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FLORIDA ASSOCIATION OF COUNTIES
All About Florida

FLORIDA ASSOCIATION OF COUNTIES

2019 INNOVATION & POLICY CONFERENCE

LOCALS *first*

Federal

2019 INNOVATION & POLICY CONFERENCE

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2019 INNOVATION & POLICY CONFERENCE

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Table of Contents

2019 INNOVATION & POLICY CONFERENCE

FAC Federal Policy Committee
Existing Policy Update
September 2019

1. NATIONAL FLOOD INSURANCE PROGRAM

National Flood Insurance Program (NFIP) Reform: SUPPORT reauthorization of the NFIP with legislative, policy and programmatic modifications to ensure no coverage lapses and to improve the affordability, transparency, and financial stability of the program through reforms in the following areas: 1) Affordability/Rate Structure; 2) Mapping/Data Collection/Modeling; and, 3) Mitigation. **OPPOSE** any reauthorization efforts that are detrimental to policy holders, local governments, and the integrity of the program.

Update:

- The NFIP is set to expire on September 30, 2019.
- In July, the House Financial Services Committee passed H.R. 3167 on a bipartisan 59-0 vote. Along with reauthorizing the program for five-years, the legislation would make key reforms to enhance and modernize NFIP. Provisions within the bill include:
  - Creating a five-year pilot program to provide means-tested assistance for low-income policy holders; however, the program does not account for geographic disparities in housing costs in certain coastal communities.
  - Providing $500 million annually for updates to mapping technology to better predict future flood risk
  - Allocating $200 million annually for the flood mitigation assistance grant program
  - Providing continuous coverage for policy holders who wish to explore flood insurance in the private market
- HR 3167 does not provide affordability protections for the more than 47,000 Florida policy holders who own businesses and/or second homes or rental properties. These properties are subject to premium increases as high as 25% per year.
- July 2019 - Bipartisan bills in both the U.S. House and the U.S. Senate were introduced to reauthorize and reform the NFIP. The bills, S. 2187 (sponsored by Sen. Robert Menendez (D-N.J.) and H.R. 3872 (sponsored by Rep. Frank Pallone, Jr. (D-N.J.). Key provisions of the bills:
  - Authorizes the program for five-years to 2024.
  - Caps annual premium increases at 9 percent.
  - Expands coverage losses from $250,000 to $500,000 for residential properties
  - Creates a means-tested affordability program
  - Creates a new mitigation set-aside program

- Creates two new mitigation loan programs
- Provides $400 million annual for mapping

- While HR 3167 includes provisions that are laudable, S. 2187 and HR 3872 align more with FAC priorities.

Staff Recommendation:
A. Retain current FAC policy

2. WATER

Comprehensive Statewide Water Policy: TBD by FAC Water Policy Committee

WRDA: - **SUPPORT** bi-annual passage of the Water Resources Development Act that authorizes Corps of Engineers projects and policies that often have state-wide impacts to Florida, including Everglades restoration, port and inlet construction, and beach nourishment projects.

Update:

- Congress is in the early stages of developing a 2020 Water Resources Development Act, with draft language expected to be released this fall. This would maintain the requested biennial water infrastructure reauthorization timeline.

Staff Recommendation:
A. Retain current FAC policy

3. DISASTER RECOVERY

Recovery & Preparedness: SUPPORT increased investment in mitigation programs such as the Pre-disaster Mitigation Program, the Hazard Mitigation Grant Program and other partnerships between local and federal governments to complete mitigation projects and increase resiliency to disasters. **OPPOSE** programmatic changes that would increase the local cost share for disaster recovery, such as the implementation of a disaster deductible.

Update:

- Preparedness:

July 2019 - Bipartisan bills in both the U.S. House and the U.S. Senate were introduced to reauthorize and reform the NFIP. The bills, S. 2187 (sponsored by Sen. Robert Menendez (D-N.J.) and H.R. 3872 (sponsored by Rep. Frank Pallone, Jr. (D-N.J.). Key provisions of the bills:

- Authorizes the program for five-years to 2024.
- Caps annual premium increases at 9 percent.
- Expands coverage losses from $250,000 to $500,000 for residential properties
- Creates a means-tested affordability program
- Creates a new mitigation set-aside program
- Creates two new mitigation loan prorgrams
- Provides $400 million annual for mapping

- Disaster Recovery
  On June 6, 2019, President Trump signed into law a $19.1 billion disaster relief bill that included supplemental funds to address 2018 hurricanes, wildfires, flooding and other 2019 natural disasters. Among the funded programs is the Community Development Grant Program – Disaster Recovery (CDBG-DR). According to the Florida Department of Economic Opportunity (DEO), Florida is scheduled to receive $448 million from the CDBG-DR program. However, the Department of Housing and Urban Development (HUD) has yet to issue its regulations for how the funds will be dispersed and utilized.

Staff Recommendation:

A. Retain current FAC Policy

B. Add

Hurricane Michael Recovery: To assist with long-term recovery from Hurricane Michael, **SUPPORT** efforts that will expedite the funding guidelines required for the CDBG-DR program.

4. OFFSHORE OIL DRILLING

Offshore Oil Drilling: SUPPORT the Gulf of Mexico Energy Security Act of 2006 (GOMESA), which bans oil and gas leasing within 125 miles off Florida's Gulf Coast until 2022. **SUPPORT** keeping Florida's east coast free from offshore drilling and maintaining the Department of Interior's commitment to remove Florida from consideration in the next draft of the proposed leasing plan. **OPPOSE** any legislation that moves the ban to an earlier date.

Update:

- The House recently passed two bills that would ban offshore drilling in most coastal regions, including the Atlantic and Gulf coasts of Florida.
  - H.R. 1941, the Coastal and Marine Economies Protection Act, would permanently ban oil and gas leasing off of the Atlantic and Pacific coasts. The bill passed by a 238-189 vote.

- H.R. 205, the Protecting and Securing Florida's Coastline Act of 2019, would ban oil and gas leasing in the eastern Gulf of Mexico, thus making permanent the existing moratorium on drilling in that region. The bill passed by a 248-180 vote.

- Florida Shores Protection and Fairness Act

  Senator Rubio filed S. 13 in January of 2019. This bill expands the Gulf of Mexico outer Continental Shelf revenue sharing program to include Florida. (Currently, only Alabama, Louisiana, Mississippi, and Texas are included in the program that shares the revenues from oil and gas leasing on the Gulf of Mexico outer Continental Shelf.)
  Additionally, the bill extends to June 30, 2027, the moratorium on oil and gas leasing in certain areas of the Gulf of Mexico.

Staff Recommendation:
A. Retain current FAC Policy

5. FEDERAL APPROPRIATIONS

Appropriations for Programs of Significant Importance: The Florida Association of Counties **SUPPORTS** continuation of adequate funding of critical programs that provide resources for the provision of local services and local public infrastructure. These funding programs include, but are not limited to, the following:

- Corps of Engineers funds -Everglades restoration, port & inlet construction & maintenance & beach nourishment
- Community Development Block Grant program
- Community Services Block Grant program
- Social Services Block Grant program
- Economic Development Administration
- State Criminal Alien Assistance Program

Update:
- United State Army Corps of Engineers (USACE)

  Congress generally funds the civil works activities of the U.S. Army Corps of Engineers (USACE) in annual Energy and Water Development appropriations acts. These activities include planning and construction of water resource projects and operation and maintenance of infrastructure and navigation improvements managed by USACE (e.g., navigation channels). For USACE civil works, President Trump requested $5.0 billion for FY2020, inclusive of a May 13, 2019, amendment to the President's request.

The President's May 2019 amendment to the FY2020 budget request increased restoration funding for the Everglades from $69 million to $205 million.

The FY2019 USACE work plan designates $448 million for ecosystem restoration, including $111 million for the Everglades. The work plan identifies the projects, programs, and activities within the Civil Works program that will receive the FY 2019 funding and how much each will receive. Some of the Florida projects targeted in the work plan include:

<u>Studies Funded for Completion in FY 2019:</u>

- Central Everglades Planning Project PPA South (South Florida Ecosystem Restoration), FL
- Western Everglades Restoration Project (South Florida Ecosystem Restoration), FL

<u>Construction Projects Funded for Completion in FY 2019:</u>

- Herbert Hoover Dike, FL (Seepage Control) 1/
- Panama City Harbor, FL
- C-111 South Dade (South Florida Ecosystem Restoration), FL
- Indian River Lagoon South C-44 Reservoir and Storm Treatment Area Bank Stabilization (South Florida Ecosystem Restoration), FL

1/ This project has been funded to completion with these funds and funds provided in the Bipartisan Budget Control Act of 2018.

- Community Development Block Grant (CDBG):

Established in 1974, CDBG is a federal grant program administered by the U.S. Department of Housing and Urban Development (HUD) that provides annual grants on a formula basis to more than 1,200 metropolitan city and county governments, as well as state governments, to support housing, economic opportunities and infrastructure improvements for low- and moderate-income residents. This includes efforts to address affordable housing, improve water infrastructure and to meet human service needs. CDBG provides flexibility to states and localities to tailor the program to meet local conditions and needs. In July 2019, the Community Block Grant Coalition, which includes the National Association of Counties (NACo), released a report highlighting the positive impacts of the CDBG program and the importance of continued support: https://ncdaonline.org/wp-content/uploads/2019/07/CDBG-Report-72019.pdf

FAC strongly supports CDBG restoring funding to $3.8 billion in FY 2020. The CDBG program received $3.3 billion, level funding for FY 2019. According to the National Association of Counties (NACo) CDBG funding has fallen over $1 billion since FY 2010.

- Community Services Block Grant (CSBG):

  The CSBG operates in 99% of the nation's counties, the playing an integral role in tackling the root causes of poverty. The program helps to provide services related to educational attainment, budget planning, self-sufficiency, gaining adequate housing, and promoting community participation. The CBDG is an investment at the local level, especially paired with it's employment gaining opportunities, providing a measurable impact on the causes of poverty

  Social Services Block Grant program covers more than 30 different types of social services, counties use funding from the SSBG to provide services to many vulnerable populations included adults and children at risk for abuse and neglect.

- Economic Development Administration:

  The U.S. Economic Development Administration (EDA) is the only federal agency with a mission solely focused on private sector job creation in distressed areas. EDA's portfolio of economic development infrastructure, business development finance, regional innovation strategies and public-private partnerships are tailored to support the unique needs of each region. EDA-funded projects are awarded on a competitive basis and typically require a 50 percent local match and significant private sector investment, helping to ensure projects have local support and are part of a broader regional strategy.

  The FY 2019 omnibus provides $304 million for the Economic Development Administration (EDA), a $2.5 million increase above the FY 2018 level. EDA funding support regional strategies for long-term term growth and serves as a catalyst in helping communities achieve long-term economic growth. The total includes $117.5 million for EDA's Public Works program, which supports brick-and -mortar projects in distressed communities across the nation, and $23.5 million for the Regional Innovation Program to help create jobs by establishing and expanding region-focused, innovative technology business endeavors.

- State Criminal Alien Assistance Program: The State Criminal Alien Assistance Program (SCAAP) saw an increase in funding under the omnibus, increasing from $240 million in FY 2018 to $243.5 million in FY 2019 SCAAP has seen an increase in funding each of the last two years and is used to reimburse state and local governments for the cost of incarcerating undocumented immigrants who have been convicted of certain crimes

With the new Federal Fiscal year starting on October 1, 2019 and Congress returning from an extended August recess, Congress has a very short timeframe to fund the government. Congress has adopted the overall spending levels and, to head off a shut down, the House is preparing a short-term spending extension that would maintain existing funding levels until late November.

Staff Recommendation:

A. Retain current FAC Policy

6. VETERANS

Veterans Homelessness: SUPPORT legislation ensuring that the U.S. Department of Veterans Affairs (VA) supported housing program has at least one program manager for every 35 rental assistance cases under such program.

Update:

S. 8 has been filed by Senator Rubio. This bill requires the Department of Veterans Affairs (VA) to provide case management support to local housing authorities under the VA-supported housing program. The program assists veterans who are homeless and their families in finding and sustaining permanent housing.

Staff Recommendation:

A. Amend current statement

SUPPORT legislation ~~ensuring that the U.S. Department of Veterans Affairs (VA) supported housing program has at least one program manager for every 35 rental assistance cases under such program.~~ requiring the Department of Veteran Affairs (VA) to provide case management support to local housing authorities under the VA-supported housing program.

7. INFRASTRUCTURE

Infrastructure: SUPPORT federal legislation that ensures funding for locally-owned infrastructure, including water and wastewater facilities, preserves the tax-exempt status of municipal bonds, streamlines the federal permitting process, promotes innovative financing, and ensures the long-term certainty and solvency of the Federal Highway Trust Fund.

Update:

- While Congress and the President have discussed a comprehensive infrastructure package, no details or funding mechanisms (such as raising the gas tax) have been agreed on, making such a package unlikely prior to the 2020 elections; however, surface transportation and water infrastructure authorization bills do appear to be on track for 2020 approval.

- In July, the Senate Environment and Public Works Committee unanimously approved S. 2302, America's Transportation Infrastructure Act (ATIA). The bill is a five-year surface transportation reauthorization act, authorizing $287 billion from the Highway Trust Fund for highway transportation programs over five years (FY 2021-2025). This is a 27 percent increase over funding levels authorized by the Fixing America's Surface Transportation (FAST) Act, which expires in September 2020. The House is expected to advance its own version of a surface transportation reauthorization package, which would then be negotiated with the House package.

- In May, H.R. 2772 was introduced, which would restore the tax-exempt status of advance refunding bonds, which have accounted for approximately one-third of the municipal bond market in recent years. While the tax-exempt status of municipal bonds was protected in the 2017 comprehensive tax reform package, the bill eliminated advance refunding bonds. Prior to its elimination, this tool saved local governments at least $14.3 billion between 2012 and 2017.

Staff Recommendation:

A. Retain current FAC Policy

Fed-PP-1: FEMA Flood Mapping – Risk Rating 2.0

FAC Staff Recommendation: Adopt

Proposed Policy: **SUPPORT** a transparent process for rating a property's flood risk. **SUPPORT** a longer implementation schedule (24 months) for FEMA's proposed Risk Rating 2.0 program. **SUPPORT** a process that requires FEMA to consult with states and local governments before fully implementing Risk Rating 2.0. **SUPPORT** an appeal process where counties and policy holders can petition rate changes that do not reflect a property's flood risk.

Issue Summary: Risk Rating 2.0 will fundamentally change the way FEMA rates a property's flood risk and prices insurance. The current rating methodology has not changed since it was first developed in the 1970s. The current rating methodology is heavily dependent on the 1-percent-annual-chance-event, while Risk Rating 2.0 will incorporate a broader range of flood frequencies. Catastrophe models, in combination with the ability to leverage the NFIP's mapping data, are proposed to provide a better and more comprehensive understanding of risk at both the national and local level

Background: The NFIP is administered by the Federal Emergency Management Agency (FEMA) and allows property owners in participating communities to buy insurance to protect against flood losses. Under federal law, the purchase of flood insurance is mandatory for all federal or federally related financial assistance, including home mortgage loans, for the acquisition and/or construction of buildings in high-risk flood areas (Special Flood Hazard Areas or SFHAs).
In 2014, Congress passed the Homeowners Flood Insurance Affordability Act (HFIAA). Among the issues addressed were rate increases that were soaring as a result of previous legislation. Through HFIAA, rate increases were capped at no more than 18% annually for residential and 25% for commercial properties.

Analysis: NFIP rates are directly tied to FEMA flood maps (a.k.a. Florida Insurance Rate Maps – FIRMs). While FEMA has labored to update maps across the country, most community maps are out of date and don't account for new development, increased impervious areas, or local flood control efforts. In short, FEMA's approach to rating a property's risk can be viewed as being binary – that is, a property is either in or out of mapped flood zone. That alone determines whether a property is required to have flood insurance. Moreover, premium rates are developed community-wide rather than on an individual property's risk. To address the deficiencies in the traditional mapping process, FEMA is scheduled to launch a new risk rating system called Risk Rating 2.0.

Risk Rating 2.0 will determine a customer's flood risk by incorporating multiple rating characteristics–like different types of flood, the distance a building is from the coast or another flooding source, or the cost to rebuild a home. It will also use industry technology (e.g. catastrophe [CAT] models) with the NFIP's mapping data to establish a new risk-informed rating plan.

Risk Rating 2.0 is set to roll out on April 1, 2020 for single family residential properties, while new rates will go into effect on October 1, 2020. There is much uncertainty how the new approach will affect premiums and whether properties outside a FEMA-mapped flood zone will be required to purchase flood insurance. Couple this uncertainty with the maximum annual premium rate increase of up to 18%, there is real concern that Florida property owners could be negatively impacted. Accordingly, FAC believes there should be sufficient time for the State of Florida and policy holders to understand how the new system will work. The current six-month time frame is insufficient for such an assessment and staff recommends the following:

- That no rate changes go into effect for at least 24-months;
- That FEMA consult with the State and counties before any changes take place; and,
- That an appeal process be created so counties and policy holders can appeal any changes they find do not reflect a property's flood risk.

Fed-PP-2: Health Care for Non-Convicted Persons

FAC Staff Recommendation: Adopt

Proposed Policy: SUPPORT the reinstatement of federal health care benefits, including those benefits awarded to veterans, for non-convicted justice involved individuals.

Issue Summary: Reinstate Federal health care benefits, including those benefits awarded to veterans, for non-convicted justice involved individuals.

Background: The Social Security Act (Sec. 1905(a)(A)) prohibits use of federal funds and services, such as Veterans Affairs, Children's Health Insurance Program (CHIP) and Medicaid, for medical care provided to "inmates of a public institution." The federal law does not differentiate between a convicted inmate and a person incarcerated prior to conviction

Analysis: The Medicaid Inmate Exclusion Policy is only enacted for individuals confined inside the jail. Federal rules prohibit states from billing Medicaid for any inmate care unless the covered individual requires a hospital stay of at least 24 hours, as stated in F.S. 409.9025. This policy denies federal benefits to individuals who are still presumed innocent under the Constitution, per rights outlined in the Due Process (5th Amendment) and Equal Protection (14th Amendment) clauses of the U.S. Constitution. Furthermore, this policy removes access to Children's Health Insurance Program (CHIP) benefits. More than 9,000 youths in juvenile facilities and awaiting trial are impacted. Limits access to veteran's health benefits. In effect the veteran loses access to a VA medical care facility while incarcerated until such time as he or she is unconditionally released. More than half of justice-involved veterans have either mental health conditions, such as PTSD, depression or anxiety, or substance use disorders.

Fiscal Impact: Approximately two-thirds of the local jail population are being held prior to trial and have not been convicted of a crime. If this change is to take effect, our County alone would experience a significant positive fiscal impact in the millions.

Submitting County and Contact: St. Lucie; fogartyn@stlucieco.org; 7724626406

Assigned Committee: HS/Federal

2019 INNOVATION & POLICY CONFERENCE

Fed-PP-3: Digital Divide

Staff Recommendation: Adopt

Proposed Policy Statement: FAC SUPPORTS increasing public funding for construction of broadband infrastructure; **FAC SUPPORTS** improving service mapping accurately by requiring more granular data from service providers, allowing crowd sourced data to be used to inform the map, and creating an appeal process to challenge demonstrable inaccuracies.

Background:

Florida is home to national and international destinations for tourism and commerce, yet many Floridians – both in rural and urban areas- lack access to broadband internet in their homes. In 2018, FAC membership voted to adopt a statement in support of expanding broadband access throughout the state partnering with experienced providers using the most efficient technology. In Florida the barriers to internet ubiquity appear to be two-fold: (1) the lack of last-mile service due to the cost to construct and operate a network; and (2) refusal of prospective end-users to subscribe to available service, typically due to cost.

For years, rural residents have argued that actual coverage is much lower than the FCC's data reflects and have questioned the accuracy of the date. The overreporting of connectivity in Florida, may have led Florida's State and Congressional officials to underestimate the extent of the problem. Florida counties are not alone in questioning the data provided by the FCC. The FCC's 2019 Broadband Deployment report counted 21.3 million Americans as lacking internet, while a 2019 Microsoft study found that 162 million Americans do not have access to an internet connection meeting the definition of broadband.

One of the primary factors creating this overreporting is the current requirement that providers information on coverage via the "Form 477" which allows an entire census tract to be considered "covered" if one person within that tract has access to broadband service. This creates a barrier to identifying those areas that actually lack service and to hold service providers accountable for providing services that they may have promised in consideration for public subsidies for broadband expansion. The poor quality of the FCC maps has been recognized both by Congress and the FCC with some movement toward improving the quality of the maps.

The issue does appear to have gained traction with Congress over the past two years. For example, on September 6, members of the House Small Business Subcommittee on Contracting and Infrastructure, which includes Florida Congressman Ross Spano, visited the University of Maine and heard from small businesses owners about the challenges that arise when internet access is unreliable or unavailable.

Analysis:

While no State-level programs have successfully supported broadband infrastructure construction, several Federal programs have been created to fund expansion of broadband infrastructure. Two programs of note:

United States Department of Agriculture – Rural Utilities Services

The March 2018 Federal omnibus spending plan created a new broadband pilot program within the USDA. The $600 million authorization charged the USDA to "conduct a new broadband loan and grant pilot program under the Rural Electrification Act of 1936..." and requiring that at least 90% of the households to be served by a project be in rural areas with insufficient access to broadband. The newly authorized pilot program is supplemental to the USDA's Rural Utilities Service existing telecommunications programs aimed at expanding broadband access to rural areas, including the Rural Broadband Access Loans and Loan Guarantees Program.

The Broadband ReConnect Program furnishes loans and grants to provide funds for the costs of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service in eligible rural areas. The application for the first round of funding has closed and applications are currently under review.

Federal Communications Commission—Rural Digital Opportunity Fund
The FCC approved a Notice of Proposed Rulemaking for the Rural Digital Opportunity Fund (RDOF), which would provide $20.4 billion over 10 years to help companies expand broadband in unserved remote areas. RDOF will assign funding in two phases: Phase I will target areas with no broadband service and Phase II will target areas that are partially served. The program will leverage repurposed revenue from the Connect America Fund, which is set to expire in 2021. The comment period for this provision will begin 30 days after the date of publication in the Federal Register. Comments on the proposed rule were due on September 20.

Activity to Improve Mapping:

NACo's TestIT App: To address the FCC's broadband data disparities, NACo partnered with the Local Initiatives Support Corporation (LISC), the Rural Community Assistance Partnership (RCAP), the National Association of Development Organizations (NADO) and Farm Credit, to develop "TestIT" – a mobile app designed to crowdsource connectivity data in areas with little or no connectivity. Through TestIT, users can report their broadband speeds from anywhere with the push of a button. The data collected through this app will help identify areas where broadband service is overstated and underfunded by comparing the data to the FCC's National Broadband Map. To learn how to download the app, click here.

Congressional Action:

Broadband Deployment Accuracy and Technological Availability (DATA) Act (H.R 4229 116th Congress) Would require the FCC to collect data more granularly and would establish process to challenge map data.

Mapping Accuracy Promotes Services (MAPS) Act H.R. 4227 would make it "unlawful for a person to willfully, knowingly, or recklessly submit broadband internet access services coverage information or data to the Commission for the purposes of compiling a broadband coverage map that is inaccurate with respect to the availability or quality of service of broadband internet access service."

In a September 12 hearing before U.S House of Representatives' Communications and Technology Subcommittee stakeholders reviewed results of studies from Virginia and Missouri showing that current maps overestimate broadband availability. Use of 'crowdsourcing' was also suggested to supplement information provided by providers. Speakers discussed the lack of accountability in the existing Federal programs, recommending that the FCC track where funds have been awarded to deploy services.

FCC Action:

Perhaps in an effort to preempt legislative action, on August the FCC proposed the Digital Opportunity Data Collection (DODC), a new process for collecting broadband data to better pinpoint where broadband service is lacking. The proposal would continue to rely on provider-supplied data, but it opens the door for crowdsourcing data collection – a method supported by counties.

According to the FCC, the proposed order includes three significant changes to the process:

- Collects geospatial broadband coverage maps from broadband Internet service providers. This geospatial data will facilitate development of granular, high-quality fixed broadband deployment maps, which should improve the FCC's ability to target support for broadband expansion through the agency's Universal Service Fund programs.
- Adopts a process to collect public input on the accuracy of service providers' broadband maps, facilitated by a crowd-sourcing portal that will gather input from consumers as well as from state, local and tribal governments.
- Makes targeted changes to the existing Form 477 data collection to reduce reporting burdens for all filers and incorporate new technologies.

Stakeholders will be allowed to provide comments to the FCC regarding the proposed rulemaking 30 days after the notice is published in the Federal Register, August 1, 2019.

2019 INNOVATION & POLICY CONFERENCE

Fed-PP-4: Non-Domestic Sand Sources

FAC Staff Recommendation: Adopt

Proposed Policy: SUPPORT allowing local governments to acquire sand by purchase, exchange or otherwise from non-domestic sources to replenish shorelines due to beach erosion.

Background: In the 115th Congress, the Sand Acquisition, Nourishment, and Development 39 (SAND) Act of 2017 (H.R. 833/S.279) was introduced in both the U.S. House of Representatives 40 and the U.S. Senate. The SAND Act proposed to repeal current law that does not allow communities to buy sand from foreign countries to replenish shorelines due to beach erosion. A similar bill is expected to be introduced in the 116th Congress. In Miami-Dade and Broward Counties, the limited supply of suitable offshore sands has been depleted, increasing the need for cost-effective options to replenish Florida's beaches. Current beach projects are using sand trucked from upland mines over 100 miles away while the ban on federally funded non-domestic (foreign) sand prevents the possible use of Bahamian sand from 60 miles away. Florida's economically critical beaches increasingly need unrestricted sand sources kept affordable by free-market competition. Although a study by the Army Corps of Engineers found that sand is available offshore of St. Lucie & Martin Counties, those sands are planned for use by other counties, may not be a good match for southern beaches, create public and political concerns over using "their" sand, and cannot be purchased with state funds for use in South Florida.

Analysis:

- Expanding the opportunities for competing vendors to cost-effectively maintain Florida's beaches.
- Providing a sand source similar to South Florida sand in content and color.
- Using barged non-domestic sources is less disruptive than hundreds of trucks per day at truck-hauled projects.
- Eliminating the USACE's need to take offshore sand from one county for use in another.
- Reducing competition between counties for the same upland and offshore sand sources.
- Impacts of beach re-nourishment including: Coastal storm risk management; Beach erosion control; Hurricane storm protection; Protect infrastructure; Preserve the environment for wildlife; Support the economy; Build coastal resiliency

Fiscal Impact: Indeterminate.

Submitting County: Broward

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