, but the Administration has not yet released it. The issues involve the broader interpretation and sometimes abuse in labeling a pet as an ESA.

House managers continue to face an increase of ESA requests. Some of which are absolutely appropriate while others, however, appear to have medical verifications that were simply purchased over the internet. The courts and HUD as well as various state, city, and county agencies are all attempting to interpret the Fair Housing Act in a manner which identifies: (a) that the requestor is disabled; (b) that there is a nexus (or link) for the requested accommodation; and (c) that the verification is legitimate. And this must be done within the bounds of medical confidentiality.

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



## **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.

Despite the Stimulus (American Recovery and Reinvestment Act) funding, 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.

President Trump has made infrastructure investment a priority for his Administration and submitted a plan to Congress in early 2018 to invest \$1 trillion in infrastructure over ten years. Key elements of the plan are: block grants for rural areas, money for transformational projects, and infrastructure financing programs (think the water state revolving loan funds, WIFIA, or TIFIA for example), along with permit reforms and streamlining.

In 2020, Congress is expected to again pursue an “Infrastructure Investment Plan” led by Congressman Peter DeFazio from Oregon who is the new Chairman of the Transportation and Infrastructure Committee. He is planning to propose a \$500 billion bill for investments in highways, transit, airports, and water. Speaker Pelosi continues her support for an infrastructure measure as well.

Working with the City, VSA will ensure that infrastructure investments that meet local needs will be part of their advocacy strategy in 2020.

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





## **FEDERAL ISSUE: Transportation Authorization**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** In 2019, the Senate passed their version of a new transportation reauthorization bill which is required in 2020 when the current authorization bill (FAST Act) expires.

Positively, 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.

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 2020.

**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* any and all opportunities to secure funding for City of Coconut Creek priorities via the FAST Act or other means of transportation funding.



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

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** The Trump Administration's budget proposals have shown a shift from some domestic spending programs to military and other priorities. The 2020 proposed budget continued to follow this pattern with an increase to the VA, Homeland Security, Commerce, and Defense with off-setting cuts to EPA, Housing and Urban Development, Labor, Education, and Justice, HHS, and Transportation.

More specifically, the cuts that apply to municipal programs include:

- Eliminating/Reducing FEMA state and local grant funding by \$667 million including Pre-Disaster Mitigation Grants and the Homeland Security Grant Program, including the Urban Area Security Initiative program (UASI). The budget also calls for a 25% non-Federal match for FEMA preparedness grants that currently do not require any match.
- Eliminating the Community Development Block Grant program (CDBG)
- Reducing Medicare spending by \$845 billion over the next decade, largely by changing payments to hospitals and doctors and renewing efforts to lessen fraud and abuse.
- Eliminating HOME, Choice Neighborhoods and the Self-help Homeownership Opportunity Program
- Eliminating a portion of funding for Department of Justice grant programs.
- Eliminating funding for the EPA's Sustainable Materials Management Program and Waste Reduction Model.
- Reducing renewable energy programs

Given the Administration position on these programs, VSA will need to continue to work with the City to advocate for restoration of key discretionary programs that provide benefits and funding to local governments with Congress.

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



## **FEDERAL ISSUE: Remote Sales-Tax Legislation**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** In the past, retailers were only required to collect sales tax in states where they have brick-and-mortar stores. The burden then fell to consumers to report to state tax departments any sales taxes they owe for online purchases. Often, due to complex reporting requirements, consumers do not report those purchases when completing their tax returns. As a result, local retailers were at a competitive disadvantage because they must collect sales taxes while out-of-state retailers, including many large online and catalog retailers, essentially give their customers a discount by collecting no state or local sales taxes.

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. Under this framework, a state may pass legislation requiring remote sellers to collect these taxes, even if a vendor has no physical presence in the state. If state laws are challenged in court, each state Supreme Court would then determine whether the law is enforceable and consistent with federal law. For cities, lost revenue from online and remote sales means less money for basic services, such as roads and law enforcement officers.

Following the U.S. Supreme Court's decision, numerous states with a sales tax and the District of Columbia have taken some kind of action to enforce remote sales tax collection. As of December 1, 2019, 43 states and the District of Columbia currently require remote sales tax collection. States that have taken legislative action post-*Wayfair* have been primarily modeling their laws after South Dakota. Florida has not mandated online sellers to comply yet, but the Florida legislature is considering a bill that would require it.

**POSITION:** **Monitor** any issues related to the implementation of the remote sales tax programs and any challenges to the 2018 Supreme Court's ruling.



## **FEDERAL ISSUE: Tribal Legislation and Regulation**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** Van Scoyoc Associates monitors tribal legislation and regulations to determine if they could impact the City of Coconut Creek. As an example, in 2015, we identified legislation that was introduced 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 Indian Affairs Committees in 2020 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: Communications Facilities and Wireless Infrastructure in the Public Right of Way**

**BACKGROUND:** Many states throughout the nation, including Florida, have recently enacted regulations to streamline the process for siting communications facilities, in some instances eliminating permit review and zoning approvals. In January 2019, the Federal Communications Commission (“FCC”) through the enactment of the Declaratory Ruling and Third Report and Order, WC Docket No. 17-84 and WT Docket No. 17-79 (“Third Report and Order”) further tied local government officials’ hands in this arena.

The effects of the Third Report and Order are far-reaching as it imposes limits on local subject matter review, time for processing permits, and collection of costs associated with professional review of wireless communications facilities occupying local rights of way, and arguably private property. The Third Report and Order mandates a more stringent shot-clock wherein all professional disciplines reviewing a permit for wireless facility deployment must deliver a complete review for a ready-to-build facility within the allotted timeframe of either 60 days or 90 days, depending on the nature of the application. The FCC essentially gave the green light to communication providers and infrastructure providers to bring legal action against local governments who participate too heavily in the deployment discussion.

Despite the fact that the City is currently appealing the FCC’s Third Report and Order, joined by other local jurisdictions throughout the nation, new industry petitions have been filed with the FCC asking for even less local government involvement on modifications to existing sites (WIA’s Petition for Rulemaking, WIA’s Petition for Declaratory Ruling and CTIA’s Petition for Declaratory Ruling, WT Docket No. 19-250, WC Docket No. 17-84, and RM-11849). As the years have progressed, these mounting issues seem to be exacerbated by various proposed Congressional bills seeking to create an unreasonable advantage for industry participants, meanwhile disregarding the public welfare such as exempting communications facilities from National Environmental Protection Act (NEPA) and National Historic Preservation Act (NHPA) (see HR 4741). To that end, the City has made it a priority to monitor all communications facilities and broadband deployment legislation proposed in either chamber of the Congress, including, but not limited to, the invalidation of the FCC’s Third Report and Order (S. 2012), the requirement of reporting accurate broadband service coverage data for purposes of mapping geographic locations (H.R. 4229 and H.R. 4227), creation of new IRS investment and tax credits for communications infrastructure build-out in certain regions (H.R. 2921, H.R. 3999, and S. 2867), and the list goes on.

This past year, VSA worked with the City to identify some of the pending bills on this subject matter and met with congressional staff members to advocate for certain changes that would further the City’s objectives in this arena. In addition, VSA will continue to track and respond to any additional actions by the FCC which are at odds with the City’s position of inclusion and preservation of existing public laws that benefit its residents.

**POSITION:** The City of Coconut Creek **opposes** any legislation that increases the FCC’s authority over the deployment of communications facilities and wireless infrastructure at the local level. As well, the City **opposes** legislation that would: 1) preempt local government regulation and oversight on such infrastructure siting and permitting; 2) exempt communications facilities from the National Environmental Protection Act or National Historic Preservation Act; 3) limit the information available to the City for purposes of strategically siting new facilities; and 4) grant federal tax credits or incentives for broadband build-out in specific locations as the industry already benefits from local fee waivers.



## **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.

In late 2019, Congressman Mike Quigley (IL-05), co-founder and co-chair of the Transparency Caucus, re-introduced H.R. 5150 the *Transparency in Government Act* (TGA) to increase access, accountability, and transparency at every branch of the federal government.

**RECOMMENDED 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 2,065 NFIP policies for both homes and commercial properties.

Until 2005, the NFIP was self-supporting, as policy premiums and fees covered expenses and claim payments. Today, the program is roughly \$25 billion in debt due to a number of large flood events that have occurred over the past 5-10 years.

### ***2019 Update***

In October 2019, with continued congressional efforts to extend the program, the House 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 bill reauthorizes the National Flood Insurance Program (NFIP) and its flood mapping program for five years, and addresses 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.

With the current program expiring at the end of 2019, 14 members of the Florida Congressional delegation, including Congressman Deutch signed a letter and sent it to the House leadership regarding their concern of the NFIP program and potential future changes/reforms.

The signers urge action on a bipartisan reauthorization bill for NFIP, but they express 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.

Given no new authorization bill, the Appropriations Omnibus signed into law on December 20<sup>th</sup> included another extension for the program until September 2020.

FEMA is also expected to implement in 2021, its **Risk Rating 2.0** program, which will 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 will reassess the factors it looks at in calculating flood insurance premiums. The shift will 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, will remain in effect; but in the end, some rates will go up, and some will go down.

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, 33 States have legalized marijuana for medicinal use and of those, 10 States have legalized it for adult non-medicinal use.

On the federal level, many bills were introduced during 2019 that address marijuana usage. They mostly addressed 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

At the end of 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 Substance Act.

**POSITION:** Continue to ***Monitor*** any progression of federal legislation or agency policies related to marijuana and hemp and any impacts to Florida's medical marijuana program



## **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 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.

However, as it pertains to the City, the ADA’s Title II prohibits state and local governments from discriminating on the basis of disability for all public services and programs. Additionally, if a state or local government receives federal funds, the Section 508 amendment to the Rehabilitation Act of 1973, passed in 1998, requires you to make your electronic and information technology accessible to people with disabilities. Couple those together, it establishes a powerful requirement for state and local governments to commit to website accessibility.

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 [here](#).

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 can’t just have an accessible website in Firefox but not Chrome.

The House of Representatives passed legislation back in February 2018, that would have substantially amended the ADA to require people to provide written notice of noncompliance to local government websites before filing suit. The proposed amendments would then allow the entity 60 days to come up with a plan to address the plaintiff’s concerns. The legislation died in the U.S. Senate last term. In addition, seven U.S. Senators wrote a letter to Attorney General Barr in 2019 requesting that he resolve the uncertainties regarding accessibility requirements and to further clarify requirements for public websites.

**POSITION:** Continue to **Monitor** future policy and/or federal legislation related to public website accessibility requirements under the ADA.



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

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** Gun control rose to the forefront of the national discussion amid a number of deadly mass shootings throughout recent years – and a number of initiatives were approved by voters on state ballots during the 2018 midterm elections.

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.

An important aspect of the gun violence debate are efforts to improve mental health care as it relates to individuals purchasing guns. In late December, Congress approved \$25 million in gun violence research as part of its year-end spending bill for federal appropriations.

The sum is half what Democratic leaders requested, but it would be the first time in two decades that the Centers for Disease Control and Prevention would receive direct funding to look into the issue. The funding would allocate half to CDC and the rest going to the National Institutes of Health, which provide grants to scientists.

Congressional supporters stated that the funding would allow the CDC to help Congress better understand the correlation between domestic violence and gun violence, how people can store their guns more safely, and how to prevent suicides, which account for two-thirds of gun deaths. Despite the funding victory, Democrats were unable to convince the Senate to take up a bill that would require universal background checks, which was previously passed by the House but is opposed by President Trump.

VSA expects that this initial step for additional funding will support further debate on addressing gun violence during 2020.

**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 was re-introduced in 2019 as a result of a significant increase in law enforcement fatalities (i.e. 56%) in 2016 in an effort to enhance punishment and sentencing for people convicted of fatally shooting law enforcement officers.

The legislation would add “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 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.** On January 3<sup>rd</sup>, 2019, the 116<sup>th</sup> new Congress took up the bill as it was reintroduced by Representative Buchanan in the House and by Senator Pat Toomey in the Senate on May 16th. The House version (H.R. 99) of the bill has 15 cosponsors. The Senate version (S. 1508) has 20 Republican cosponsors. Neither bill has made it out of Committee review at this time but are still under Committee consideration.

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



## **FEDERAL ISSUE: Sanctuary City Issue**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** The Trump administration has issued several executive orders since taking office. Among these orders is one that, in part, seeks 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.

On January 25, 2017, President Trump issued an executive order stating that the Attorney General and the Secretary of Homeland Security shall ensure that jurisdictions that are not willfully complying with 8 U.S.C. 1373 are not eligible to receive Federal grants, except as deemed necessary for law enforcement. Noncompliance with 8 U.S.C. 1373 is used as the definition of a sanctuary city in the executive order. On March 27, 2017, Attorney General Sessions announced at a press conference that the Department of Justice would apply this standard to their grants and would retroactively apply it to jurisdictions that were previously awarded funds and that willfully violate section 1373.

Legal challenges have been filed regarding the constitutionality of the executive order and its applicability to grants that have already been awarded. Several jurisdictions have also reaffirmed their support of sanctuary policies. These legal challenges are currently preventing the release of the Department of Justice’s FY 2017 Byrne JAG awards and there is some concern that this will impact the release of funds through the COPS program as well. The Attorney General has recently requested additional documents from 23 jurisdictions regarding their compliance with section 1373 under the threat of a subpoena.

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



## **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. Most recently, the City applied for an FY 2018 AFG grant for an emergency response vehicle and operations and safety equipment. That application is still pending at this time.

FY 2020 funding for DOJ received a \$40 million increase in both Byrne JAG grants and COPS hiring grants. DHS received a modest increase in their FEMA Emergency Planning and Assistance to Firefighters Grant programs.

**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: Cybersecurity Legislation and Policy**

**BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:** Cybersecurity is an important component of the Administration’s IT modernization efforts and federal agenda. The President’s 2020 Budget included an estimated \$17.4 Billion to support the protection of Federal information systems and strengthening the Cybersecurity of Federal Networks and Critical Infrastructure. Legislation this year is expected to focus on protecting America from an increasing breadth of cybersecurity attacks on its businesses, local governments, and citizens. Republicans and Democrats leading the House and Senate have stated that bipartisan efforts on cyber-related issues may make progress as the 2020 elections progress.

Two key bills that VSA is tracking and involve directly local governments are the following:

**S. 1846 - State and Local Government Cybersecurity Act of 2019:** Passed by the Senate on November 21 and referred to the House Committee on Homeland Security, and the Committees on Oversight and Reform, and Energy and Commerce on November 26, the bill authorizes the Homeland Security secretary to make grants to and enter into cooperative agreements or contracts with states, local, tribal, and territorial governments, and other non-federal entities, that the secretary determines necessary regarding cyber threat indicators, defensive measures and cybersecurity technologies, cybersecurity risks, incidents, analysis, and warnings.

**S. 3033 - K-12 Cybersecurity Act of 2019:** This bill was introduced in the Senate Homeland Security and Government Affairs Committee shortly before recess on December 12, 2019 and is a response to the rash of ransomware attacks on government institutions and schools during 2019. It calls for DHS to create a set of guidelines to help schools improve their cybersecurity posture to better ward off these attacks.

**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.