

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
 32 to read:

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
 46 assistance 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
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
91 3 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
98 section which specify allowable project types, match
99 requirements, award conditions, requirements to maintain
100 property in perpetuity, the application of project ranking

101 criteria, and other provisions deemed necessary to implement the
102 grant program. The division shall consult with the Department of
103 Economic Opportunity in developing ranking criteria for project
104 selection.

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

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

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

117 (a) Redevelopment projects.

118 (b) Resource enhancement projects.

119 (c) Flood mitigation projects.

120 (d)~~(e)~~ Public access projects.

121 (e)~~(d)~~ Urban waterfront restoration projects.

122 (f)~~(e)~~ Site reservation.

123 (g)~~(f)~~ Urban greenways and open space projects.

124 (h)~~(g)~~ Working waterfronts.

125 (i)~~(h)~~ Projects that provide accessibility, availability,

126 or adaptability of conservation or recreation lands for
127 individuals with unique abilities. The term "projects that
128 provide recreational enhancements and opportunities for
129 individuals with unique abilities" means those projects that
130 incorporate adaptations or modifications to the design and
131 development of recreational resources or equipment to meet the
132 needs of all potential participants including those with
133 physical or developmental disabilities. This paragraph expires
134 July 1, 2017.

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

151 an option shall not exceed \$100,000.

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

156 380.508 Projects; development, review, and approval.—

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

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

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

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

176
177 Project costs may include costs of providing parks, open space,
178 public access sites, scenic easements, and other areas and
179 facilities serving the public where such features are part of a
180 project plan approved according to this part. In undertaking or
181 coordinating projects or activities authorized by this part, the
182 trust shall, when appropriate, use and promote the use of
183 creative land acquisition methods, including the acquisition of
184 less than fee interest through, among other methods,
185 conservation easements, transfer of development rights, leases,
186 and leaseback arrangements. The trust shall assist local
187 governments in the use of sound alternative methods of financing
188 for funding projects and activities authorized under this part.
189 Any funds over and above eligible project costs, which remain
190 after completion of a project approved according to this part,
191 shall be transmitted to the state and deposited into the Florida
192 Forever Trust Fund.

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

196 380.510 Conditions of grants and loans.—

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

199 (d) If any essential term or condition of a grant or loan
200 is violated, title to all interest in real property acquired

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201 with state funds shall be conveyed or revert to the Board of
202 Trustees of the Internal Improvement Trust Fund. The trust shall
203 treat such property in accordance with s. 380.508(4)(g) ~~s.~~
204 ~~380.508(4)(f)~~.

205 (f) Land acquired for flood mitigation projects must be
206 maintained strictly for flood mitigation purposes or
207 conservation purposes. Conveyance of such lands to private
208 entities must contain conditions, covenants, restrictions, or
209 other provisions that ensure that the land will be maintained
210 for flood mitigation or conservation purposes.

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

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