



Pinellas County Board of County Commissioners 2024 Federal Legislative Program



Priorities

National Flood Insurance Program (NFIP)

- **SUPPORT** a long-term extension to the program that ensures financial sustainability, while not pricing out policy holders. This includes providing premium discounts for private and community-based mitigation efforts.
- **SUPPORT** legislation that revises Risk Rating 2.0 to better support the connection between insurance, flood mapping, flood risk management and encourages mitigation.

Beach Nourishment

- **REQUEST** the Army Corps of Engineers reevaluate its Perpetual Storm Damage Reduction Easement policy, which requires 100% of beachfront property owners to provide perpetual public access, use, and construction easements for areas landward of the Erosion Control Line within the limits of the Sand Key, Treasure Island, and Long Key nourishment projects.

Offshore Oil Drilling

- **SUPPORT** legislation to permanently ban oil drilling in the Eastern Gulf of Mexico within 125 miles of Florida. Legislation providing for a moratorium in the Eastern Gulf of Mexico expired in 2022, but the area remains protected through 2032 under a 2020 Presidential Executive Order

American Rescue Plan Funding

- **SUPPORT** legislation that provides additional flexibility and extends the dates by which State and Local Fiscal Recovery Funds may be obligated and spent.

Per- and Polyfluoroalkyl Substances (PFAS)

- **SUPPORT** strategies and funding for local governments that reduce or eliminate PFAS and hold parties responsible for introducing PFAS into waste streams.



National Flood Insurance Program (NFIP)

Over a third of the County is in a FEMA Special Flood Hazard Area (SFHA) on the Flood Insurance Rate Map (FIRM) where flood insurance is required by most lenders and federally backed loans. Additionally, over 10% of the area outside of the FEMA SFHA is a 100-year floodplain based on local studies, and over 40% of the county is within a category 2 hurricane storm surge inundation area. Without affordable flood insurance many of our residents and businesses may be priced out of their homes/businesses and high rates will negatively impact the real estate economy in the county, especially on non-waterfront building inventory in the floodplain. Homeowners and renter in these areas that are not required to purchase coverage may in fact choose to forego coverage and in turn will make recovery after an event more difficult. We have a proactive floodplain management program which serves to protect property owners from flood loss, which should also continue to be rewarded with rate discounts through the Community Rating System (CRS).

The intent of Risk Rating 2.0 is to use new technology and data to give more accurate risk ratings to properties, which will correspond with fairer rates. The new rating methodology will not use the FIRM, but will look at property specific information, such as foundation type, elevation, distance to water and type and size of water body, and a broader range of flood frequencies and sources. Floodplain regulations and flood insurance requirements, though, will still be based on the FIRM.

It is illogical for FEMA's minimum building requirements and actuary risk ratings for insurance purposes to be based on two separate methodologies and data sets, furthering the disconnect between floodplain management and insurance. The insurance, floodplain management, and mitigation branches of the NFIP need to better coordinate in advance of implementation or property owners may build to a standard that results in high flood insurance rates. If we know the equation for risk, then we can ensure we are requiring development standards that will not result in unsafe structures with unaffordable insurance rates.

Beach Nourishment

Since the project was authorized by Congress in 1966, Pinellas County has partnered with the Army Corps of Engineers (ACOE) to nourish Sand Key, Treasure Island, and Long Key which has provided critical storm damage reduction benefits to the coast as well as recreational opportunities and important nesting habitat for federally endangered species. We are now decades into the project and much needed cyclical nourishments are in jeopardy.

The Army Corps of Engineers' (ACOE) overly broad interpretation of Water Resource Development Act (WRDA) 1986 has left the County struggling to obtain public access, use, and construction easements where in many places sand is not intended to be placed or was never placed at federal expense. Moreover, the ACOE is deviating from the terms specified in both the Project Coordination Agreement and the WRDA of 1986. This is evident in their refusal to allow the County, acting as the local sponsor, to proceed with a project where they intend to bear the expenses for areas designated by the ACOE as privately owned shores (restricted to private interests) at a 100% local cost. Additionally, the ACOE is neglecting to acknowledge that Florida's comprehensive public beach laws, established since 1970, unequivocally ensure public access and use.

In the 2023 Appropriations bill, Congress directed the ACOE to work with local governments to provide flexibility in project agreement language that allows for incremental acquisition of easements for scheduled nourishments; however, to date nothing has changed. The 2024 WRDA bill offers an opportunity to provide clear direction on the implementation of coastal storm damage reduction projects and to address the concerns listed above.

Offshore Oil Drilling

Since 2006, the Gulf of Mexico Energy Security Act had included a moratorium on oil and gas leasing in portions of the Gulf of Mexico. The moratorium covered a portion of the Central Gulf of Mexico Planning Area, and most of the Eastern Gulf of Mexico Planning Area. The specific locations restricted from leasing activities include the portion of the Eastern Planning Area within 125 miles of Florida, all areas in the Gulf of Mexico east of the Military Mission Line, and the area within the Central Planning Area that is within 100 miles of Florida.

The current moratorium on lands in the Eastern Gulf of Mexico expired in June of 2022, but the area remains protected through 2032 under a 2020 Presidential Executive Order.

American Rescue Plan Funding

In March of 2021, the American Rescue Plan Act (ARPA) was signed into law. Under the law, states and local governments received \$350B through the State and Local Fiscal Recovery Fund. Pinellas County received \$189,381,543 in direct funding. Treasury is responsible for administering these funds and issuing guidance on how funds can be expended. Funds must be obligated by December 31, 2024 and spent by December 31, 2026 and can be used for specific purposes as detailed in Treasury's guidance.

It is imperative that Treasury continue to provide timely flexibility in the manner in which funds can be spent to ensure local governments are able to invest these funds on projects that have the greatest impact on the community and in communities that need it the most. Additionally, given the complexity of these projects, governments are challenged with meeting the current deadline to obligate and expend these funds by the December 2024 and 2026 deadlines.

Per- and Polyfluoroalkyl Substances (PFAS)

On September 6, The U.S. Environmental Protection Agency (EPA) published a proposed rule to designate two types of per- and polyfluoroalkyl substances (PFAS) as hazardous under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), better known as Superfund. Designating PFAS as hazardous under CERCLA poses multiple implications for counties, particularly around reporting and cleanup of these substances.

PFAS are synthetic chemicals that have been used in a variety of commercial, industrial and military applications. Studies have shown that exposure to PFOA and PFOS is harmful to human health and the environment. PFOA and PFOS persist in the environment and have been detected in soil, surface water, groundwater and public water supplies throughout the country.

The rule would authorize the EPA to hold entities thought to be at fault for PFAS contamination financially liable for cleanup. PFAS is often suspended in the environment for decades, leading to accumulations in water systems and waste management facilities. Given the ubiquity of PFOA and PFOS, county governments, water utilities and landfills, and airports could be subject to the rule's reporting and financial liability requirements. This would place an economic burden on counties, despite being passive receivers of PFAS. It would also impact county residents, whose water and waste management bills would likely increase.

The EPA should work with local governments throughout the rulemaking process to ensure those that introduce these chemicals into the environment are held responsible for remediation and provide funds for cleanup. Additionally, congressional action should be taken to provide an exemption in CERCLA for public entities to avoid a community pays outcome.

