

By Senator Brandes

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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 county implementing a
5 Flood Insurance Rate Map; amending s. 252.34, F.S.;
6 defining the term "state flood risk analysis";
7 amending s. 252.35, F.S.; revising the duties of the
8 Division of Emergency Management to conform to changes
9 made by the act; creating s. 252.441, F.S.; providing
10 legislative findings; requiring the division to
11 contract for a flood risk analysis; prescribing
12 requirements for the risk analysis; requiring the
13 division to award the contract in accordance with
14 competitive solicitation requirements; requiring the
15 division to submit a report of the risk analysis
16 results to the Governor and the Legislature by a
17 specified date; providing that completion of the risk
18 analysis is contingent upon an appropriation;
19 providing that annual updates to the risk analysis may
20 be authorized by the Legislature; creating s.
21 252.9335, F.S.; exempting state employees from
22 specified travel expense provisions when traveling
23 under the Emergency Management Assistance Compact
24 pursuant to a request for assistance from another
25 state under certain circumstances; providing
26 appropriations; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Subsection (14) is added to section 70.001,
31 Florida Statutes, to read:

32 70.001 Private property rights protection.—

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

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

45 252.34 Definitions.—As used in this part, the term:

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

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

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

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

58 (y) Maintain an updated state flood risk analysis

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59 contingent upon funding by the Legislature and make such report
60 readily available to the public, and provide assistance through
61 designated personnel to local governments participating in the
62 National Flood Insurance Program Community Rating System.

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

65 252.441 State flood risk analysis initiative.—

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

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

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

85 (b) The identification of the likelihood of differentiated
86 premium rates based on property location, value, and
87 vulnerability to flood damage;

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

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

96 (e) Selection of at least three geographical sample
97 inventory regions representative of construction in this state
98 for a pilot study in coastal regions. Selected sample inventory
99 regions shall be equally representative between urban, suburban,
100 and rural areas that have reliable, comprehensive public domain
101 data available;

102 (f) A detailed data quality assessment of the relevant
103 building stock assessments;

104 (g) Quantitative catastrophic storm surge modeling using
105 vendor models recognized by the insurance industry to assess if
106 current insurance premiums are sufficient to ensure the long-
107 term, sustainable availability of flood insurance at affordable
108 rates; and

109 (h) A comparison of the model's technical pricing of risks
110 with those currently required by the NFIP and other insurers, as
111 well as commentary on potential reasons for any differences and
112 recommended action to resolve such differences.

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

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

121 (5) Completion of the risk analysis shall be contingent
122 upon funding provided in the 2014-2015 General Appropriations
123 Act. The Legislature may authorize annual updates to the state
124 flood risk analysis.

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

127 252.9335 Expense reimbursement under compact.—The travel
128 expense reimbursement provisions of s. 112.061 do not apply to
129 an employee of the state traveling under the Emergency
130 Management Assistance Compact when such expenses are reimbursed
131 based on the amount agreed upon in an interstate mutual aid
132 request for assistance.

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

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