

APPENDIX B: Governing Policies

Appendix B: Governing Policies and Legislation

Introduction

This appendix includes descriptions of existing, updated, and new legislation and rules relating to mitigation and growth and development in hazard prone areas. There is also an evaluation of the state's policies for hazard prone areas. Each applicable rule, code, or piece of legislation is summarized. The policies enacted by the rule, the hazards and goals addressed, and agency work affected by the rule are also identified.

During the 2018 update of the SHMP, the legislation section was reviewed and updated by Mitigate FL and the Florida Division of Emergency Management's Legislative Affairs specialists. Specific Florida legislation that has been added or updated since the 2013 SHMP is listed and explained below.

Existing National Legislation

Many pieces of national legislation apply to mitigation activities in Florida and are therefore discussed below.

Public Law 90-448, the National Flood Insurance Act of 1968

The National Flood Insurance Program (NFIP) created by this Act enables property owners in participating communities to purchase federally-subsidized flood insurance. This insurance is designed to provide an alternative to some types of federal disaster assistance. It also allows property owners to meet the escalating costs of repairing flood damage to buildings and their contents. Participation in the NFIP is based on an agreement between local communities and the federal government, which states that if a community adopts and enforces a floodplain management ordinance to reduce future flood risks to new construction in Special Flood Hazard Areas (SFHA), the federal government will make flood insurance available within the community as a financial protection against flood losses.

In January of 2013, Congress passed legislation that increased the borrowing authority of the National Flood Insurance Program by one-third.

Public Law 93-288, the Robert T. Stafford Act – Hazard Mitigation Plans (322 Plan)

Section 322 (42 U.S.C. 5165) of the Stafford Act requires each state and each local government (county) to develop a hazard mitigation plan, with specific requirements. The Florida Enhanced State Hazard Mitigation Plan is a comprehensive plan to mobilize state services and resources, which strengthen Florida communities' resistance against the impacts of disasters. It serves to promote the national and state-based goals and objectives of the "National Mitigation Strategy" coordinated by FEMA.

In 2010, Congress passed legislation specifically related to the Pre-Disaster Mitigation program, amending The Stafford Act to provide assurances related to amounts available for states, extend the program, and prohibit the use of its funds from congressionally directed spending.

Public Law 97-348, the Coastal Barrier Resources Act (CBRA)

Enacted on October 18, 1982, this Act designated various undeveloped coastal barrier islands, depicted by specific maps, for inclusion in the Coastal Barrier Resources System. Areas so designated were made ineligible for direct or indirect federal financial assistance that might support development, including flood insurance, except for emergency life-saving activities. Exceptions for certain activities, such as fish and wildlife research are provided, and National Wildlife Refuges and other protected areas are excluded from the inclusion.

Public Law 106-390, the Disaster Mitigation Act of 2000

This Act furthers the Stafford Act (Section 322) by instituting new requirements for the Hazard Mitigation Grant Program (HMGP), such as the requirement for an approved Local Hazard Mitigation Strategy as a pre-requisite for federal funding. The Act also identifies new requirements in how HMGP funds may be used. Additionally, this Act allows Enhanced states to receive an increased federal share for the HMGP and for states to participate in the Program Administration by States (PAS), which delegates authority to administer the HMGP from the federal government to the state.

Existing Florida Legislation (Statutes)**Chapter 14.2016, Florida Statutes**

Chapter 14.2016, F. S. establishes the Division of Emergency Management within the executive Office of the Governor. The statute provides that the Division of Emergency Management Director, appointed by the governor, is designated as agency head of the division. It further states that "The division shall be responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities under part I of chapter 252 (F.S., also known as the State Emergency Management Act)."

Chapter 161, Florida Statutes – Part III, Coastal Zone Protection

Part III of Chapter 161, Florida Statutes, is known as the "Coastal Zone Protection Act of 1985." This Act authorizes management of the most sensitive portion of the coastal zone through the imposition of strict construction standards in order to minimize damage to the natural environment, private property, and life. This statute is applicable in both pre- and post-disaster situations and seeks to ensure that coastal areas continue to form the first line of defense for the mainland against winter storms and hurricanes.

Chapter 163, Florida Statutes – Local Comprehensive Planning

Florida's growth management laws require the state and each local government have a comprehensive plan. For coastal communities, this includes a coastal management element (163.3178, F.S. "Coastal Management") to safeguard lives, property, and coastal resources. The Legislature limits public expenditures in areas subject to destruction by natural disasters. All coastal management elements must have a component that outlines principles for hazard mitigation. Safe evacuation of the coastal population must be considered in current and future land-use plan elements. Additionally, a coastal high-hazard area, which is equal to a hurricane category one evacuation zone as defined by the SLOSH model, needs to be identified in the coastal element. This statute is applicable in both pre- and post-disaster situations.

Chapter 186, Florida Statutes – State and Regional Planning

Chapter 186, Florida Statutes outlines the growth management portion of the state comprehensive plan (s.186.009, F.S.) and recognizes the need for interagency and governmental unit cooperation. This section provides strategic guidance for state, regional, and local measures to implement the state comprehensive plan for physical growth and development. This statute is applicable in both pre- and post-disaster situations.

Chapter 187, Florida Statutes - The State Comprehensive Plan

This statute designates that Florida's State Comprehensive Plan provide long-range policy guidance for the "orderly social, economic, and physical growth of the state." The Florida Legislature reviews it biennially, and implementation of its policies requires legislative action unless otherwise specifically authorized by the constitution or law. The statute further states, "goals and policies contained in the State Comprehensive Plan shall be reasonably applied where they are economically and environmentally feasible, not contrary to the public interest, and consistent with the protection of private property rights." This statute is applicable in both pre- and post-disaster situations.

Chapter 215, Florida Statutes

Chapter 215 covers Fiscal Matters: General Provisions. While the majority of the chapter is not applicable for mitigation or emergency management purposes, there are portions that apply. These will be discussed in greater detail below and are:

- Chapter 215.555 – Florida Hurricane Catastrophe Fund
- Chapter 215.5588 – Florida Disaster Recovery Program
- Chapter 215.559 – Hurricane Loss Mitigation Program

Chapter 215.555, Florida Statutes – Florida Hurricane Catastrophe Fund

This statute establishes the Florida Hurricane Catastrophe Fund as a necessary exercise of police power to leverage property insurance in Florida for homeowner affordability. The statute is a response to the Legislature's intent to balance concerns about mitigation, insurance affordability, the risk of insurer and joint underwriting association insolvency, and assessment and bonding limitations.

215.555(7)(c) contains the mitigation relative portion of this statute. The fund is required to appropriate at least \$10 million (but less than 35%) of its funds each year to mitigation efforts. Local governments, state agencies, public and private educational institutions, and nonprofit organizations are all eligible. Funds may be used to support programs intended to:

- Improve hurricane preparedness
- Reduce potential losses in the event of a hurricane
- Provide research into means to reduce such losses
- Educate or inform the public as a means to reduce hurricane losses
- Assist the public in determining the appropriateness of particular upgrades to structures or in the financing of such upgrades
- Protect local infrastructure from potential damage from a hurricane

Chapter 215.5588, Florida Statutes – Florida Disaster Recovery Program

This statute obligates the Department of Community Affairs to implement the 2006 Disaster Recovery Program from funds provided through the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery. Its purpose is to assist local governments in satisfying disaster recovery needs in the areas of low-income housing and infrastructure, with a primary focus on the hardening of single-family and multifamily housing units. Up to 78 percent of the funds may be used to supplement mitigation activities other than house hardening. Up to 20 percent of the funds may be used to provide inspections and mitigation improvements to multi-family units receiving rental assistance from the government.

Chapter 215.559, Florida Statutes – Hurricane Loss Mitigation Program

This section establishes the Hurricane Loss Mitigation Program (HLMP). The HLMP receives \$10 million a year from the Florida Hurricane Catastrophe Fund to be appropriated as follows:

- \$7 million is used to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; educating persons concerning the Florida Building Code cooperative programs with local governments and the Federal government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.
 - 40 percent of the \$7 million must be used to inspect and improve mobile home tie-downs through the Manufactured Housing and Mobile Home Mitigation and Enhancement Program at Tallahassee Community College.
 - 10 percent of the \$7 million must be allocated to hurricane research through Florida International University.
- \$3 million is to be used to retrofit existing facilities used as public hurricane shelters.

Chapter 252, Florida Statutes (State Emergency Management Act)

Chapter 252 outlines several activities vital to hazard mitigation in the State of Florida. The State Emergency Management Act:

- Justifies the creation of the Division of Emergency Management
- Provides a framework for interstate cooperation and mutual assistance
- Necessitates inter-agency, federal, private sector, and inter-governmental unit cooperation and support
- Establishes emergency mitigation as a continuing process involving research and application of measures to effectively prepare for and mitigate emergency impacts. More information concerning the content of this area can be found immediately below (Florida §252.44)
- Mandates the development and required contents of the Florida Comprehensive Emergency Management Plan (CEMP), which establishes a framework through which the State of Florida prepares for, responds to, recovers from, and mitigates the impacts of a wide variety of disasters that could adversely affect the health, safety, and/or general welfare of the residents of the state. More information concerning the content of this section can be found immediately below (Florida §252.35)

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- Mandates the development and contents of individual agency comprehensive and specific disaster preparedness plans that coincide with the CEMP
 - Necessitates funding provisions for mitigation and provides methods or specifies their allocation

For the full text of the State Emergency Management Act, see Florida Statutes Chapter 252.

Chapter 252.35, Florida Statutes (State Emergency Management Act) – Comprehensive Emergency Management Plan (CEMP)

Chapter 252 Florida Statutes mandates the development of the Florida Comprehensive Emergency Management Plan (The Plan). The Plan is intended to provide guidance to state and local officials on procedures, organization, and responsibilities. It provides for an integrated and coordinated local, state, and federal response. The Plan is operations-based and must address evacuations, sheltering, preparation and evaluation exercises, post-disaster response, recovery, and mitigation, deployment of resources, and communications and warning systems. To facilitate effective operations, The Plan must adopt a functional approach that groups types of assistance into several Emergency Support Functions. This statute is applicable in both pre- and post-disaster situations.

Chapter 252.44, Florida Statutes – Emergency Mitigation

This section requires state agencies study emergency mitigation matters. The Governor is to direct, consider, and use them to make recommendations to the Legislature, local governments, and other appropriate public and private entities as may facilitate measures for mitigation of the harmful consequences of emergencies. The section requires state agencies to keep land uses, construction, and facilities under continuing mitigation study and identifies those areas particularly susceptible to manmade or natural hazards. This section also approves the Governor to request legislative action if appropriate mitigation measures are not taken.

Chapter 373, Florida Statutes – Water Resources

Chapter 373 is extensive and contains the following six parts:

- Part I: State Water Resource Plan
- Part II: Permitting of Consumptive Uses of Water
- Part III: Regulation of Wells
- Part IV: Management and Storage of Surface Waters
- Part V: Finance and Taxation
- Part VI: Miscellaneous Provisions
- Part VII: Water Supply Policy, Planning, Production, and Funding

Chapter 373.036 and Chapter 373.069 in Part I along with Part IV of this chapter are most pertinent to mitigation and are discussed in detail below.

Chapter 373.036, Florida Statutes – Flood Protection

This section mandates that the Florida Department of Environmental Protection (DEP) develop a water management plan in cooperation with the water management districts, regional water supply authorities, and others. The Florida water management plan must include the programs and activities of the department related to water supply, water quality, flood protection and floodplain management, and natural systems. The Florida water management plan is intended to help DEP, especially the Division of Water Resource Management and the six DEP regulatory districts, focus on the highest water resource protection priorities, organize its own water management responsibilities, and build water management partnerships.

Chapter 373.069, Florida Statutes – Creation of Water Management Districts

This statute created the five water management districts in 1976. It additionally outlines the boundaries of each. The five water management districts are as follows:

- Northwest Florida Water Management District
- Suwannee River Water Management District
- St. Johns River Water Management District
- Southwest Florida Water Management District
- South Florida Water Management District

More information on the districts and their roles can be found in the *State Mitigation Strategy Section*, within the Water Management Districts summaries.

Part IV Chapter 373, Florida Statutes – Management and Storage of Surface Waters

Part IV contains several mitigation related requirements:

- Outlines permits for construction or alteration of water and dry storage facilities
- Introduces the concept of mitigation banks and offsite regional mitigation
- Outlines mitigation requirements for transportation infrastructure
- Outlines requirements for surface water improvement and management programs
- Identifies specific protection zones and protection programs around the state

Chapter 373.4135, Florida Statutes – Mitigation Banks and Offsite Regional Mitigation

This statute introduces the concept of mitigation banking. Mitigation banks and offsite regional mitigation can enhance the certainty of mitigation and provide ecological value by increasing the likelihood of environmental success associated with their proper construction, maintenance, and management. The statute directs DEP and Water Management Districts to encourage and participate in the establishment of private and public mitigation banks and offsite regional mitigation. It further recommends this be accomplished through the restoration of ecological communities that were historically present.

Chapter 373.4137 – Mitigation requirements for specified transportation projects

This statute is a response to the Legislature's finding that environmental mitigation for the impact of transportation projects can be more effectively achieved by regional, long-range mitigation planning rather than on a project-by-project basis. According to this statute, DOT is financially responsible for the cost of mitigating activities to offset adverse impacts of transportation projects. The Department of Transportation may use mitigation funds provided by water management districts or private mitigation banks.

Chapter 380, Florida Statutes**Part I**

Part I of Chapter 380, Florida Statutes is known as "The Florida Environmental Land and Water Management Act of 1972." Its intent is to protect the natural resources and environment of Florida as provided in §7, Art. II of the State Constitution, ensure a water management system that will reverse the deterioration of water quality and provide optimum utilization of limited water resources, facilitate orderly and well-planned development, and protect the health, welfare, safety, and quality of life of the residents of this state.

Part II

Part II is called the "Florida Coastal Management Act." This statute finds that the conservation of natural areas is vital to the state's economy and ecology. It mandates the existence of the Florida Coastal Management Program, which coordinates state governmental activities related to the protection, preservation, and development of Florida's natural, cultural, and economic coastal resources.

Part III

Part III establishes the Florida Communities Trust (FCT) as a non-regulatory agency that assists local governments in bringing local comprehensive plans into compliance and implementing the goals, objectives, and policies of the conservation, recreation and open space, and coastal elements of local comprehensive plans, or in conserving natural resources and resolving land use conflicts through response to opportunities and needs, financial and technical assistance, and the acquisition or disposal of real property where deemed necessary.

Chapter 590, Florida Statutes

Chapter 590 states that Florida Fire Service (FFS) has the primary responsibility for prevention, detection, and suppression of wildfires wherever they may occur. FFS shall provide leadership and direction in the evaluation, coordination, allocation of resources, and monitoring of wildfire management and protection, and shall promote natural resource management and fuel reduction through the use of prescribed fire and other fuel reduction measures.

Existing Florida Legislation (Administrative Codes)

Rule 27P-22, Florida Administrative Code – Hazard Mitigation Grant Program

Authorized by Florida Statute 252.46, the Hazard Mitigation Grant Program (HMGP) is a state administered federal program that helps local communities damaged by natural disasters accomplish meaningful mitigation measures. Chapter 27P-22, Florida Administrative Code (FAC), describes the process for application, local project selection, and distribution of funds under the HMGP.

Local jurisdictions must develop a Local Mitigation Strategy (LMS) in order to receive HMGP funding. The LMS must identify viable mitigation projects that are based on overall risk reduction and cost-benefit analysis. The Local Mitigation Strategies in turn form the foundation of Florida's statewide mitigation program. This statute is applicable in both pre- and post-disaster situations. The full-text of Rule 27P-22 is available at online¹.

Rule 27P-6, Florida Administrative Code – Review of Local Emergency Management Plans

Chapter 27P-6 FAC establishes compliance criteria and review procedures for the County and Municipal Emergency Preparedness Management Plan (CEMP) that consist of provisions addressing aspects of preparedness, response, recovery, and mitigation. Pursuant to Chapter 252.35 (b), the Chapter 27P-6 ensures that county plans (and the municipal plans for those municipalities that elect to establish emergency management programs) are coordinated and consistent with the state comprehensive emergency management plan. This statute is applicable in both pre- and post-disaster situations.

Rule 62B-33, Florida Administrative Code – Beach Erosion Control Assistance Program

Chapter 62B-36 FAC provides design and siting requirements to obtain a coastal construction control line permit. Approval or denial of a permit application is based upon a review of the potential impacts to the beach dune system, adjacent properties, native salt resistant vegetation, and marine turtles. The Coastal Construction Control Line (CCCL) Program is an essential element of Florida's coastal management program. It provides protection for Florida's beaches and dunes while assuring reasonable use of private property. Improperly sited and designed structures can destabilize or destroy the beach and dune system. Once destabilized, the valuable natural resources and important values for recreation, upland property protection, and environmental habitats are lost.

Rule 73C-40.0256 Florida Administrative Code – Hurricane Preparedness Policy Rule

Chapter 73C-40.0256 FAC was previously rule 9J-2.0256 prior to the 2011 government reorganization. Its purpose is to establish how the Department of Economic Opportunity (DEO) will evaluate the impacts of proposed development on hurricane preparedness for Development of Regional Impact application reviews. Developments of Regional Impact are any developments, which have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

¹ <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=27P-22>

Updated or New Legislation**SB 0450 – Relating to Emergency Management Chapter No. 2011-43**

Emergency Management; Cites this act as the "Postdisaster Relief Assistance Act." Provides immunity from civil liability for providers of temporary housing and aid to emergency first responders and their immediate family members following a declared emergency. Provides definitions and non-applicability. Authorizes specified registration with a county emergency management agency as a provider of housing and aid for emergency first responders. Effective Date: July 1, 2011.

This Bill creates a registry for private citizens and organizations to sign up with prior to disasters that will allow them to provide housing and aid to emergency responders without fear of civil liability.

SB 2154 – Relating to Florida Housing Finance Corporation Chapter No. 2011-65

Florida Housing Finance Corporation; Deletes provisions on the distributions of documentary stamp tax revenues to the State Housing Trust Fund and the Local Government Housing Trust Fund. Replaces references to the Department of Community Affairs with Jobs Florida. Provides for the deposit of certain moneys into the State Housing Trust Fund within the State Treasury. Replaces references to the Secretary of the Department of Community Affairs with the Commissioner of Jobs Florida. Provides for certain moneys to be deposited into the State Housing Trust Fund, etc. Effective Date: July 1, 2011.

This creates a Federal Grants Trust Fund in the EOG. The Federal Grants Trust Fund that FDEM currently uses is traveling with Department of Community Affairs (DCA) in the reorganization, thus the creation of the new trust fund was necessary as part of FDEM's move to the EOG.

SB 2156 – Relating to Governmental Reorganization Chapter No. 2011-142

Governmental Reorganization; Transfers the functions and trust funds of the Agency for Workforce Innovation (AWI) to other agencies. Transfers the Office of Early Learning Services to the Department of Education. Transfers the Office of Unemployment Compensation to Jobs Florida. Transfers the Office of Workforce Services to Jobs Florida. Transfers the functions and trust funds of the Department of Community Affairs to other agencies. Transfers the Florida Housing Finance Corporation to Jobs Florida, etc. Effective Date: July 1, 2011

Comments: Effective 7/1/11, FDEM will be transferred to the Executive Office of the Governor. Transition period will be from 7/1/11 – 10/1/11 to transition budget, staff, funds, contracts, etc., from DCA to EOG. Governor, Secretary's of DCA, AWI and Office of Tourism, Trade, and Economic Development Director will appoint transition coordinators to manage the moves.

SB 2098 – Relating to Consolidation/State Information Technology Services Chapter No. 2011-50

Consolidation/State Information Technology Services; Establishes the Agency for Enterprise Information Technology in the Department of Management Services rather than the Executive Office of the Governor. Revises the duties of the agency to include the planning, project management, and implementation of the enterprise information technology services. Requires the agency to submit a plan to the Legislative Budget Commission for aggregating information technology purchases, etc. Effective Date: July 1, 2011.

*“By September 30, 2012, the **Division of Emergency Management and the Department of Community Affairs**, except for the Emergency Operation Center’s management system in Tallahassee and the Camp Blanding Emergency Operations Center in Starke.”*

The Camp Blanding facility and the FDEM systems hosted there are an inseparable component of the systems now housed at the SEOC, and vice versa. The SSRC has recognized this many times, most recently in agreeing to house the SEOC equipment on a co-location basis, rather than an SSRC-managed basis. This legislation eliminates the possibility of an untenable situation in which half of the system is managed by one entity and half by another.

HB 5001 – Relating to Appropriations Chapter No. 2012-118

General Appropriations: Provides moneys for annual period beginning July 1, 2012, & ending June 30, 2013, to pay salaries, & other expenses, capital outlay – buildings, & other improvements, & for other specified purposes of various agencies of state government. Effective Date: July 1, 2012, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 2012, then it shall operate retroactively to July 1, 2012.

Petroleum Usage and Emergency Energy Responsibilities

\$162,777 General Revenue

- As a result of Chapter 2011-142, Laws of Florida, a portion of the ESF 12 responsibilities were transferred from the Department of Agriculture to FDEM without any funding or FTEs.
- This issue requests three FTEs and the expense package in order to perform these statutory responsibilities. This is being requested as recurring authority.

HB 503 – Relating to Environmental Regulation Chapter No. 2012-205

General Environmental Regulation: Creates, amends, & revises numerous provisions relating to: development, construction, operating, & building permits; permit application requirements & procedures, including waivers, variances, & revocation; local government comprehensive plans & plan amendments; programmatic general permits & regional general permits; permits for projects relating to stormwater management systems, coastal construction, dredge & fill activities, intermodal logistics centers & commercial & industrial development; sanitary program surveys of certain water systems; innocent victim petroleum storage system restoration, ambient air quality & water quality standards, & solid waste disposal; sale of unblended gasoline for certain uses; exemption from payment to authorizing agencies for use of certain extensions; provides 2-year permit extension. Effective Date: July 1, 2012.

Language in this Bill has the potential to impact Florida’s ability to participate in the National Flood Insurance Program (NFIP).

HB 7065 – Everglades Improvement and Management Chapter No. 2013-059

The bill amends the Everglades Forever Act to:

1. Provide a legislative finding that implementation of best management practices (BMPs) funded by the owners and users of land in the Everglades Agricultural Area (EAA) effectively reduces nutrients in waters flowing into the Everglades Protection Area.

2. Update the definition of the “Long Term Plan” to include the South Florida Water Management District’s (SFWMD’s) “Restoration Strategies Regional Water Quality Plan” dated April 27, 2012, in addition to the SFWMD’s “Everglades Protection Area Tributary Basin Conceptual Plan for Achieving Long-Term Water Quality Goals Final Report” dated March 2003.
3. Authorize the continued use of up to 0.1 mill of the SFWMD’s ad valorem revenues within the Okeechobee Basin to implement the Long-Term Plan and delete obsolete references to the “interim phase” of the Long Term Plan.
4. Require the SFWMD, after the completion of all projects and improvements in the Long Term Plan, to complete a use attainability analysis to determine if those projects and improvements will achieve the water quality based effluent limits established in permits and orders authorizing the operation of those facilities.
5. Require payment of a \$25 per acre agricultural privilege tax on property classified as agricultural within the Everglades Agricultural Area between November 2014 and November 2026; \$20 per acre for tax notices mailed in November 2027 through 2029; \$15 per acre for tax notices mailed in November 2030 through 2035; and \$10 per acre for tax notices mailed in November 2036 and thereafter. Thus, the tax rate will fall to \$10 per acre beginning in 2036 rather than in 2017 as required by current law. Proceeds from the tax must be used for design, construction, and implementation of the Long-Term Plan, including operation and maintenance, and research for the projects and strategies in the Long-Term Plan, including the enhancements and operation and maintenance of the Everglades Construction Project.
6. Provide that the Legislature intends that payment of the agricultural privilege tax, in addition to payment of the cost of continuing implementation of best management practices, fulfills the obligations of owners and users of land under Article II, Section 7(b) of the Florida Constitution.

Lastly, the bill provides that beginning in the 2013-2014 fiscal year, and each year thereafter through the 2023-2024 fiscal year, the sum of \$12 million in recurring general revenue funds and \$20 million in recurring funds from the Water Management Lands Trust Fund is appropriated to the Department of Environmental Protection (DEP) for the Restoration Strategies Regional Water Quality Plan.

SB 1140 – Public Records/Division of Emergency Management/Emergency Planning Chapter No. 2014-188

This creates a public records exemption for certain personal identification information provided to the Florida Division of Emergency Management by an individual or a business for the purpose of receiving assistance with emergency planning. The bill provides for retroactive application of the exemption, and for legislative review and repeal under the provisions of the Open Government Sunset Review Act.

SB 1262 – Public Records and Meetings/Insurance Flood Loss Model Chapter No. 2014-98

This bill expands the existing public records exemption for hurricane loss models to include flood loss models. Trade secrets used in designing and constructing flood loss models will be confidential and exempt from public records.

Current law also provides that portions of public meetings of the commission or a rate proceeding when trade secrets are discussed are exempt from public records. Exempt portions must be recorded and the recordings are exempt from public disclosure.

By expanding the public records exemption for trade secrets to flood loss models, the public meetings exemption is also being expanded by operation of law.

The public records exemptions for the hurricane and flood loss models, as well as the related public meetings exemptions for trade secrets, will stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Because this bill expands existing public records and public meetings exemptions, the bill also provides a statement of public necessity explaining the public necessity for both exemptions as required by the State Constitution.

SB 290 – Carrying a Concealed Weapon or a Concealed Firearm Chapter No. 2015-44

This creates an exception to s. 790.01, F.S., which prohibits carrying a concealed weapon or firearm unless a person is licensed to do so. If the weapon is a self-defense chemical spray or nonlethal stun gun or similar device designed for defensive purposes, a person may carry it concealed without a license.

The exception provided in the bill allows a person to carry a concealed weapon or firearm on or about his or her person, regardless of licensure status, while in the act of complying with a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to ch. 252, F.S., or declared by a local authority pursuant to ch. 870, F.S., so long as the person may lawfully possess a firearm.

The bill defines the term “in the act of evacuating” as the immediate and urgent movement of a person away from the evacuation zone within 48 hours after a mandatory evacuation is ordered. It provides that the 48-hour period may be extended by order of the Governor.

SB 620 – Emergency Management Chapter No. 2015-55

The bill creates s. 252.9335, F.S., to exempt an employee of the state or a political subdivision traveling at the request of another state through the Emergency Management Assistance Compact from the per diem travel expense reimbursement provisions in s. 112.061(6), F.S. This will allow the traveler to be reimbursed for an amount set by the state who requests assistance, which may be an amount that exceeds Florida’s per diem expense limitations.

The bill also makes a technical change to s. 252.921, F.S., to identify the sections of Florida Statutes that may be cited as the Emergency Management Assistance Compact.

SB 1094 – Peril of Flood Chapter No. 2015-69

The bill requires coastal management plans to include the reduction of flood risks and losses, creates new requirements related to flood elevation certificates, and revises requirements related to flood insurance.

The bill requires local governments to include development and redevelopment principles, strategies, and engineering solutions that reduce flood risks and losses within coastal areas in their comprehensive coastal management plan.

The bill requires surveyors or mappers that complete an elevation certificate to submit a copy of the certificate to the Division of Emergency Management within 30 days of its completion.

The bill allows insurers to sell flexible flood insurance coverage, which is defined as coverage for the peril of flood that may include water intrusion coverage and differs from standard or preferred coverage by:

- Being in an agreed upon amount between the insurer and policyholder.
- Including a deductible as authorized in s. 627.701, F.S.
- Being adjusted in accordance with s. 627.7011(3), F.S., or adjusted only on the basis of the actual cash value of the property.
- Covering only the principal building, as defined in the policy.
- Including or excluding coverage for additional living expenses.
- Excluding coverage for personal property or contents.

The bill removes current law prohibiting a supplemental flood insurance policy from being used for excess coverage over any other insurance policy covering the peril of flood. The bill clarifies that the declarations page or face page of a flood insurance policy must prominently note the deductibles and coverage limits of the policy.

The bill also allows an insurer to request from the Office of Insurance Regulation a certification that acknowledges that the insurer provides a flood policy, contract, or endorsement that equals or exceeds flood coverage by the National Flood Insurance Program.

HB 535 – Building Codes Chapter No. 2016-129

The bill makes the following changes to existing law:

- Adjusts the training and experience required to take the building code inspector, plans examiner, and building code administrator certification examinations;
- Exempts employees of apartment communities with 100 or more units from contractor licensing requirements in specific circumstances;
- Allows specified liquefied petroleum gas (propane) dealers and installers to disconnect and reconnect water lines when servicing or replacing existing propane water heaters;
- Allows a homeowner to make a claim and receive restitution from the Florida Homeowners' Construction Recovery Fund based on work performed by a Division II contractor;
- Clarifies that certain swimming pools used for specific purposes are not subject to regulation;
- Requires two fire service elevators for buildings in certain circumstances and provides that the location of standpipes in high-rise buildings are subject only to specified requirements;
- Requires a dining facility to have sprinklers only if it has a fire area occupancy load of 200 patrons or more;
- Adds provisions to the Code regarding fire separation distance and roof overhang projections;
- Authorizes local building officials to issue phased construction permits; prohibits local governments from requiring the payment of any additional fees associated with providing certain documents; and requires local jurisdictions to allow building permit applications to be submitted electronically;

- Exempts Wi-Fi smoke alarms and those that contain multiple sensors, such as those combined with carbon monoxide alarms, from the 10-year, non-removable, non-replaceable battery provision and provides requirements regarding alarm monitoring system registration;
- Authorizes mandatory blower door/air infiltration testing; provides air change and infiltration rates; directs local enforcement agencies to accept test results from specified licensed individuals;
- Creates the Calder Sloan Swimming Pool Electrical-Safety Task Force and the Construction Industry Workforce Task Force; and
- Allows a specific energy rating index as an option for compliance with the energy conservation code and directs the Florida Building Commission to conduct a study regarding this index.

**HB 1133 – Applicability of Revenue Laws to Out-of-State Businesses During Disaster-Response Periods
Chapter No. 2016-99**

The bill provides that out-of-state businesses are not considered to have established a level of presence that would require a business to register, file, and remit state or local taxes or fees, or be subject to any registration, licensing, or filing requirements, when the out-of-state businesses are: conducting operations within the state solely to perform disaster-related work or emergency-related work during a disaster-response period, or in the state pursuant to a mutual aid agreement.

The bill defines terms, and lists the specific taxes for which these out-of-state businesses are not subject to registration, filing, or remittance requirements:

- Reemployment assistance taxes;
- State or local professional or occupational licensing requirements or related fees;
- Local business taxes;
- Taxes on the operation of commercial motor vehicles;
- Corporate income tax; and
- Tangible personal property tax and use tax on equipment that an out-of-state business brings into the state, uses for emergency-related work during the disaster-response period, and then removes.

The bill provides that an out-of-state business or out-of-state employee remaining in the state after the disaster-response period is not entitled to the privileges provided in this act and is subject to the state's normal standards for establishing presence or residency or doing business in the state.

SB 1288 – Emergency Management Chapter No. 2016-198

Directs the Division of Emergency Management to create a statewide system to facilitate the transport and distribution of essentials in commerce during a declared emergency and directs the division to create a certification system for persons transporting or distributing essentials in commerce.

HB 181 – Natural Hazards Chapter No. 2017-048

The bill creates a natural hazards interagency workgroup to share information on current and potential impacts of natural hazards throughout the state; coordinate ongoing efforts of state agencies in addressing impacts of natural hazards; and collaborate on statewide initiatives to address natural hazards.

The bill requires the director of FDEM or designee to serve as the liaison to, and coordinator of, the workgroup and for each executive agency, each Water Management District, and the Public Service Commission to designate an agency liaison to the workgroup. The bill requires the workgroup to meet quarterly to provide information from the agency on the current and potential impacts of natural hazards, leverage agency resources to mitigate against natural hazards, coordinate efforts to address the impacts of natural hazards, and provide information for an annual progress report (report). The bill requires FDEM to prepare and submit the report to the Governor and Legislature by January 1, 2019, and annually thereafter, and requires the agency liaisons to ensure the report is posted on their respective agency websites.

For the 2017-2018 fiscal year, the bill appropriates \$84,738 in recurring funds and \$4,046 in nonrecurring funds from the Grants and Donations Trust Fund to FDEM. It also authorizes one full-time equivalent position at a specified salary rate.

HB 379 – Underground Facilities Chapter No. 2017-102

Chapter 556, F.S., is the “Underground Facility Damage Prevention and Safety Act” (Act). The stated purpose of the Act is to identify and locate underground facilities prior to an excavation or demolition to prevent injury to persons or property or interruption of services resulting from damage to those facilities. To accomplish this, the Act creates a not-for-profit corporation, Sunshine State One-Call of Florida, Inc. (SSOCOF), to administer a free-access notification system.

The bill amends the “Underground Facility Damage Prevention and Safety Act” by:

- Requiring the SSOCOF board of directors, in its annual progress report on the participation by municipalities and counties in the one-call notification system, to include a summary of the damage reporting data received by the system for the preceding year and any analysis of the data by the board;
- Requiring an excavator that causes contact with or damage to any pipe or other underground facility to immediately report the contact or damage by calling 911 if any natural gas or other hazardous substance or material regulated by the Pipeline and Hazardous Materials Safety Administration has escaped;
- Requiring member operators, after being notified by an excavator that causes damage to a pipe, cable, or protective covering, to file a report with the one-call system on an annual basis, with a deadline of March 31 each year for all reports from the prior calendar year, or more frequently at the option and sole discretion of the member operator; requiring such reports to include, if known, the cause, nature, and location of the damage; and
- Providing that if a citation is issued by a state law enforcement officer, 80 percent of the civil penalty collected by the clerk of the court will be distributed to the government entity whose employee issued the citation.