



# FLORIDA LEAGUE OF CITIES

## 2019 FEDERAL ACTION AGENDA

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### NATIONAL FLOOD INSURANCE PROGRAM

#### ACTION NEEDED

We urge Congress to advocate for a long-term NFIP reauthorization package that provides:

- ▶ Affordability for existing and future policyholders
- ▶ More accurate flood mapping
- ▶ Resiliency incentives

#### BACKGROUND

The NFIP is set to expire on November 21, 2019. As a government program, the NFIP should treat its customers equitably and should adhere to insurance principles ensuring the following:

- ▶ 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
- ▶ Properties should be rated based on their ability to withstand risk, not on their use or ownership structure
- ▶ 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 help the program become more financially stable
- ▶ Nationwide, NFIP flood maps are generally outdated and don't accurately measure a community's flood risk

Current legislation is moving in the right direction. Sen. Marco Rubio (R-FL) has co-introduced legislation with Sen. Bob Menendez (D-NJ), National Flood Insurance Program Reauthorization and Reform Act of 2019, S. 2187. Similar legislation, H.R. 3872, by Rep. Frank Pallone (D-NJ-6) has been introduced in the House. Additionally, Rep. Maxine Waters (D-CA-43), is the bill sponsor for the National Flood Insurance Program Reauthorization Act of 2019, H.R. 3167. The bills provide different approaches to reauthorize the NFIP for five years.



## RISK RATING 2.0

### ACTION NEEDED

We urge the Federal Emergency Management Agency (FEMA) to provide more details on Risk Rating 2.0 to better comprehend the impact for Floridians.

- ▶ What methodology will be used to price and sell flood insurance policies?
- ▶ How will Risk Rating 2.0 affect “grandfathered” properties and structures that precede the Flood Insurance Rate Map (pre-FIRM)?
- ▶ Will there be affordability controls that limit the percentage increase that policyholders will face?

### BACKGROUND

FEMA is scheduled to launch a new risk rating system on April 1, 2020, to address deficiencies in the traditional mapping process. Risk Rating 2.0 will determine a customer’s flood risk by incorporating multiple rating characteristics (types of flood, the distance a building is from the coast or other flooding source, or the cost to rebuild a home). Risk Rating 2.0 is set to go into effect on October 1, 2020. To be prepared for this new flood rating system, Florida’s cities have several questions on how this new flood rating system will be implemented.

## CYBERSECURITY

### ACTION NEEDED

We support federal funding for technical assistance, threat assessments, employee training, infrastructure improvements and data protection to help cities be better prepared for the next cyberattack. We support S. 1065, by Sen. Mark Warner (D-VA) and H.R. 2130, by Rep. Derek Kilmer (D-WA-6), the State Cyber Resiliency Act. We also support S. 1846, the State and Local Government Cybersecurity Act of 2019 by Sen. Gary Peters (D-MI).

### BACKGROUND

Local governments are entrusted with gigabytes of personally identifiable, confidential and proprietary information about the businesses and citizens who live and operate within their jurisdictions. A number of high-profile cyber incidents in the public sector have highlighted the emerging challenges that cities face in protecting this data.

The “hidden” impact on local government operations when a system is compromised — whether it is longer response times for police and fire personnel, delays in service delivery to utility customers or holdups in the permitting process for businesses – may be more significant than any ransom payment.



## ADA COMPLIANCE FOR MUNICIPAL WEBSITES

### ACTION NEEDED

We support clear website accessibility standards for ADA compliance to decrease the costly litigation cities and other stakeholders are facing.

### BACKGROUND

For the past two years, there has been a steady increase in legal claims challenging business and public entity websites as not being in compliance with the Americans with Disabilities Act (ADA). 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. FLC supports the ADA, but the absence of statutory or regulatory guidance will lead only to a proliferation of more legal claims and increasing costs for Florida's taxpayers.

## FEDERAL PREEMPTION OF SMALL WIRELESS INFRASTRUCTURE DEPLOYMENT

### ACTION NEEDED

We support H.R. 530, the Accelerating Wireless Broadband Development by Empowering Local Communities Act of 2019, by Rep. Anna Eshoo (D-CA-18), which would repeal the Federal Communications Commission (FCC) regulations limiting the ability of cities to regulate the deployment of small wireless infrastructure.

### BACKGROUND

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. The Florida Legislature passed subsequent legislation in 2019 further eroding local authority for placement of communications equipment in the public rights-of-way.

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 January 14, 2019.

Federal efforts to create a process for the deployment of small cell infrastructure are complicating and imposing different or more stringent standards on Florida's cities than the existing process under Florida law.



## INVESTING IN INFRASTRUCTURE

### ACTION NEEDED

We urge Congress to provide federal funding to strengthen infrastructure to meet the needs of Floridians and maintain funding for the Community Development Block Grant (CDBG) program. Our most essential infrastructure needs include:

- ▶ **Water supply and water quality through grants, low-interest loans and technical assistance**

An estimated \$48.71 billion is needed over the next 20 years to meet needs for drinking water, wastewater, flood control, nutrient pollution, Everglades restoration, and beach and inlet erosion.

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. 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.

- ▶ **Transportation infrastructure through reauthorizing the FAST Act**

Failing infrastructure and the lack of available funding options for cities hinder our ability to build and maintain safe transportation systems that can handle not just everyday traffic concerns but also emergency response times as well as hurricane evacuations.

- ▶ **Broadband infrastructure funding opportunities**

Making broadband more accessible, reliable and affordable in underserved or unserved areas can dramatically improve the quality of life for Floridians. 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.



## ADVANCE REFUNDING ON MUNICIPAL BONDS

### **ACTION NEEDED**

We support H.R. 2772, the Investing in Our Communities Act, sponsored by Rep. C.A. Dutch Ruppersberger (D-MD-2) that would restore tax-exempt advance refunding bonds.

### **BACKGROUND**

When Congress passed the Tax Cuts and Jobs Act in 2017, it eliminated tax-exempt advance refunding bonds. Similar to a home mortgage refinancing, advance refunding bonds allowed a city to refinance outstanding bonds to take advantage of lower interest rates, saving taxpayers millions of dollars in borrowing costs. This legislation would reinstate an important tool that will allow taxpayer dollars to do even more for the benefit of their local communities.

## REQUEST FOR SUPPLEMENTAL EMERGENCY DECLARATION – HURRICANE DORIAN

### **ACTION NEEDED**

We urge President Trump to approve a Category B reimbursement to offset the costs local governments incurred for emergency protective measures.

### **BACKGROUND**

Earlier this year as Hurricane Dorian approached the state, cities and counties across Florida, and especially along the East Coast, spent tens of millions of dollars to prepare for the potential landfall of a Category 5 Hurricane. On August 29, Gov. Ron DeSantis requested a Pre-Landfall Disaster Declaration and specifically requested Direct Federal Assistance as well as Emergency Protective Measures (Category B). While Hurricane Dorian ultimately did not make landfall in Florida, cities and counties used significant local resources to be fully prepared. Providing federal reimbursement would reduce the strain on local budgets and reinforce to Florida's cities and counties that federal assistance is available to help us fully prepare when storms threaten our state.