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Introduction

This appendix focuses on legislation and rules relating to mitigation and growth and development in hazard prone areas. It discusses existing legislation, updated or new legislation, and also provides 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. Affected agencies will be listed using acronyms. To facilitate an understanding of this section, these agencies and their acronyms are listed immediately below:

- Executive Office of the Governor (EOG)
- Florida Department of Business and Professional Regulation (DBPR)
- Florida Department of Economic Opportunity (DEO)
- Florida Department of Environmental Protection (DEP)
- Florida Department of Financial Services (DFS)
- Florida Department of Highway Safety and Motor Vehicles (HSMV)
- Florida Department of Transportation (DOT)
- Florida Division of Emergency Management (DEM)
- Florida Fish and Wildlife Conservation (FWC)
- Florida Forest Service (FFS)
- Regional Planning Councils (RPCs)
- State Board of Administration (SBA)
- Water Management Districts (WMDs)

G.1 Updated or New Legislation

During the 2013 update of the SHMP, the legislation section was reviewed by the SHMPAT and updated as required. Specific Florida legislation that has been added and/or updated is listed and explained below:

- Florida Building Code Revisions- Rule 61G20 FAC
- House Bill 7179 – Laws of Florida 2010-139
- House Bill 663 – Laws of Florida 2010-176
- Senate Bill 550 – Laws of Florida 2010-205
- House Bill 95 – Laws of Florida 2011-110
- House Bill 7207 – Laws of Florida 2011-139
- Senate Bill 2156 – Laws of Florida 2011-142
- House Bill 1195 – Laws of Florida 2011-196
- House Bill 7215 – Laws of Florida 2011-206
- House Bill 849 – Laws of Florida 2011-222
- Senate Bill 2154 – Laws of Florida 2012-65
- Senate Bill 1986 – Laws of Florida 2012-126
- House Bill 599 – Laws of Florida 2012-174
- House Bill 1389 – Laws of Florida 2012-187

Florida Building Code Revisions- Rule 61G20, Florida Administrative Code

The 1998 Florida Legislature passed a building code reform law which mandated a unified statewide building code. The Florida Building Code became effective on March 1, 2002 and replaced more than 400 local and state building codes.

The building code established a system to address the risks of natural hazards through the design and construction of all public and private buildings throughout the state. It is designed to make the local building process more efficient, increase accountability, bring new and safer products to the market, increase consumer confidence, and better protect the residents of the state from natural hazards.

The code integrates plumbing, mechanical, gas, electrical, and building codes with public school, energy and accessibility codes, and state regulations for facility licensing. The code correlates with the fire protection and life safety requirements of the Florida Fire Protection code. It mitigates against hazards in hazard prone areas by integrating special measures, such as those for wind born debris regions and flood prone areas. The code focuses on public safety, increases local enforcement powers, and incorporates state-of-the-art hurricane protection.

Another benefit the code provides is empowering local jurisdictions to ensure responsible and safe growth in communities they serve. Local jurisdictions may conduct plan reviews and inspections of state-owned buildings except for correctional and health care facilities. Local school boards, community colleges, and universities may opt to use their local jurisdiction as the code enforcement authority or they may continue to enforce the code themselves.

The code is maintained by the Florida Building Commission (FBC) which conducts major updates every three years. Although the FBC does not review or approve local amendments prior to local adoption, it reviews updates during major revisions and may include or rescind them.

Since the last SHMP update, the state has made substantial progress in incorporating additional mitigation elements into the code. In particular, International Building Code flood-resistant provisions have been adopted into Florida's code. Completing this significant milestone supports mitigation by requiring that flood construction standards in flood hazard areas be implemented and managed by local building officials throughout the state. Furthermore, this provides uniformity with the federal code for floodplain management and removes inconsistencies that were present in flood damage prevention ordinances. Efforts to train local officials and encourage appropriate implementation of the state model are ongoing. House Bill 663 during the 2010 state legislative session revised the statute to ensure that these local ordinances would not become void upon updating of the code. Please see DEM's agency capability in **Section 4.2.1: Agency Capabilities** and the building code piece under **Section 5.3: Exemplary Projects** for more on this topic.

The integration of these International Building Code flood standards into Florida's Building Code and the development and implementation of a state model ordinance presents an excellent example of Florida's continuing commitment to the reduction of losses from flooding.

More information can also be found at www.floridabuilding.org or by contacting the Florida Building Commission.

<i>Policies</i>	<ul style="list-style-type: none"> • Enhance local government capacity to mitigate hazards • Pursue mitigation as an ongoing, evolving, research dependent activity • Encourage/require special siting, setback, and design criteria for construction related activities within high hazard areas • Use design and site criteria as a general means to mitigate hazards • Promote vertical consistency within all levels of government • Pursue interagency cooperation as an important means to mitigate hazards
<i>Hazards</i>	Flooding, Wildfire, Tropical Cyclones, Severe Storms
<i>Goals</i>	Goal 1, Goal 2, Goal 3, Goal 4
<i>Agencies</i>	DBPR, DEM

House Bill 7179 – Law of Florida 2010-139

This bill provides an up-front financing mechanism for local governments that pass or adopt certain energy conservation and efficiency ordinances and resolutions and allows a property owner in the jurisdiction to apply for funding and voluntarily enter into a financing agreement with the local government for renewable energy or wind resistance residential improvements. The bill creates provisions to increase the functionality of Florida's PACE program. The changes in law affect mitigation by adding funding opportunities for Florida citizens to mitigate their homes through wind retrofits.

<i>Policies</i>	<ul style="list-style-type: none"> • Enhance local government capacity to mitigate hazards • Pursue mitigation as an ongoing, evolving, research dependent activity • Promote funding sources and implementation strategies for mitigation
<i>Hazards</i>	Tropical Cyclones, Severe Storms
<i>Goals</i>	Goal 2
<i>Agencies</i>	Florida PACE Funding Agency

House Bill 663 – Laws of Florida 2010-176

There are many elements of this bill which have a positive direct or indirect effect on mitigation throughout the state. In particular, two sections of the bill improve and/or increase mitigation by encouraging education and strengthening flood ordinances.

The bill encourages mitigation training for licensed home inspectors by allowing inspectors who have completed at least two hours of residential mitigation training to validate uniform mitigation verification inspection forms used during residential structure inspections. By increasing awareness and providing an incentive for education, mitigation activity throughout the state will increase the knowledge base and improve capacity in the private sector.

Additionally, the bill authorizes local jurisdictions to adopt administrative or technical amendments to the Florida Building Code in order to implement the National Flood Insurance Program. These amendments would not become void upon updating of the code if the

amendment is adopted to participate in the Community Rating System, is adopted by July 1, 2010, or requires a design flood elevation above the base flood elevation. These changes will improve consistency and support responsible development in flood prone areas of the state.

<i>Policies</i>	<ul style="list-style-type: none"> • Pursue interagency cooperation as an important means to mitigate hazards • Enhance local government capacity to mitigate hazards
<i>Hazards</i>	Flooding, Erosion, Tropical Cyclones, Severe Storms
<i>Goals</i>	Goal 1, Goal 3
<i>Agencies</i>	DEM, DBPR

Senate Bill 550 – Laws of Florida 2010-205

This bill requires that a 24-hour evacuation time for permanent residents be a compliance review criteria for all Florida Keys comprehensive plan amendments. Requiring evacuation time as an element of development plan amendments ensures that populations in the high-risk area of the Florida Keys have sufficient time to evacuate before approaching hurricanes, thereby reducing the risk of loss of life.

Additionally, this bill creates 373.4131 Florida Statutes, which establishes criteria for the development of a statewide stormwater management rule. This will impact water quality and flooding risks throughout the state. The bill provides for flexibility between multiple agencies as it relates to basin management action plans and related rules. These changes will have a positive effect on mitigation as this will provide for consolidation and consistency of stormwater management statewide.

<i>Policies</i>	<ul style="list-style-type: none"> • Promote vertical consistency among government entities • Operate and maintain water control structures to reduce potential impacts from storm events • Manage water on a state and regional basis for the conservation, replenishment, recapture, enhancement, development, and proper utilization of surface and ground water to protect against hazards and ensure its presence for future generations.
<i>Hazards</i>	Flooding, Tropical Cyclones, Severe Storms
<i>Goals</i>	Goal 2, Goal 4
<i>Agencies</i>	DEP, WMDs, DEO

House Bill 95 – Laws of Florida 2011-110

This bill specifies that proceeds from entrance fee surcharges to state parks located within a state designated Area of Critical State Concern (ACSC) are transmitted to the local jurisdiction where the ACSC is located for use by that jurisdiction for land acquisition or beach re-nourishment.

Land acquisition and beach erosion control and re-nourishment activities provide a first line of defense against winter storms, hurricanes, and associated storm surges. ACSC's also frequently exhibit valued biological diversity and other highly sensitive attributes.

<i>Policies</i>	<ul style="list-style-type: none"> • Manage natural resources to reduce impacts of natural and manmade disasters • Seek to maintain natural vegetation in flood zones and high hazard areas for flood storage, water quality, and erosion control • Support and fund beach erosion control activities
<i>Hazards</i>	Tropical Cyclones, Severe Storms, Flooding, Erosion
<i>Goals</i>	Goal 4
<i>Agencies</i>	DEP

House Bill 7207 – Laws of Florida 2011-139

This bill repeals rule 9J-5 of the Florida Administrative Code (FAC) and inserts the majority of the rule's content into statute by creating section 163.3168 F.S. Rule 9J-5 FAC established minimum criteria for the preparation, review, consistency, and compliance of local government comprehensive plans and amendments. Rule 9J-5 mandated that local comprehensive plans be consistent with the appropriate regional policy plan and the State Comprehensive Plan, and recognized the major role that local government will play in accomplishing the goals and policies of the plans. Local Mitigation Strategies are frequently integrated into local comprehensive planning efforts in most jurisdictions throughout the state. The elements of 9J-5 codified in section 163.3168 F.S. are applicable in both pre- and post-disaster situations.

<i>Policies</i>	• Guide growth as an important means to mitigate hazards
<i>Hazards</i>	All Hazards
<i>Goals</i>	Goal 2
<i>Agencies</i>	DEO

Senate Bill 2156 – Laws of Florida 2011-142

This bill extends the repeal date of the Hurricane Loss Mitigation Program (215.559 Florida Statutes) to 2021. In providing for continuation of this state funded mitigation program, the Legislature demonstrates its commitment to reducing the loss from hurricanes and windstorms through mitigation activities and education. The Hurricane Loss Mitigation Program is available on an annual basis and affects the built environment throughout the state both pre- and post-disaster. Additionally, this bill contained provisions for a reorganization of governmental departments within the State. This bill merged the Department of Community Affairs (DCA), the Agency for Workforce Innovation, and the Office of Tourism, Trade and Economic Development into one newly created Department of Economic Opportunity. This reorganization also resulted in the moving of the Florida Division of Emergency Management from the DCA into the Executive Office of the Governor.

<i>Policies</i>	<ul style="list-style-type: none"> • Pursue mitigation as an ongoing, evolving, research dependent activity • Promote funding sources and implementation strategies for mitigation
<i>Hazards</i>	Flooding, Tropical Cyclones, Severe Storms
<i>Goals</i>	Goal 1, Goal 2
<i>Agencies</i>	DEM

House Bill 1195 – Laws of Florida 2011-196

Section 718.113(5)(a) Florida Statute currently allows a condominium association's board to install hurricane shutters or hurricane protection that complies with or exceeds the Florida Building Code. In the event that the association installs such products, the association is responsible for maintenance and any repair or replacement costs of the installed products if the hurricane protection is provided for in the association's declaration. If not specifically provided for in the declaration, the maintenance cost is the responsibility of the owner.

This bill expands the allowable hurricane protection products to include impact resistant glass and other Florida Building Code compliant windows available to the association. By providing additional mitigation options which may reduce the maintenance and repair burden of installed products, more associations may opt to mitigate their structures against wind and wind-borne debris. This increases the capacity of private sectors partners throughout the state.

<i>Policies</i>	<ul style="list-style-type: none"> • Pursue mitigation as an ongoing, evolving, research dependent activity • Promote funding sources and implementation strategies for mitigation
<i>Hazards</i>	Tropical Cyclones, Severe Storms
<i>Goals</i>	Goal 3
<i>Agencies</i>	DBPR

House Bill 7215 – Laws of Florida 2011-206

This bill establishes a Certified Pile Burner program through statute to be managed by the Florida Forest Service (FFS). The bill authorizes FFS to send notices of Wildfire Hazard Reduction Treatment to landowners in wildfire hazard areas. Increasing awareness, providing education through outreach to landowners, and promoting accountability through the Certified Pile Burner program prompts landowners to take an active role in mitigating against the risk of wildfire on their property.

<i>Policies</i>	<ul style="list-style-type: none"> • Manage natural resources to reduce impacts of natural and manmade disasters • Pursue mitigation as an ongoing, evolving, research dependent activity
<i>Hazards</i>	Wildfire
<i>Goals</i>	Goal 1, Goal 2, Goal 3
<i>Agencies</i>	FFS

House Bill 849 – Laws of Florida 2011-222

This bill revises the necessary curriculum of home inspector's 14 hour continuing education requirement to include at least two hours of hurricane mitigation training. The content of the hurricane mitigation training must be approved by the Construction Industry Licensing Board. This bill effectively requires mitigation education for professionals who are responsible for providing building integrity assessments to residential property owners throughout the state.

<i>Policies</i>	<ul style="list-style-type: none"> • Enhance local government capacity to mitigate hazards • Promote vertical consistency within all levels of government
<i>Hazards</i>	All Hazards
<i>Goals</i>	Goal 1, Goal 3
<i>Agencies</i>	DBPR

Senate Bill 2154 – Laws of Florida 2012-65

This bill provides funding for beach management and erosion control projects. Beaches and coastal environments serve as the first line of defense against the impact from hurricanes for many communities and proper management and erosion control in these areas is vital to providing mitigation for coastal communities. The state funding provided to beach management and erosion control aids in mitigating the impacts of coastal hazards.

<i>Policies</i>	<ul style="list-style-type: none"> • Support and fund beach erosion control activities
<i>Hazards</i>	Flooding, Tropical Cyclones, Severe Storms, Erosion
<i>Goals</i>	Goal 4
<i>Agencies</i>	DEP

Senate Bill 1986 – Laws of Florida 2012-126

The bill amends statute to allow the governing boards of water management districts to expend funds to prevent or avert disaster without being restricted by their approved budgets. When this occurs, the governing board must notify the Legislative Budget Commission within 30 days of taking the action. Allowing flexibility in water management district budgets to prevent or avert disaster promotes mitigation activities, especially relating to flooding.

<i>Policies</i>	<ul style="list-style-type: none"> • Promote funding sources and implementation strategies for mitigation
<i>Hazards</i>	All Hazards
<i>Goals</i>	Goal 1, Goal 4
<i>Agencies</i>	WMDs

House Bill 599 – Laws of Florida 2012-174

This bill amends 373.4135 F.S. to provide the Florida Department of Transportation the option to choose between public and private mitigation banks when undertaking wetland mitigation efforts for transportation projects. This change will increase the flexibility in wetland mitigation siting in relation to transportation projects.

<i>Policies</i>	<ul style="list-style-type: none"> • Manage natural resources to reduce impacts of natural and manmade disasters • Seek to maintain natural vegetation in flood zones and high hazard areas for flood storage, water quality, and erosion control • Pursue mitigation as an ongoing, evolving, research dependent activity • Manage water on a state and regional basis for the conservation, replenishment, recapture, enhancement, development, and proper utilization of surface and ground water to protect against hazards and ensure its presence for future generations.
<i>Hazards</i>	Flooding, Wildfire, Erosion, Tropical Cyclones, Severe Storms
<i>Goals</i>	Goal 1
<i>Agencies</i>	WMDs, DOT

House Bill 1389 – Laws of Florida 2012-187

This bill creates 373.4591 F.S. to specify that the Legislature encourages public-private partnerships to accomplish water storage on private agricultural land. During periods of intense rainfall, temporary storage of water on agricultural land in normal production helps to reduce or prevent flooding of adjacent urban or developed areas. Many areas within the state have agricultural areas which are crop-free during the rainy season and naturally provide flood mitigation benefits. This legislation aims to increase the capability and amount of such land. Since October, 2011, 131,500 acre-feet of water retention/storage has been made available through public-private partnerships.¹

<i>Policies</i>	<ul style="list-style-type: none"> • Manage natural resources to reduce impacts of natural and manmade disasters • Seek to maintain natural vegetation in flood zones and high hazard areas for flood storage, water quality, and erosion control • Pursue mitigation as an ongoing, evolving, research dependent activity • Manage water on a state and regional basis for the conservation, replenishment, recapture, enhancement, development, and proper utilization of surface and ground water to protect against hazards and ensure its presence for future generations.
<i>Hazards</i>	Flooding, Wildfire
<i>Goals</i>	Goal 1, Goal 2
<i>Agencies</i>	WMDs

¹ http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/jtf_dispersed_water_mgmt.pdf

G.2 Existing Legislation

I. National Legislation

There are many pieces of national legislation which apply to mitigation activities in Florida. The following have been highlighted for their high degree of importance in the state's mitigation processes.

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 – State Hazard Mitigation Plan (322 Plan)

Section 322 (42 U.S.C. 5165) of the Stafford Act requires each state to develop a hazard mitigation plan. 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, “managing,” states to review and approve their own local plans.

II. Florida Legislation: Statutes and Codes

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).”

<i>Policies</i>	<ul style="list-style-type: none"> • Pursue mitigation as an ongoing, evolving, research dependent activity • Pursue interagency cooperation as an important means to mitigate hazards
<i>Hazards</i>	All hazards
<i>Goals</i>	Goal 1, Goal 2, Goal 3
<i>Agencies</i>	EOG, DEM

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.

<i>Policies</i>	<ul style="list-style-type: none"> • Manage natural resources to reduce impacts of natural and manmade disasters • Guide growth as an important means to mitigate hazards • Enhance local government capacity to mitigate hazards • Encourage/require special siting, setback, and design criteria for construction related activities within high hazard areas • Support and fund beach erosion control activities • Prevent unwise expenditures that hinder mitigation efforts
<i>Hazards</i>	Flooding, Tropical Cyclones, Severe Storms
<i>Goals</i>	Goal 1, Goal 2, Goal 4
<i>Agencies</i>	DCA, DEP, RPCs

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.

<i>Policies</i>	<ul style="list-style-type: none"> • Enhance local government capacity to mitigate hazards • Guide growth as an important means to mitigate hazards • Ensure that local comp plans contain certain hazard mitigation components such as directing development away from high hazard areas, designating appropriate land uses in vulnerable areas, post-disaster redevelopment planning, and evacuation appropriate infrastructure.
<i>Hazards</i>	All Hazards
<i>Goals</i>	Goal 1, Goal 2, Goal 3, Goal 4
<i>Agencies</i>	DEO, RPCs, DEP, DEM

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.

<i>Policies</i>	<ul style="list-style-type: none"> • Pursue mitigation as an ongoing, evolving, research dependent activity • Pursue interagency cooperation as an important means to mitigate hazards • Promote vertical consistency within all levels of government • Guide growth as an important means to mitigate hazards
<i>Hazards</i>	All Hazards
<i>Goals</i>	Goal 1, Goal 2, Goal 3, Goal 4
<i>Agencies</i>	DEO, RPCs, WMDs

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 that “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.

<i>Policies</i>	<ul style="list-style-type: none"> • Pursue mitigation as an ongoing, evolving, research dependent activity • Pursue interagency cooperation as an important means to mitigate hazards • Promote vertical consistency within all levels of government • Guide growth as an important means to mitigate hazards
<i>Hazards</i>	All Hazards
<i>Goals</i>	Goal 1, Goal 2, Goal 3, Goal 4
<i>Agencies</i>	All Agencies

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 a few portions that do 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 to 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

<i>Policies</i>	<ul style="list-style-type: none"> • Enhance local government capacity to mitigate hazards • Pursue mitigation as an ongoing, evolving, research dependent activity • Promote funding sources and implementation strategies for mitigation
<i>Hazards</i>	Tropical Cyclones, Severe Storms, Flooding, Erosion
<i>Goals</i>	Goal 1, Goal 2, Goal 3, Goal 4
<i>Agencies</i>	SBA, DEM

Chapter 215.5588, Florida Statutes – Florida Disaster Recovery Program

This statute obligates the Department of Community Affairs 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.

<i>Policies</i>	<ul style="list-style-type: none"> • Enhance local government capacity to mitigate hazards • Encourage post-disaster redevelopment • Pursue mitigation as an ongoing, evolving, research dependent activity • Promote funding sources and implementation strategies for mitigation
<i>Hazards</i>	Tropical Cyclones, Severe Storms, Flooding, Erosion
<i>Goals</i>	Goal 2
<i>Agencies</i>	DEO

Chapter 215.559, Florida Statutes – Hurricane Loss Mitigation Program

This section establishes the Hurricane Loss Mitigation Program. It designates the Manufactured Housing and Mobile Home Mitigation and Enhancement Program is administered by Tallahassee Community College and funded through the Residential Construction Mitigation Program. This additional program addresses areas identified in the 2004-2005 Hurricane Reports by the Department of Highway Safety and Motor Vehicles.

The Residential Construction Mitigation Program receives \$10 million a year to be appropriated as follows:

- \$7 million is used to improve the wind resistance of residences and mobile homes. Funds can be distributed through loans, subsidies, grants, demonstration projects, direct assistance, education, and other methods. Nevertheless, 40 percent of this \$7 million must be used to inspect and improve mobile home tie-downs and 10 percent must be allocated to hurricane research through FIU
- \$3 million is to be used to retrofit existing public hurricane shelters.

<i>Policies</i>	<ul style="list-style-type: none"> • Enhance local government capacity to mitigate hazards • Encourage post-disaster redevelopment • Pursue mitigation as an ongoing, evolving, research dependent activity • Promote funding sources and implementation strategies for mitigation
<i>Hazards</i>	Tropical Cyclones, Severe Storms, Flooding, Erosion
<i>Goals</i>	Goal 1, Goal 2, Goal 3
<i>Agencies</i>	DEO, HSMV

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 (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 (252.35)
- 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.

<i>Policies</i>	<ul style="list-style-type: none"> • Pursue mitigation as an ongoing, evolving, research dependent activity • Pursue interagency cooperation as an important means to mitigate hazards • Promote vertical consistency within all levels of government
<i>Hazards</i>	All Hazards
<i>Goals</i>	Goal 1, Goal 2, Goal 3, Goal 4
<i>Agencies</i>	All Agencies

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 17 Emergency Support Functions. This statute is applicable in both pre- and post-disaster situations.

<i>Policies</i>	<ul style="list-style-type: none"> • Enhance local government capacity to mitigate hazards • Pursue interagency cooperation as an important means to mitigate hazards • Promote vertical consistency within all levels of government
<i>Hazards</i>	All Hazards
<i>Goals</i>	Goal 1, Goal 2, Goal 3
<i>Agencies</i>	All Agencies

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.

<i>Policies</i>	<ul style="list-style-type: none"> • Pursue mitigation as an ongoing, evolving, research dependent activity • Enhance local government capacity to mitigate hazards • Pursue interagency cooperation as an important means to mitigate hazards • Promote vertical consistency within all levels of government • Promote funding sources and implementation strategies for mitigation
<i>Hazards</i>	All Hazards
<i>Goals</i>	Goal 1, Goal 2, Goal 3, Goal 4
<i>Agencies</i>	All Agencies

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 greater 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 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 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 on the districts and their roles can be found in [Section 4.2.1 State Capabilities](#), especially within the Water Management Districts summaries.

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

Part IV does several things for mitigation:

- 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.

<i>Policies</i>	<ul style="list-style-type: none"> • Pursue interagency cooperation as an important means to mitigate hazards • Pursue mitigation as an ongoing, evolving, research dependent activity • Promote vertical consistency among government entities • Promote regional or basin-wide stormwater management and flood protection infrastructure to mitigate coastal and inland flooding. • Operate and maintain water control structures to reduce potential impacts from storm events. • Manage natural resources to reduce impacts of natural and manmade disasters • Seek to maintain natural vegetation in flood zones and high hazard areas for flood storage, water quality, and erosion control • Manage water on a state and regional basis for the conservation, replenishment, recapture, enhancement, development, and proper utilization of surface and ground water to protect against hazards and ensure its presence for future generations. • Encourage land acquisition strategies to avoid future development in coastal areas, wetlands, floodplains and timberlands • Enhance local government capacity to mitigate hazards • Use design and site criteria as a general means to mitigate hazards
<i>Hazards</i>	Flooding, Tropical Cyclones, Severe Storms, Drought, Extreme Heat
<i>Goals</i>	Goal 1, Goal 2, Goal 4
<i>Agencies</i>	DEP, WMDs, DOT

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.

<i>Policies</i>	<ul style="list-style-type: none"> • Guide growth as an important means to mitigate hazards • Pursue mitigation as an ongoing, evolving, research dependent activity • Pursue interagency cooperation as an important means to mitigate hazards • Promote vertical consistency within all levels of government • Manage natural resources to reduce impacts of natural and manmade disasters • Seek to maintain natural vegetation in flood zones and high hazard areas for flood storage, water quality, and erosion control • Ensure that local comp plans contain hazard mitigation components such as directing development away from high hazard areas, designating appropriate land uses in vulnerable areas, and post-disaster redevelopment planning. • Support and fund beach erosion control activities • Give coastal areas, including barrier islands, beaches and related lands, priority in local, regional and state land acquisition programs. • Enhance local government capacity to mitigate hazards • Promote funding sources and implementation strategies for mitigation • Operate and maintain water control structures to reduce potential impacts from storm events. • Manage water on a state and regional basis for the conservation, replenishment, recapture, enhancement, development, and proper utilization of surface and ground water to protect against hazards and ensure its presence for future generations.
<i>Hazards</i>	Flooding, Tropical Cyclones, Severe Storms, Drought, Extreme Heat, Erosion
<i>Goals</i>	Goal 1, Goal 2, Goal 3, Goal 4
<i>Agencies</i>	DEP, DCA, RPCs, WMDs

Chapter 590, Florida Statutes

Chapter 590 states that 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.

<i>Policies</i>	<ul style="list-style-type: none"> • Manage natural resources to reduce impacts of natural and manmade disasters • Pursue mitigation as an ongoing, evolving, research dependent activity
<i>Hazards</i>	Wildfire
<i>Goals</i>	Goal 1, Goal 3, Goal 4
<i>Agencies</i>	FFS

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

<i>Policies</i>	<ul style="list-style-type: none"> • Enhance local government capacity to mitigate hazards • Encourage post-disaster redevelopment • Prevent unwise expenditures that hinder mitigation efforts • Pursue mitigation as an ongoing, evolving, research dependent activity • Pursue interagency cooperation as an important means to mitigate hazards • Promote vertical consistency within all levels of government • Promote funding sources and implementation strategies for mitigation
<i>Hazards</i>	All Hazards
<i>Goals</i>	Goal 1, Goal 2, Goal 3, Goal 4
<i>Agencies</i>	DEM

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.

<i>Policies</i>	<ul style="list-style-type: none"> • Promote vertical consistency within all levels of government • Enhance local government capacity to mitigate hazards
<i>Hazards</i>	All Hazards
<i>Goals</i>	Goal 1, Goal 2, Goal 3
<i>Agencies</i>	DEM, RPCs

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.

<i>Policies</i>	<ul style="list-style-type: none"> • Encourage/require special siting, setback, and design criteria for construction related activities within high hazard areas • Support and fund beach erosion control activities • Manage natural resources to reduce impacts of natural and manmade disasters
<i>Hazards</i>	Erosion, Flooding, Tropical Cyclones, Severe Storms
<i>Goals</i>	Goal 1, Goal 4
<i>Agencies</i>	DEP, DCA, RPCs

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.

<i>Policies</i>	<ul style="list-style-type: none">• Encourage/require special siting, setback, and design criteria for construction related activities within high hazard areas• Support and fund beach erosion control activities• Manage natural resources to reduce impacts of natural and manmade disasters
<i>Hazards</i>	Erosion, Flooding, Tropical Cyclones, Severe Storms
<i>Goals</i>	Goal 1, Goal 4
<i>Agencies</i>	DEP, DCA, RPCs