

By Senator Brandes

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1 A bill to be entitled
2 An act relating to flood hazard mitigation; creating
3 s. 252.441, F.S.; authorizing the Division of
4 Emergency Management of the Executive Office of the
5 Governor to administer a matching grant program for
6 local governments to implement flood hazard risk
7 reduction policies and projects; requiring the
8 division to rank applications for the program;
9 specifying criteria for prioritizing applications;
10 establishing limitations on administrative costs and
11 grant awards; requiring the division to establish a
12 monitoring system; providing for funding of
13 administrative costs; providing for reversion and
14 reallocation of unexpended funds; authorizing the
15 division to adopt rules; requiring the division to
16 consult with the Department of Economic Opportunity in
17 developing ranking criteria; amending s. 380.507,
18 F.S.; revising the powers of the Florida Communities
19 Trust to authorize the undertaking, coordination, and
20 funding of flood mitigation projects; authorizing the
21 trust to acquire and dispose of real and personal
22 property to reduce flood hazards; amending s. 380.508,
23 F.S.; prescribing guidelines for flood mitigation
24 projects undertaken by the trust; amending s. 380.510,
25 F.S.; conforming a cross-reference; revising
26 requirements for agreements for a grant or loan for
27 land acquisition; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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31 Section 1. Section 252.441, Florida Statutes, is created to
32 read:

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33 252.441 Local government flood hazard risk reduction
34 assistance.-

35 (1) The division is authorized to administer a matching
36 grant program to provide up to \$50 million annually in technical
37 and financial assistance, subject to appropriation, to local
38 governments to implement flood hazard risk reduction policies
39 and projects consistent with the conservation and coastal
40 management elements of a local government comprehensive plan
41 required under s. 163.3178, an approved local hazard mitigation
42 plan, or an adaptation action plan. Funds for the matching grant
43 program shall be appropriated from the Land Acquisition Trust
44 Fund within the Department of Environmental Protection.

45 (2) The division shall rank each application for assistance
46 and shall give priority to:

47 (a) Projects that provide the greatest potential scoring
48 improvement under the National Flood Insurance Program Community
49 Rating System (CRS);

50 (b) Projects that propose the acquisition of flood-prone
51 property for conversion to open space and flood control purposes
52 in perpetuity, or the development of natural or green
53 infrastructure, to reduce the risk of flooding;

54 (c) Applications submitted by local governments that have
55 experienced a significant increase in National Flood Insurance
56 Program premiums during the preceding 5 years;

57 (d) Projects that will protect the greatest number of
58 structures from frequent flooding;

59 (e) Applications that provide for a greater amount of in-
60 kind or matching funds;

61 (f) Applications submitted by local governments that

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62 participate in the CRS, or that have been determined eligible to
63 participate in the CRS by the division or the Federal Emergency
64 Management Agency and are actively pursuing participation in the
65 system, and where the funds may advance the community CRS Class
66 Rating;

67 (g) Projects that address the most critical flood hazard
68 risk reduction needs; and

69 (h) Applications demonstrating that the local governments
70 may implement flood hazard risk reduction policies and projects
71 using less than 8 percent of awarded funds for administrative
72 costs.

73 (3) A recipient may not spend more than 8 percent of grant
74 funds on administrative costs.

75 (4) The maximum grant award to an applicant is \$5 million
76 during any single calendar year unless a higher amount is
77 approved by the Legislative Budget Commission.

78 (5) The division shall establish a system to monitor
79 grants, including site visits, to ensure the proper expenditure
80 of funds and compliance with the conditions of the recipient's
81 contract throughout the duration of the project.

82 (6) Beginning for the 2017-2018 fiscal year and each year
83 thereafter, there shall be appropriated from the Land
84 Acquisition Trust Fund within the Department of Environmental
85 Protection to the Emergency Management, Preparedness, and
86 Assistance Trust Fund, a sum not to exceed \$820,000 in
87 nonrecurring funds, based on the amount of authorized annual
88 funding and continuing active funded projects, to fund
89 administrative costs for implementing the grant program.

90 (7) The division may award funds to a recipient for up to 3

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91 years. If a recipient does not use awarded funds within the
92 specified timeframe, such funds shall revert to the Emergency
93 Management, Preparedness, and Assistance Trust Fund and be
94 reallocated to support subsequent year funding or to supplement
95 funded projects with unavoidable cost overruns, if annually
96 approved through legislative budget requests.

97 (8) The division may adopt rules to administer this section
98 which specify allowable project types, match requirements, award
99 conditions, requirements to maintain property in perpetuity, the
100 application of project ranking criteria, and other provisions
101 deemed necessary to implement the grant program. The division
102 shall consult with the Department of Economic Opportunity in
103 developing ranking criteria for project selection.

104 Section 2. Subsections (2) and (4) of section 380.507,
105 Florida Statutes, are amended to read:

106 380.507 Powers of the trust.—The trust shall have all the
107 powers necessary or convenient to carry out the purposes and
108 provisions of this part, including:

109 (2) To undertake, coordinate, or fund activities and
110 projects that ~~which~~ will help bring local comprehensive plans
111 into compliance and help implement the goals, objectives, and
112 policies of the conservation, recreation and open space, and
113 coastal elements of local comprehensive plans, or that ~~which~~
114 will otherwise serve to conserve natural resources and resolve
115 land use conflicts, including, but not limited to:

- 116 (a) Redevelopment projects.
117 (b) Resource enhancement projects.
118 (c) Flood mitigation projects.
119 (d) ~~(e)~~ Public access projects.

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120 (e)~~(d)~~ Urban waterfront restoration projects.
121 (f)~~(e)~~ Site reservation.
122 (g)~~(f)~~ Urban greenways and open space projects.
123 (h)~~(g)~~ Working waterfronts.
124 (i)~~(h)~~ Projects that provide accessibility, availability,
125 or adaptability of conservation or recreation lands for
126 individuals with unique abilities. The term "projects that
127 provide recreational enhancements and opportunities for
128 individuals with unique abilities" means those projects that
129 incorporate adaptations or modifications to the design and
130 development of recreational resources or equipment to meet the
131 needs of all potential participants including those with
132 physical or developmental disabilities. This paragraph expires
133 July 1, 2017.

134 (4) To acquire and dispose of real and personal property or
135 any interest therein when necessary or appropriate to protect
136 the natural environment, provide public access or public
137 recreational facilities, including the Florida National Scenic
138 Trail, preserve wildlife habitat areas, provide access for
139 managing acquired lands, reduce flood hazards, or otherwise
140 carry out the purposes of this part. If the trust acquires land
141 for permanent state ownership, title to such land shall be
142 vested in the Board of Trustees of the Internal Improvement
143 Trust Fund; otherwise, title to property acquired in partnership
144 with a county or municipality shall vest in the name of the
145 local government. Notwithstanding any other provision of law,
146 the trust may enter into an option agreement to purchase lands
147 included in projects approved according to this part, when
148 necessary to reserve lands during the preparation of project

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149 plans and during acquisition proceedings. The consideration for
150 an option shall not exceed \$100,000.

151 Section 3. Present paragraphs (c) through (f) of subsection
152 (4) of section 380.508, Florida Statutes, are redesignated as
153 paragraphs (d) through (g), respectively, and a new paragraph
154 (c) is added to that subsection, to read:

155 380.508 Projects; development, review, and approval.—

156 (4) Projects or activities which the trust undertakes,
157 coordinates, or funds in any manner shall comply with the
158 following guidelines:

159 (c) The purpose of flood mitigation projects aimed at
160 improving a community's class rating under the National Flood
161 Insurance Program Community Rating System shall be:

162 1. To acquire interests in lands designated as severe
163 repetitive loss properties within coastal flood zones "V," "VE,"
164 and "V1-30," as designated by the Federal Emergency Management
165 Agency, which are suitable for enhancing beach and coastal
166 access for the public, creating public parks, establishing open
167 space and flood control purposes in perpetuity, development of
168 natural or green infrastructure, and providing flood control; or

169 2. To provide technical and financial assistance to local
170 governments to implement flood risk reduction policies and
171 projects consistent with the coastal element of the local
172 government comprehensive plan required under s. 163.3178, an
173 approved local hazard mitigation plan, or an adaptation action
174 plan.

175
176 Project costs may include costs of providing parks, open space,
177 public access sites, scenic easements, and other areas and

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178 facilities serving the public where such features are part of a
179 project plan approved according to this part. In undertaking or
180 coordinating projects or activities authorized by this part, the
181 trust shall, when appropriate, use and promote the use of
182 creative land acquisition methods, including the acquisition of
183 less than fee interest through, among other methods,
184 conservation easements, transfer of development rights, leases,
185 and leaseback arrangements. The trust shall assist local
186 governments in the use of sound alternative methods of financing
187 for funding projects and activities authorized under this part.
188 Any funds over and above eligible project costs, which remain
189 after completion of a project approved according to this part,
190 shall be transmitted to the state and deposited into the Florida
191 Forever Trust Fund.

192 Section 4. Paragraph (d) of subsection (3) of section
193 380.510, Florida Statutes, is amended, and paragraph (f) is
194 added to that subsection, to read:

195 380.510 Conditions of grants and loans.—

196 (3) In the case of a grant or loan for land acquisition,
197 agreements shall provide all of the following:

198 (d) If any essential term or condition of a grant or loan
199 is violated, title to all interest in real property acquired
200 with state funds shall be conveyed or revert to the Board of
201 Trustees of the Internal Improvement Trust Fund. The trust shall
202 treat such property in accordance with s. 380.508(4)(g) ~~s.~~
203 ~~380.508(4)(f)~~.

204 (f) Land acquired for flood mitigation projects must be
205 maintained strictly for flood mitigation purposes or
206 conservation purposes. Conveyance of such lands to private

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207 entities must contain conditions, covenants, restrictions, or
208 other provisions that ensure that the land will be maintained
209 for flood mitigation or conservation purposes.

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211 Any deed or other instrument of conveyance whereby a nonprofit
212 organization or local government acquires real property under
213 this section shall set forth the interest of the state. The
214 trust shall keep at least one copy of any such instrument and
215 shall provide at least one copy to the Board of Trustees of the
216 Internal Improvement Trust Fund.

217 Section 5. This act shall take effect July 1, 2017.