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FLORIDA LEAGUE OF CITIES 2019 Federal Action Agenda

WATER QUALITY AND WATER SUPPLY

Water quality is of vital importance to Florida's municipalities, their residents, businesses and visitors. It is an essential element to the state's economy and numerous municipal economies throughout the state. Last year's outbreak of harmful Red Tide resulted in large numbers of dead fish and marine life washing up on beaches and within rivers and waterways in numerous jurisdictions throughout the state. The decaying fish and marine life further degraded water quality. Additionally, excess water discharged from Lake Okeechobee is one of several factors causing widespread and prolonged toxic blue-green algal blooms in coastal and inland waterways around the state. The widespread and prolonged algal blooms threaten Florida's environment and fragile ecosystems including its beaches, rivers and wildlife.

The extent and nature of the state's water quality problems vary among regions and communities. For some local governments, their most acute need is finding resources to mitigate nutrient pollution from septic tanks. For others, it's improving and strengthening existing water and wastewater infrastructure. The Florida League of Cities supports federal funding that can assist cities in addressing water quality challenges in their communities through grants, low-interest loans and technical assistance.

Florida's ability to meet the water needs of its growing population, industries and natural environment exceeds available supply and infrastructure. An estimated \$48.71 billion is needed over the next 20 years to meet needs for drinking water and wastewater, flood control, nutrient pollution, Everglades restoration, and beach and inlet erosion. The Florida League of Cities urges Congress to provide full appropriation to the Water Infrastructure Finance and Innovation Act for loans and loan guarantees for water infrastructure projects.

To help address Florida's water quality concerns, Representative Brian Mast (R-18-FL) has re-introduced the South Florida Clean Coastal Waters Act, H.R. 335, which would amend the Harmful Algal Bloom and Hypoxia Research and Control Act to require an assessment and action plan for reducing harmful algal blooms and hypoxia in the Greater Everglades region. Representative Darren Soto (D-9-FL) is a co-sponsor of this legislation. The Florida League of Cities supports H.R. 335.

INVESTING IN INFRASTRUCTURE

Cities strive to provide the best quality of life for their citizens. They build infrastructure that attracts investment in our downtown areas. They construct water and sewer plants, providing clean drinking water for today and for the future. Cities build and improve roads and transportation systems that spur new business growth and development and encourage private-sector investment. While Public Private Partnership (P3s) financing is one infrastructure tool, it is not the solution for all projects and not always feasible for Florida's smaller and medium-size cities. With budgets still tight and an ever-growing infrastructure need, cities rely on strong revenue participation and discretionary grant opportunities from the federal government to help strengthen our nation's infrastructure.

Florida Transportation Infrastructure:

With 112.8 million visitors each year and more than 1,000 people moving to Florida each day, the state's transportation infrastructure is facing serious challenges. Congestion is a growing problem, and the added wear and tear on our roads makes for recurring repair or replacement. At the same time, highway construction costs continue to escalate. Some of this increase is directly attributable to technological advancements that are necessary to implement a "smart transportation grid." While the federal, state and county governments have a variety of tools available to them to address transportation funding, municipalities have limited revenue options for funding transportation projects.



INVESTING IN INFRASTRUCTURE *Continued*

Florida Broadband Infrastructure:

As we become more connected to the digital world, it is critical that our cities are equipped with the right broadband infrastructure to meet the needs of our residents and businesses. Almost half a million Floridians do not have any wired internet providers where they live, and 2.2 million people in Florida have access to only one wired provider, leaving them no options to switch. Making broadband more accessible, reliable and affordable in underserved or unserved areas can dramatically improve the quality of life for residents.

The Florida League of Cities urges Congress and the Trump administration to offer federal infrastructure opportunities that provide funding directly to local governments, which are best equipped to identify high-priority projects where the need is the greatest. The Florida League of Cities urges Congress to maintain funding for the Community Development Block Grant (CDBG), the Transportation Investment Generating Economic Recovery (TIGER) program and other important federal programs that benefit local communities.

FEDERAL PREEMPTION OF SMALL WIRELESS INFRASTRUCTURE DEPLOYMENT

In 2017, the Florida Legislature passed the Advanced Wireless Infrastructure Deployment Act that creates a state process for the deployment of small wireless infrastructure in local rights of way. Federal efforts to create a process for this same infrastructure are complicating and imposing different or more stringent standards on Florida's cities than the existing process under Florida law. For the past year and a half, telecom providers and Florida local governments have worked together, in the framework provided by the state Legislature, to adopt ordinances implementing the state act.

The impact of recent actions by the federal communications commission will slow small wireless infrastructure deployment in Florida.

On September 26, 2018, the FCC adopted a Declaratory Ruling and Third Report and Order that, among other things, creates new limits on local wireless siting review, creates a cap on the collocation and other fees that can be collected, and limits conditions relating to aesthetics. The FCC, which consists of four non-elected members, passed these actions by a vote of 3-1. This order went into effect Jan. 14, 2019.

The FCC actions are a direct affront to traditionally held local authority and will complicate, rather than simplify, national efforts to expedite small wireless infrastructure deployment by prolonging state and local processes. The Florida League of Cities shares Congress' goal of ensuring efficient, safe and appropriate deployment of new broadband technology. However, these federal efforts are not the best way to achieve this shared goal and will, in fact, grind to a halt the permitting and deployment of this infrastructure in Florida. The deployment of small wireless infrastructure is a local issue, and cities should have a say in the use of the public's rights of way and in a city's aesthetics. Additionally, creating standards at the federal level that conflict with the Florida law will create chaos and confusion in seeking to determine whether a city must use federal or state guidelines because the federal and state law apply to different but overlapping sets of equipment. The Florida law also provides exclusions and exemptions not included in the FCC actions and addresses undergrounding of utilities and hurricane preparedness, which is not addressed in the federal actions. The Florida Legislature has already tackled issues relating to small wireless infrastructure deployment, and federal preemption is not warranted in this state and local government matter. The Florida League of Cities urges Congress to oppose federal efforts to preempt the deployment of small wireless infrastructure.

The Florida League of Cities urges Congress to support H.R. 530, the Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019, sponsored by Representative Anna Eshoo (D-CA-18), which would repeal the FCC regulations limiting the ability of cities to regulate the deployment of small wireless infrastructure.



NATIONAL FLOOD INSURANCE PROGRAM

The National Flood Insurance Program was created in 1968 in response to the lack of available private flood insurance and continued increases in federal disaster assistance due to floods. The NFIP allows property owners in participating communities to buy subsidized insurance to protect against flood losses.

Flooding is a serious risk in Florida due to the state's geography and proximity to water, both inland and coastal. Florida has more than 1.7 million active NFIP policies and \$435.7 billion in coverage. Florida property owners have received more than \$5 billion in claims since 1978. The NFIP is set to expire on May 31, 2019.

As a government program, the NFIP should treat its customers equitably and should adhere to insurance principles that rates must not be excessive, inadequate or unfairly discriminatory. Any necessary increases in premiums should be implemented with regard to customers' ability to absorb those increases. Additionally, properties should be rated based on their ability to withstand risk, not on their use or ownership structure. Nationwide, NFIP flood maps are generally outdated and don't accurately measure a community's flood risk. Efforts should be made to work directly with cities, counties and other stakeholders on the map revision process, ensuring locally generated data and/or models are considered.

Recognizing that nearly all properties have some risk of flooding, incentives should be created to encourage participation in the NFIP for property owners not located in high-risk flood zones. This participation will not only help protect those who are caught off guard by unpredicted flooding, but it also will also help the program become more financially stable.

The Florida League of Cities urges Congress to advocate for a NFIP reauthorization package that does not increase costs on vulnerable residents and provides increased funding for accurate flood mapping and mitigation.

ADA COMPLIANCE FOR MUNICIPAL WEBSITES

For the past two years, there has been a steady increase in legal claims challenging business and public entities claiming their websites are not in compliance with the Americans with Disabilities Act. Multiple Florida cities are facing legal claims for their municipal websites.

The U.S. Department of Justice initiated and then halted rulemaking to clarify website accessibility standards, which has contributed to the rising ADA legal claims. The Florida League of Cities requests that President Trump and Congress direct the DOJ to establish a clear standard to make websites ADA-compliant and decrease the costly litigation that cities, businesses and other stakeholders are facing. The Florida League of Cities supports the ADA, but the absence of statutory or regulatory language will lead only to a proliferation of more legal claims and increasing costs for Florida's taxpayers.