



475134

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2014	.	
	.	
	.	
	.	

---

The Committee on Military and Veterans Affairs, Space, and Domestic Security (Evers) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (14) is added to section 70.001, Florida Statutes, to read:

70.001 Private property rights protection.-

(14) A cause of action does not exist under this section with respect to an administrative action taken or an ordinance adopted by a governmental entity to implement a Flood Insurance



475134

11 Rate Map issued by the Federal Emergency Management Agency for  
12 the purpose of participating in the National Flood Insurance  
13 Program unless such administrative action or ordinance  
14 incorrectly applies any aspect of the Flood Insurance Rate Map  
15 to a property such as, but not limited to, incorrectly assessing  
16 the elevation of a property.

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

20 252.34 Definitions.—As used in this part, the term:

21 (9) "State flood risk analysis" means the most recently  
22 updated flood risk analysis issued by the division pursuant to  
23 s. 252.441.

24 Section 3. Present paragraph (y) of subsection (2) of  
25 section 252.35, Florida Statutes, is redesignated as paragraph  
26 (z), and a new paragraph (y) is added to that subsection, to  
27 read:

28 252.35 Emergency management powers; Division of Emergency  
29 Management.—

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

33 (y) Maintain an updated state flood risk analysis  
34 contingent upon funding by the Legislature and make such  
35 analysis readily available to the public, and provide assistance  
36 through designated personnel to local governments participating  
37 in the National Flood Insurance Program Community Rating System.

38 Section 4. Section 252.441, Florida Statutes, is created to  
39 read:



475134

40           252.441 State flood risk analysis initiative.-

41           (1) The Legislature finds that passage by Congress of the  
42 Biggert-Waters Flood Insurance Reform Act of 2012, Pub. L. No.  
43 112-141, requires a complete and specific analysis of flood risk  
44 to Florida property owners to ensure the continued availability  
45 of flood insurance at affordable rates. Such an analysis could  
46 provide important data and insights supporting the entry of  
47 private insurance companies into the flood insurance market.

48           (2) The division, in consultation with the Office of  
49 Insurance Regulation and the Florida Commission on Hurricane  
50 Loss Projection Methodology, shall contract for a state flood  
51 risk analysis to evaluate the state's flood risk. Such analysis  
52 shall take into consideration existing vendor models recognized  
53 by the insurance industry, Flood Insurance Rate Maps issued by  
54 the Federal Emergency Management Agency, and Special Flood  
55 Hazard Areas designated by the National Flood Insurance Program  
56 (NFIP). The risk analysis must include, but is not limited to,  
57 the following:

58           (a) A determination of the extent to which flood insurance  
59 premium rates, including observed rate increases in the NFIP as  
60 a result of the Biggert-Waters Flood Insurance Reform Act of  
61 2012, reasonably reflect the risk of loss to insurers;

62           (b) The identification of the potential of differentiated  
63 premium rates based on property location, value, and  
64 vulnerability to flood damage;

65           (c) The identification of public policies that would  
66 strengthen and support the investment of new private market  
67 underwriting capacity in this state's flood insurance market as  
68 the supply of insurance capacity offered approaches the level of



475134

69 demand;

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

74 (e) Pilot studies of at least three geographical sample  
75 inventory regions representative of construction in coastal  
76 regions of this state. Selected sample inventory regions shall  
77 be equally representative of urban, suburban, and rural areas  
78 that have reliable, comprehensive public domain data available.  
79 The pilot study of each selected region must include a detailed  
80 data quality assessment of the relevant building stock  
81 assessments and quantitative catastrophic storm surge modeling  
82 using vendor models recognized by the insurance industry to  
83 assess whether current insurance premiums are sufficient to  
84 ensure the long-term, sustainable availability of flood  
85 insurance at affordable rates; and

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

90 (3) The division must award the contract in accordance with  
91 the competitive solicitation requirements in chapter 287 to a  
92 firm that has experience in natural catastrophe risk modeling,  
93 rate analysis consultation services, and transactional services.

94 (4) The division shall submit a comprehensive report of the  
95 results of the risk analysis to the Governor, the President of  
96 the Senate, and the Speaker of the House of Representatives by  
97 February 1, 2015.



475134

98

99 The Legislature may authorize annual updates to the state flood  
100 risk analysis contingent upon specific funding in the General  
101 Appropriations Act.

102 Section 5. Section 252.9335, Florida Statutes, is created  
103 to read:

104 252.9335 Expense reimbursement under compact.—The travel  
105 expense reimbursement provisions of s. 112.061 do not apply to  
106 an employee of the state traveling under the Emergency  
107 Management Assistance Compact when such expenses are reimbursed  
108 based on the amount agreed upon in an interstate mutual aid  
109 request for assistance.

110 Section 6. The sum of \$127,368 is appropriated to the  
111 Division of Emergency Management from recurring general revenue  
112 for the 2014-2015 fiscal year, which funds shall be used by the  
113 division to provide assistance to local governments  
114 participating in the National Flood Insurance Program Community  
115 Rating System. The sum of \$500,000 is appropriated to the  
116 division from nonrecurring general revenue for the 2014-2015  
117 fiscal year, which funds shall be used to complete the state  
118 flood risk analysis under s. 252.441, Florida Statutes, as  
119 created by this act.

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

121

122 ===== T I T L E A M E N D M E N T =====

123 And the title is amended as follows:

124 Delete everything before the enacting clause  
125 and insert:

126 A bill to be entitled



475134

127 An act relating to emergency management; amending s.  
128 70.001, F.S.; specifying the availability of a cause  
129 of action with respect to a governmental entity  
130 implementing a Flood Insurance Rate Map; amending s.  
131 252.34, F.S.; defining the term "state flood risk  
132 analysis"; amending s. 252.35, F.S.; revising the  
133 duties of the Division of Emergency Management to  
134 conform to changes made by the act; creating s.  
135 252.441, F.S.; providing legislative findings;  
136 requiring the division to contract for a flood risk  
137 analysis; prescribing requirements for the risk  
138 analysis; requiring the division to award the contract  
139 in accordance with competitive solicitation  
140 requirements; requiring the division to submit a  
141 report of the risk analysis results to the Governor  
142 and the Legislature by a specified date; providing  
143 that the Legislature may authorize annual updates to  
144 the risk analysis; creating s. 252.9335, F.S.;  
145 exempting state employees from specified travel  
146 expense provisions when traveling under the Emergency  
147 Management Assistance Compact pursuant to a request  
148 for assistance from another state under certain  
149 circumstances; providing appropriations; providing an  
150 effective date.