



## **LEGISLATIVE COMMITTEE**

60<sup>th</sup> Annual Legislative Conference

**Friday, November 13, 2020  
9:00 a.m.**

**Remote Attendees: Click [HERE](#) to Register for the Zoom Meeting**

**Palms Ballroom A-D  
Embassy Suites Lake Buena Vista South  
4955 Kyngs Heath Rd  
Kissimmee, FL 34746**

If you experience technical difficulties joining the meeting,  
please call FLC staff for assistance:

Shawn Cooper at 407-257-5873

Zac Velazquez at 954-226-0203

Mike Taylor at 321-689-2663

**FLC Staff Contact: Mary Edenfield**



**Legislative Committee**  
**Embassy Suites Lake Buena Vista South**  
**Friday, November 13, 2020 – 9:00 a.m.**

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**AGENDA**

Presiding:

Chair: FLC First Vice President Phillip Walker, Commissioner, City of Lakeland  
Vice Chair: FLC Second Vice President Jolien Caraballo, Councilwoman, City of Port St. Lucie

- I.** Call to Order
- II.** Review of Process
- III.** Reports of Policy Committee Chairs
  - A. Finance, Taxation & Personnel Committee
  - B. Land Use & Economic Development Committee
  - C. Municipal Administration Committee
  - D. Transportation & Intergovernmental Relations Committee
  - E. Utilities, Natural Resources & Public Works Committee
- IV.** Adoption of Legislative Action Agenda
- V.** Other Business
- VI.** Adjourn to Business Session

## **2020 LEGISLATIVE COMMITTEE**

**Chair:** Commissioner Phillip Walker, City of Lakeland

First Vice President, Florida League of Cities

**Vice Chair:** Councilwoman Jolien Caraballo, City of Port St. Lucie

Second Vice President, Florida League of Cities

### **LOCAL AND REGIONAL LEAGUE REPRESENTATIVES**

Gib Coerper, Mayor, City of Alachua

President, Alachua County League of Cities

Billy Rader, Commissioner, City of Panama City

President, Bay County League of Cities

Traci L. Callari, Commissioner, City of Hollywood

President, Broward League of Cities

Cal Rolfson, Councilmember, City of Mount Dora

President, Lake County League of Cities

Jim Kihm, Commissioner, City of North Port

Vice President, ManaSota League of Cities

Keon Hardemon, Commissioner, City of Miami

President, Miami-Dade County League of Cities

Mark Anderson, Mayor, City of San Antonio

Chair, Municipal Association of Pasco

Tom Deville, Councilman, Town of Penney Farms

President, Northeast Florida League of Cities

Bob Campbell, Mayor, City of DeFuniak Springs

President, Northwest Florida League of Cities

Amy Jamieson, Council Member, City of Fort Walton Beach

President, Okaloosa County League of Cities

Andy Amoroso, Vice Mayor, City of Lake Worth Beach

First Vice President, Palm Beach County League of Cities

Judy Wertz-Strickland, Council Member, City of Arcadia

President, Ridge League of Cities

Bill Ribble, Mayor, Village of Estero

President, Southwest Florida League of Cities

Yvonne Minus, Council Member, City of Melbourne

President, Space Coast League of Cities

Dan Saracki, Council Member, City of Oldsmar

President, Suncoast League of Cities

Lynda Brown-Owens, Councilmember, City of Live Oak

Representative, Suwannee River League of Cities

Mike Meier, Mayor, City of Stuart

Representative, Treasure Coast Regional League of Cities

Joseph McMullen, Commissioner, Town of Oakland

Second Vice President, Tri-County League of Cities

Don Burnette, Mayor, City of Port Orange

President, Volusia League of Cities

## **FLC POLICY COMMITTEE REPRESENTATIVES**

Robert Stuart, Commissioner, City of Orlando  
Chair, Finance, Taxation & Personnel Committee

Al Goldstein, Commissioner, City of Lake Wales  
Chair, Land Use and Economic Development Committee

Teresa Watkins Brown, Mayor Pro Tem/Councilmember, City of Fort Myers  
Chair, Municipal Administration Committee

Geoff Kendrick, Commissioner, City of Winter Springs  
Chair, Transportation & Intergovernmental Relations Committee

Heidi Herzberg, Mayor, City of Deltona  
Vice Chair, Utilities, Natural Resources & Public Works

Greg Ross, Mayor, City of Cooper City  
Chair, Federal Action Strike Team

Heather Gracy, Vice Mayor, City of Dunedin  
Chair, Advocacy Committee

## **MUNICIPAL ASSOCIATION REPRESENTATIVES**

Debra Buff, City Clerk, City of Belle Glade  
President, Florida Association of City Clerks

Suzanne Sherman, City Manager, City of Palm Bay  
District Director, Florida City & County Management Association

Darrel Donatto, Fire Rescue Chief/Director of Emergency Management, Town of Palm Beach  
Fire Rescue  
Immediate Past President, Florida Fire Chiefs' Association

Jamie Roberson, Finance Director, City of Apopka  
President, Florida Government Finance Officers Association

Terrill L. Hill, Mayor, City of Palatka  
President, Florida League of Mayors

Keith Nowlin, IT Manager, Orange County Comptroller  
President, Florida Local Government Information Systems Association

A. Kurt Ardaman, Attorney  
President, Florida Municipal Attorneys Association

Josh Taylor, Communications Manager/PIO, City of North Port  
President, Florida Municipal Communicators Association

Jeff Pearson, Chief, Satellite Beach Police Department  
President, Florida Police Chiefs Association

Toni Shamplain, Director, Downtown North CRA Manager, City of Panama City  
President, Florida Redevelopment Association

## **FLC-SPONSORED PROGRAM REPRESENTATIVES**

Matthew Surrency, Mayor, City of Hawthorne  
Chair, Florida Municipal Insurance Trust  
Isaac Salver, Councilmember, Town of Bay Harbor Islands  
Chair, Florida Municipal Loan Council  
Kevin Ruane, Mayor, City of Sanibel  
Chair, Florida Municipal Pension Trust  
Frank Ortis, Mayor, City of Pembroke Pines  
Chair, Florida Municipal Investment Trust

## **AT LARGE MEMBERS**

Marlon Brown, Deputy City Manager, City of Sarasota  
Manny Cid, Mayor, Town of Miami Lakes  
Daniel P. Clark, Town Manager, Town of Lake Clarke Shores  
Kenny Johnson, Deputy Mayor, City of Palm Bay  
Naomi Levi Garcia, Assistant City Attorney, City of Coral Gables  
Bob Mayersohn, Vice Mayor, City of Parkland  
JP Murphy, Town Manager, Town of Belleair  
Michael Pleus, City Manager, City of DeLand  
Gary Resnick, Commissioner, City of Wilton Manors  
Mark Ryan, City Manager, City of Indian Harbour Beach  
Darrel Thomas, Chief Financial Officer, City of Weston  
Chris Via, Mayor, City of Holly Hill

# **PROCEDURES FOR ADOPTING THE FLC LEGISLATIVE ACTION AGENDA**

## **LEGISLATIVE COMMITTEE PROCEDURE:**

The Legislative Committee is charged with reviewing the work of the five legislative policy committees. The League's 1st Vice President will preside over the meeting and the following procedure will be used to review and adopt the Legislative Action Agenda:

- Each policy committee chair will be asked to present their committee's priority to the Legislative Committee.
- Each policy committee chair may also submit for approval by the Legislative Committee one policy position on another issue of importance to the policy committee.
- After each legislative policy committee report, the chair will accept questions from the Legislative Committee and/or the audience.
- Following a question and answer period, the chair will accept, if needed, a motion to limit debate.
- The chair will then accept a motion to adopt (with a second and discussion) the policy committee's report (as amended). This procedure will be repeated for each policy committee presentation.

The Legislative Committee Chair shall report the actions of the committee during the business session. The proposed Legislative Action Agenda, as adopted by the Legislative Committee, will be posted on the FLC website and projected on a large screen in the meeting room. As was the procedure during the Legislative Committee, the audience will be provided an opportunity to ask questions.

## **BUSINESS SESSION PROCEDURES:**

- The President will preside over the Business Session and shall call on the Chair of the Legislative Committee to present the proposed Legislative Action Agenda as recommended by the Legislative Committee.
- The Legislative Committee Chair will present each policy committee priority statement and move for its adoption.

- The President will call for a second and an opportunity for discussion by the membership of the proposed priority statement. Following this, a consensus voice vote will be taken. This procedure will be used for each priority statement.
- If the consensus vote is challenged, the President will call for a short recess and the League staff will prepare for a recorded voting procedure. (**see attached**)
- After all amended sections have been considered and adopted, the President will call for adoption of Legislative Action Agenda by the membership present.

## **APPENDIX - PROCEDURE FOR DIVIDED HOUSE**

### **EXPLANATION:**

During the Business Session of the Legislative Conference (following the meeting of the Legislative Committee), the League President will ask the membership present to adopt the Legislative Action Agenda. This action does not require the appointment of voting delegates (as does the annual convention's business session), but it does create the possibility of a divided house, meaning that a voice vote did not determine a clear "will" of the membership present. This has not happened in recent League history, but it does need to be planned for in advance.

### **PROCEDURE:**

- Upon the President's determination of a divided house (being that a voice vote did not indicate sufficient support for adoption of the Legislative Action Agenda), the President will call for a brief (15 min.) recess so city officials may confer with others from their own councils. Some cities will have only one person present; some may not be represented at all.
- The cities will be directed to select a representative from their council and take a position amongst them on the adoption of the Legislative Action Agenda. If a city wishes to record its divided vote, it may do so. If a city cannot come to agreement on selecting a representative or taking a position, the League will not record their position.
- The President would then call the Business Session back into session and ask that, by voice vote, the city representatives indicate their votes. If the vote is still divided, the city representatives would then come to a table staffed by League staff and record their vote. Only if it were necessary (in the case of a tie) would a weighted vote be taken.
- If the President determines there is dissension among the city officials in regards to a particular section of the Legislative Action Agenda, he shall call upon the Chair of the appropriate policy committee to take questions and help guide the discussion.

Again, this process is provided for explanation but it is not expected to occur.



# Priority and Policy Position Recommendations

## Finance, Taxation & Personnel

- **Priority:**
  - **Sales Tax Fairness**
- **Policy Position:**
  - **Digital Divide**

## Land Use & Economic Development

- **Priority:**
  - **Annexation**
- **Policy Position:**
  - **Mobility Plans**

## Municipal Administration

- **Priority:**
  - **Short-Term Rentals**
- **Policy Position:**
  - **Cybersecurity**

## Transportation & Intergovernmental Relations

- **Priority:**
  - **Affordable Housing**
- **Policy Position:**
  - **Transportation Funding**

## **Utilities, Natural Resources & Public Works**

- **Priority:**
  - **Discharges to Surface Waters**
- **Policy Position:**
  - **Resilient and Sustainable Florida**



## Sales Tax Fairness

### Draft Priority Statement:

The Florida League of Cities SUPPORTS legislation to update Florida’s sales and use tax laws that apply to online/e-commerce sales from out-of-state retailers. Changes are needed to ensure in-state retailers are treated equitably and that the Florida sales and use tax law is equally enforced.

### Background:

Forty-five states and the District of Columbia levy taxes on the sale of goods and certain services, including those sold remotely. Florida’s sales and use tax is a 6 percent levy on retail sales of most tangible personal property, admissions, transient lodgings, commercial rentals and motor vehicles. Additionally, Florida has nine types of local discretionary sales surtaxes (also referred to as local option sales taxes) which are currently authorized in law and represent potential revenue sources for counties, municipalities and school districts. The local discretionary sales surtaxes apply to all transactions subject to the state tax imposed on sales and use tax. The local discretionary sales surtax rate varies from county to county, depending on the particular levies authorized in that jurisdiction.

On June 21, 2018, the U.S. Supreme Court issued an opinion in *South Dakota v. Wayfair*, overturning its earlier precedents in *National Bellas Hess* and *Quill*, and eradicated the decades-old “physical presence” requirement for sales and use tax nexus. The case centered on a South Dakota law that imposes sales tax collection obligations on certain remote sellers, based on the dollar amount or volume of sales into the state. This “economic nexus” case impacts thousands of state and local jurisdictions across the United States that impose a sales or use tax.

The issue of fairness is an important one. Local businesses, which sponsor youth sports teams or help sponsor local fireworks displays or other activities for communities, are forced to collect and submit sales taxes on items they sell in their communities. The cost of these goods then can be higher because the out-of-state or international seller is not collecting or remitting sales taxes. This gives these “foreign” businesses an unfair advantage. Local businesses ultimately become nothing more than local showrooms for goods ultimately bought online.

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11/12/2020



## Digital Divide

### Draft Policy Position Statement:

The Florida League of Cities SUPPORTS legislation that reduces the digital divide and expands broadband Internet access to all areas of the state. This includes:

- identifying areas of Florida that are underserved by traditional broadband providers;
- removing statutory barriers for cities to provide telecommunication services and open competition for affordable Internet service; and
- increasing public funding for construction of broadband infrastructure.

### Background:

- Reliable and affordable access to the Internet has become vitally important to Florida's municipalities and its citizens.
- Access to the Internet is now part of our everyday lives and impacts economic development and the health safety and welfare of our citizens.
- A lack of reliable broadband mapping has made it unclear what areas of Florida are underserved or lack reliable and affordable Internet access.
- Private companies will not invest in areas of our state where it is not profitable causing a market failure, and municipalities have industry driven and unnecessary statutory hurdles that must be overcome for them to be the broadband provider.
- For cities, a digital divide is a barrier to urban and economic revitalization and the full realization of a "smart city" vision.
- Universal access to affordable broadband cannot be achieved through deregulation and preemption of local authority but will require partnerships and robust and dedicated funding to accelerate universal broadband deployment.

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## Annexation

### Draft Priority Statement:

The Florida League of Cities SUPPORTS legislation that facilitates the municipal annexation of unincorporated areas, while protecting private property rights and respecting municipal boundaries.

### Background:

- The Florida Constitution authorizes the Legislature to develop procedures for the municipal annexation of unincorporated territory by general or special law.
- The Legislature passed the “Municipal Annexation or Contraction Act,” in 1974, which provides a mechanism for municipalities to annex territory and to recede from territory by contraction.
- Currently, the annexation process makes it difficult for cities to annex certain unincorporated enclaves and unincorporated areas where city services are already being provided.
- Additionally, the processes of taking a vote of the electors of the area proposed to be annexed prior to annexation has frustrated annexation efforts to the detriment of property owners desiring to be annexed.

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11/12/2020



## Mobility Plans

### Draft Policy Position Statement:

The Florida League of Cities SUPPORTS legislation that defines mobility plans and fees in order to provide the clarity and consistency needed to assist Florida's cities in implementing alternative modes of transportation.

### Background:

- In 2009, the state convened a multi-member panel to look at alternatives to concurrency.
- That panel specifically attempted to find options to assist urban infill and redevelopment rather than current practices that focused on development everywhere.
- In 2013, the Legislature decided to clarify the several types of transportation mitigation systems under Florida law and created Mobility Fees as a legally viable alternative.
- Each system required that the fee charged be consistent with rational nexus based on established case law, now codified by the 2019 legislation, and that Backlog could not be included in the formula. However, there is no case law on Mobility Plans/Mobility Fee and no new definitions were created in the statute.

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11/12/2020



## Short-Term Rentals

### Draft Priority Statement:

The Florida League of Cities SUPPORTS legislation providing for a collaboration between the Florida Department of Business and Professional Regulation and cities to ensure that short-term rental properties abide by state and local regulations, are properly licensed and insured, and comply with state and local taxation requirements, as well as industry-accepted safety practices. The Florida League of Cities SUPPORTS legislation clarifying that existing, grandfathered municipal short-term rental ordinances can be amended without penalty.

### Background:

- Cities were preempted from regulating short-term vacation rentals in 2011. Cities with an existing ordinance at that time were “grandfathered” and allowed to keep what was already in place.
- Cities without an ordinance lost the ability to regulate the location of these properties resulting in a proliferation of short-term rentals in areas that had traditionally been long-term residential neighborhoods.
- Currently available solutions for cities are inadequate and will not solve the problems that many communities are facing.
- The restoration of zoning authority will allow cities to implement smart, targeted solutions to problems caused by vacation rentals and will ensure the preservation of traditional residential communities and neighborhoods.

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## Cybersecurity

### Draft Policy Position Statement:

The Florida League of Cities SUPPORTS legislation dedicating state resources for the development and enhancement of municipal cybersecurity by providing funding for technical assistance, threat assessments, employee training, infrastructure improvements and data protection, including the protection of exempt and confidential information such as law enforcement personnel information and plans for government buildings and other critical infrastructure.

### Background:

- Local governments are routinely 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 and costly challenges that cities face in protecting these 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, often are more significant than any ransom payment. The loss of personally identifiable, confidential, and proprietary information about businesses and citizens have their own critical and personal cost impacts, but also contribute to the public losing trust in its government.
- Local governments urgently need help from the state in three primary areas: technical assistance, training, and infrastructure improvements. Outside experts should be retained to conduct threat assessments to identify operational and system vulnerabilities so that all are irrevocably addressed before they are exploited. Local governments should increase training for employees, emphasize the importance of being a cyber-aware organization, and develop response plans in the event of a security breach. Finally, many cities and counties must devote resources to improving critical cyber-infrastructure to ensure that hardware and software are impenetrable.

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## Affordable Housing

### Draft Priority Statement:

The Florida League of Cities SUPPORTS legislation that requires all monies from the Sadowski State and Local Housing Trust Fund be used only for Florida's affordable housing programs.

### Background:

- In 1992, the Florida Legislature enacted the Sadowski Act (the Act) to ensure a dedicated revenue source for affordable housing. The source of funding is the documentary stamp tax collected on the transfer of real property in Florida. The Act creates two separate trust funds under the umbrella of the affordable housing trust, the State Housing Trust that funds housing programs statewide and the Local Government Housing Trust that funds two programs: the State Housing Initiatives Program (SHIP) and State Apartment Incentive Loan program (SAIL). The funding for these two trust funds were purposefully linked to documentary stamp collections so trust fund dollars would increase as real estate costs escalated, thus providing more affordable housing funding when it was most needed. And it is definitely needed now.

DRAFT

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The banner features a blue background with a faint image of a building. On the left, the year '2021' is written in large, bold, yellow font. To its right, the words 'LEGISLATIVE ACTION AGENDA' are written in white, bold, sans-serif font. Above this, 'FLORIDA LEAGUE OF CITIES' is written in a smaller white font. On the right side of the banner, there is a stylized yellow sun with several triangles of varying sizes around it, and a yellow circle representing the sun's disk.

2021

FLORIDA LEAGUE OF CITIES  
LEGISLATIVE  
ACTION AGENDA

## Transportation Funding

### **Draft Policy Position Statement:**

The Florida League of Cities SUPPORTS legislation that will allow cities to have greater local decision-making and flexibility on transportation funding to ensure we meet our ever-changing transportation demands.

### **Background:**

Transportation infrastructure is paramount to the prosperity of all cities. It greatly affects quality of life by influencing people's decisions about where to live, work and spend their free time. For more than 60 years, the federal government has helped states pay for highway repair and construction through the Highway Trust Fund (HTF), which relies primarily on federal gas tax revenue. But in recent years inflation and the growth in the number of both electric and more fuel-efficient gas-powered vehicles means that drivers are buying less gasoline and paying less gas tax.

With over 126 million visitors each year and more than 900 people moving to Florida each day, the state's transportation infrastructure is rapidly declining. Our roads and bridges are getting older and falling into disrepair, costing more to maintain and improve. Some of these increased costs are directly attributable to technological advancements that are necessary to implement a "smart transportation infrastructure" where train stations, bus stops, airports, and car- and bike-sharing stations become integrated parts of one big open high-speed connected communications network.

Transportation projects are often the catalyst for economic development and the result of growth within a community. Florida's municipalities need a transportation program that adequately funds our state's transportation needs, takes a smart approach to all forms of transportation and provides local governments with the certainty they need for planning and funding transportation projects.

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11/12/2020



## Discharges to Surface Waters

### Draft Priority Statement:

The Florida League of Cities SUPPORTS legislation that establishes reasonable timeframes for utilities to eliminate, to the extent possible in compliance with regulatory requirements and with specified exceptions, discharges to surface waters unless a utility demonstrates it is not environmentally, technically or economically feasible.

### Background:

- Bills in the 2020 session would have prohibited utilities from discharging effluent, reclaimed water, or reuse water to surface waters beginning January 2026.
- The bills exempted the following “beneficial” discharges and certain fiscally constrained local governments:
  - Indirect potable reuse projects;
  - Domestic wastewater treatment facility discharges during wet weather which occur in accordance with the applicable department permit;
  - Discharges into a stormwater management system which are subsequently withdrawn by a user for irrigation purposes;
  - Domestic wastewater treatment facilities located in fiscally constrained counties;
  - Projects where reclaimed water is recovered from an aquifer recharge system and subsequently discharged into a surface water for potable reuse;
  - Wetlands creation, restoration, and enhancement projects;
  - Minimum flows and levels recovery or prevention strategy plan projects;
  - Domestic wastewater treatment facilities with reuse systems that provide a minimum of 90 percent of a facility’s annual average flow for authorized reuse purposes;
  - Domestic wastewater treatment facilities located in municipalities that have less than \$10 million in total revenue; or
  - Domestic wastewater treatment facilities located in municipalities that are entirely within a rural area of opportunity.
- Utilities that have invested in advanced wastewater treatment or that are subject to “ocean outfall” statutory requirements were not exempted from the discharge prohibition.
- The cost to utilities to comply is estimated at \$28 billion. A later version of the bill softened this impact in some respects by allowing utilities to develop plans to

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implement the mandate over a period of time, with exemptions if a utility could demonstrate that available alternatives were not environmentally, economically or technically feasible.

- State funding assistance will be essential to meeting the costs of this unfunded mandate.
- The bills did not pass in 2020 but this issue remains a priority for the Senate President and legislation is expected to be filed in 2021.

DRAFT



## Resilient and Sustainable Florida

### Draft Policy Position Statement:

The Florida League of Cities SUPPORTS legislation that promotes a resilient and sustainable Florida, including:

- Funding for water quality improvements;
- Establishing policies and funding for alternative water supply development;
- Providing for intergovernmental coordination and planning on strategies to address climate challenges such as drought, coastal flooding, and inland flooding; and
- Enabling local authority to implement natural resource protection strategies.

### Background:

#### *Water Quality & Alternative Water Supply*

- A sustainable Florida requires clean and abundant water now and in the future. State, regional and local governments must continue investing in water quality improvements and the development of alternative water supplies.
- For FY 2020-21, the legislature appropriated \$40 million for alternative water supplies, \$25M in matching grants for septic-to-sewer conversions and wastewater upgrades, \$50 million for springs restoration and \$25 million for the Total Maximum Daily Load program.
- CS/CS/SB 712, passed in 2020, requires local governments to undertake additional planning and projects to improve water quality. The bill establishes a wastewater grant program but does not provide a source of dedicated funding.
- The development of alternatives to ground and surface water for public users will be critical for meeting the demands of population growth while accommodating needs of agricultural and industrial users. State funding assistance can help offset the financial challenges for utilities in developing alternative water supplies.
- Increased state funding assistance for water quality and water supply may be limited by budget constraints in 2021. If so, the legislature should strive to at least maintain its current level of commitments.
- To provide safe and sustainable sources for water supply, Florida must plan and develop alternative water sources that can sustain water supplies in times of drought. Such sources should include the consideration of incorporating reclaimed water as a reliable and sustainable source integral to a wholistic “one water” approach to water supply.

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### *Coastal and Inland Flooding*

- Florida's local governments face increasing threats to property and infrastructure from sea level rise, seasonal coastal flooding, and inland flooding from extreme weather events.
- A 2019 Annual Report from Florida's Chief Resiliency Officer stated efforts to address resiliency in Florida are disjointed, led largely through siloed local efforts, and that the state lacks a statewide strategy.
- Communities are overwhelmed by the demands of addressing resiliency challenges alone and need a place to turn for guidance, information sharing, financial and technical assistance.
- Florida would benefit from interagency program to assist the state and local governments in assessing and responding to the effects of climate change, including development of an annual Resiliency Plan to assess climate effects and to make recommendations on mitigation strategies.