

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Brandes

583-02830-14

20141326c1

1 A bill to be entitled
2 An act relating to emergency management; amending s.
3 70.001, F.S.; specifying the availability of a cause
4 of action with respect to a governmental entity
5 implementing a Flood Insurance Rate Map; amending s.
6 252.34, F.S.; defining the term "state flood risk
7 analysis"; amending s. 252.35, F.S.; revising the
8 duties of the Division of Emergency Management to
9 conform to changes made by the act; creating s.
10 252.441, F.S.; providing legislative findings;
11 requiring the division to contract for a flood risk
12 analysis; prescribing requirements for the risk
13 analysis; requiring the division to award the contract
14 in accordance with competitive solicitation
15 requirements; requiring the division to submit a
16 report of the risk analysis results to the Governor
17 and the Legislature by a specified date; providing
18 that the Legislature may authorize annual updates to
19 the risk analysis; creating s. 252.9335, F.S.;

20 exempting state employees from specified travel
21 expense provisions when traveling under the Emergency
22 Management Assistance Compact pursuant to a request
23 for assistance from another state under certain
24 circumstances; providing appropriations; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Subsection (14) is added to section 70.001,

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30 Florida Statutes, to read:

31 70.001 Private property rights protection.—

32 (14) A cause of action does not exist under this section
33 with respect to an administrative action taken or an ordinance
34 adopted by a governmental entity to implement a Flood Insurance
35 Rate Map issued by the Federal Emergency Management Agency for
36 the purpose of participating in the National Flood Insurance
37 Program unless such administrative action or ordinance
38 incorrectly applies any aspect of the Flood Insurance Rate Map
39 to a property such as, but not limited to, incorrectly assessing
40 the elevation of a property.

41 Section 2. Present subsection (9) of section 252.34,
42 Florida Statutes, is redesignated as subsection (10), and a new
43 subsection (9) is added to that section, to read:

44 252.34 Definitions.—As used in this part, the term:

45 (9) "State flood risk analysis" means the most recently
46 updated flood risk analysis issued by the division pursuant to
47 s. 252.441.

48 Section 3. Present paragraph (y) of subsection (2) of
49 section 252.35, Florida Statutes, is redesignated as paragraph
50 (z), and a new paragraph (y) is added to that subsection, to
51 read:

52 252.35 Emergency management powers; Division of Emergency
53 Management.—

54 (2) The division is responsible for carrying out the
55 provisions of ss. 252.31-252.90. In performing its duties, the
56 division shall:

57 (y) Maintain an updated state flood risk analysis
58 contingent upon funding by the Legislature and make such

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59 analysis readily available to the public, and provide assistance
60 through designated personnel to local governments participating
61 in the National Flood Insurance Program Community Rating System.

62 Section 4. Section 252.441, Florida Statutes, is created to
63 read:

64 252.441 State flood risk analysis initiative.—

65 (1) The Legislature finds that passage by Congress of the
66 Biggert-Waters Flood Insurance Reform Act of 2012, Pub. L. No.
67 112-141, requires a complete and specific analysis of flood risk
68 to Florida property owners to ensure the continued availability
69 of flood insurance at affordable rates. Such an analysis could
70 provide important data and insights supporting the entry of
71 private insurance companies into the flood insurance market.

72 (2) The division, in consultation with the Office of
73 Insurance Regulation and the Florida Commission on Hurricane
74 Loss Projection Methodology, shall contract for a state flood
75 risk analysis to evaluate the state's flood risk. Such analysis
76 shall take into consideration existing vendor models recognized
77 by the insurance industry, Flood Insurance Rate Maps issued by
78 the Federal Emergency Management Agency, and Special Flood
79 Hazard Areas designated by the National Flood Insurance Program
80 (NFIP). The risk analysis must include, but is not limited to,
81 the following:

82 (a) A determination of the extent to which flood insurance
83 premium rates, including observed rate increases in the NFIP as
84 a result of the Biggert-Waters Flood Insurance Reform Act of
85 2012, reasonably reflect the risk of loss to insurers;

86 (b) The identification of the potential of differentiated
87 premium rates based on property location, value, and

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88 vulnerability to flood damage;

89 (c) The identification of public policies that would
90 strengthen and support the investment of new private market
91 underwriting capacity in this state's flood insurance market as
92 the supply of insurance capacity offered approaches the level of
93 demand;

94 (d) A review of publicly available premium rate factor
95 analyses and commentary on their appropriateness relative to the
96 latest available data on property vulnerability, flood risk, and
97 cost of repair or rebuilding;

98 (e) Pilot studies of at least three geographical sample
99 inventory regions representative of construction in coastal
100 regions of this state. Selected sample inventory regions shall
101 be equally representative of urban, suburban, and rural areas
102 that have reliable, comprehensive public domain data available.
103 The pilot study of each selected region must include a detailed
104 data quality assessment of the relevant building stock
105 assessments and quantitative catastrophic storm surge modeling
106 using vendor models recognized by the insurance industry to
107 assess whether current insurance premiums are sufficient to
108 ensure the long-term, sustainable availability of flood
109 insurance at affordable rates; and

110 (f) A comparison of the available models' technical pricing
111 of risks with those currently required by the NFIP and other
112 insurers, a commentary on possible reasons for any differences,
113 and recommended action to resolve any such differences.

114 (3) The division must award the contract in accordance with
115 the competitive solicitation requirements in chapter 287 to a
116 firm that has experience in natural catastrophe risk modeling,

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117 rate analysis consultation services, and transactional services.

118 (4) The division shall submit a comprehensive report of the
119 results of the risk analysis to the Governor, the President of
120 the Senate, and the Speaker of the House of Representatives by
121 February 1, 2015.

122
123 The Legislature may authorize annual updates to the state flood
124 risk analysis contingent upon specific funding in the General
125 Appropriations Act.

126 Section 5. Section 252.9335, Florida Statutes, is created
127 to read:

128 252.9335 Expense reimbursement under compact.—The travel
129 expense reimbursement provisions of s. 112.061 do not apply to
130 an employee of the state traveling under the Emergency
131 Management Assistance Compact when such expenses are reimbursed
132 based on the amount agreed upon in an interstate mutual aid
133 request for assistance.

134 Section 6. The sum of \$127,368 is appropriated to the
135 Division of Emergency Management from recurring general revenue
136 for the 2014-2015 fiscal year, which funds shall be used by the
137 division to provide assistance to local governments
138 participating in the National Flood Insurance Program Community
139 Rating System. The sum of \$500,000 is appropriated to the
140 division from nonrecurring general revenue for the 2014-2015
141 fiscal year, which funds shall be used to complete the state
142 flood risk analysis under s. 252.441, Florida Statutes, as
143 created by this act.

144 Section 7. This act shall take effect July 1, 2014.