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

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

Section 1. Section 252.441, Florida Statutes, is created to
read:
252.441 Local government flood hazard risk reduction assistance.—

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

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

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

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

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

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

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

(f) Applications submitted by local governments that
participate in the CRS, or that have been determined eligible to participate in the CRS by the division or the Federal Emergency Management Agency and are actively pursuing participation in the system, and where the funds may advance the community CRS Class Rating;

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

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

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

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

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

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

(7) The division may award funds to a recipient for up to 3
years. If a recipient does not use awarded funds within the specified timeframe, such funds shall revert to the Emergency Management, Preparedness, and Assistance Trust Fund and be reallocated to support subsequent year funding or to supplement funded projects with unavoidable cost overruns, if annually approved through legislative budget requests.

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

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

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

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

(a) Redevelopment projects.
(b) Resource enhancement projects.
(c) Flood mitigation projects.
(d) Public access projects.
(e) Urban waterfront restoration projects.

(f) Site reservation.

(g) Urban greenways and open space projects.

(h) Working waterfronts.

(i) Projects that provide accessibility, availability, or adaptability of conservation or recreation lands for individuals with unique abilities. The term “projects that provide recreational enhancements and opportunities for individuals with unique abilities” means those projects that incorporate adaptations or modifications to the design and development of recreational resources or equipment to meet the needs of all potential participants including those with physical or developmental disabilities. This paragraph expires July 1, 2017.

(4) To acquire and dispose of real and personal property or any interest therein when necessary or appropriate to protect the natural environment, provide public access or public recreational facilities, including the Florida National Scenic Trail, preserve wildlife habitat areas, provide access for managing acquired lands, reduce flood hazards, or otherwise carry out the purposes of this part. If the trust acquires land for permanent state ownership, title to such land shall be vested in the Board of Trustees of the Internal Improvement Trust Fund; otherwise, title to property acquired in partnership with a county or municipality shall vest in the name of the local government. Notwithstanding any other provision of law, the trust may enter into an option agreement to purchase lands included in projects approved according to this part, when necessary to reserve lands during the preparation of project
plans and during acquisition proceedings. The consideration for an option shall not exceed $100,000.

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

380.508 Projects; development, review, and approval.—

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

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

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

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

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

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

380.510 Conditions of grants and loans.—
(3) In the case of a grant or loan for land acquisition, agreements shall provide all of the following:
(d) If any essential term or condition of a grant or loan is violated, title to all interest in real property acquired with state funds shall be conveyed or revert to the Board of Trustees of the Internal Improvement Trust Fund. The trust shall treat such property in accordance with s. 380.508(4)(g) or 380.508(4)(f).

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

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

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