Peril of Flood Workshop #1

Tampa Bay Regional Planning Council
March 3, 2017
This Morning’s Agenda

- Welcome and introductions
- Peril of Flood Act overview
- Adopted comprehensive plan amendments related to Peril of Flood
- City of Tampa Peril of Flood text amendment
- Resources to assist with Peril of Flood amendments
- Group discussion & knowledge sharing
Welcome to TBRPC!
Peril of Flood Overview

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Tampa Bay Regional Planning Council
March 3, 2017
Peril of Flood Act

- SB 1094 filed by Sen. Jeff Brandes (R – St. Petersburg) on 2/20/15
- Passed the Florida Senate 39-0 on 4/22/15
- House passed the bill (HJ 803) 89-26 on 4/24/15
Peril of Flood Act

- CS/CS/CS/SB 1094 approved by Governor Scott on 5/22/15
- Laws of Florida Chapter No. 2015-69

https://www.flsenate.gov/Session/Bill/2015/1094/?Tab=BillHistory
CHAPTER 2015-69

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 1094

An act relating to the peril of flood; amending s. 163.3178, F.S.; specifying requirements for the coastal management element required for a local government comprehensive plan; creating s. 472.0366, F.S.; defining terms; requiring a surveyor and mapper to submit a copy of each elevation certificate that he or she completes to the Division of Emergency Management within a specified period beginning on a specified date; authorizing the redaction of certain personal information from the copy; amending s. 627.715, F.S.; authorizing flexible flood insurance; specifying coverage requirements; deleting a provision that prohibits supplemental flood insurance from including excess coverage over any other insurance covering the peril of flood; revising the information that must be prominently noted on a certain page of a flood insurance policy; requiring the Office of Insurance Regulation to require an insurer to provide an appropriate credit or refund to affected insureds if the office determines that a rate of the insurer is excessive or unfairly discriminatory; revising the notice that must be provided to and acknowledged by an applicant for flood coverage from an authorized or surplus lines insurer if the applicant’s property is receiving flood insurance under the National Flood Insurance Program; allowing an authorized insurer to request a certification from the office which indicates that a policy, contract, or endorsement issued by the insurer provides coverage for the peril of flood which equals or exceeds the flood coverage offered by the National Flood Insurance Program; specifying requirements for such certification; authorizing such insurer or its agent to reference or include the certification in specified advertising, communications, and documentation; providing that misrepresenting that a flood policy, contract, or endorsement is certified is an unfair or deceptive act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
CHAPTER 2015-69

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 1094

An act relating to the peril of flood; amending s. 163.3178, F.S.; specifying requirements for the coastal management element required for a local government comprehensive plan; creating s. 472.0366, F.S.; defining terms; requiring a surveyor and mapper to submit a copy of each elevation certificate that he or she completes to the Division of Emergency Management within a specified period beginning on a specified date; authorizing the redaction of certain personal information from the copy; amending s. 627.715, F.S.; authorizing flexible flood insurance; specifying coverage requirements; deleting a provision that prohibits supplemental flood insurance from including excess coverage over any other insurance covering the peril of flood; revising the information that must be prominently noted on a certain page of a flood insurance policy; requiring the Office of Insurance Regulation to require an insurer to provide an appropriate credit or refund to affected insureds if the office determines that a rate of the insurer is excessive or unfairly discriminatory; revising the notice that must be provided to and acknowledged by an applicant for flood coverage from an authorized or surplus lines insurer if the applicant’s property is receiving flood insurance under the National Flood Insurance Program; allowing an authorized insurer to request a certification from the office which indicates that a policy, contract, or endorsement issued by the insurer provides coverage for the peril of flood which equals or exceeds the flood coverage offered by the National Flood Insurance Program; specifying requirements for such certification; authorizing such insurer or its agent to reference or include the certification in specified advertising, communications, and documentation; providing that misrepresenting that a flood policy, contract, or endorsement is certified is an unfair or deceptive act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
An act relating to the peril of flood; amending s. 163.3178, F.S.; specifying requirements for the coastal management element required for a local government comprehensive plan;

CHAPTER 2015-69
Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 1004

An act relating to the peril of flood; amending s. 163.3178, F.S.; specifying requirements for the coastal management element required for a local government comprehensive plan, creating s. 472.0046, F.S.; defining terms requiring a surveyor and mapper to submit a copy of each elevation certificate that he or she completes to the Division of Emergency Management within a specified period beginning on a specified date; authorizing an insurer to include flood insurance and flood protection coverage in the Florida residential property insurance program; amending s. 57.715, F.S., authorizing flexible flood insurance; specifying coverage requirements; deleting a provision that prohibits supplemental flood insurance from including excess coverage over any other insurance covering the peril of flood; revising the information that must be prominently noted on a certain page of a flood insurance policy; requiring the Office of Insurance Regulation to require an insurer to provide an appropriate credit or refund to affected insureds if the office determines that a rate of the insurer is excessive or unfairly discriminatory; revising the notice that must be provided to and acknowledged by an applicant for flood coverage from an authorized or surplus line insurer if the applicant's property is receiving flood insurance under the National Flood Insurance Program; allowing an authorized insurer to request certification from the Office of Insurance Regulation for a specified area; revising the requirements for flood insurance policies that provide coverage for the peril of flood which exclude or reduce the flood risk rating offered by the National Flood Insurance Program; specifying requirements for such certifications; authorizing such insurer or its agent to reference or include the certification in specified advertising, communications, and documentation; prohibiting that misrepresenting that a flood policy, contract, or endorsement is certified in an unfair or deceptive act; providing an effective date.

Be it Enacted by the Legislature of the State of Florida:
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Section 1. Paragraph (f) of subsection (2) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(f) A redevelopment component that outlines the principles that must which shall be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:
1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.
6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.
Other Peril of Flood Act provisions:

- Elevation certificates
  - Starting January 1, 2017, surveyors/mappers must submit elevation certificate to Florida Division of Emergency Management within 30 days of completion

- Flood insurance
  - Including private flood insurance
Peril of Flood Act

Focus of TBRPC’s Peril of Flood Workshops:

- Coastal flood risk reduction policy development for the Coastal Management Element

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
Peril of Flood Act

Focus of TBRPC’s Peril of Flood Workshops:

- Policy development related to encouragement of best practices, etc. that will result in the removal of coastal real property from FEMA flood zones

2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
Peril of Flood Act

Focus of TBRPC’s Peril of Flood Workshops:

- Identification of site development techniques and best practices for reducing flood losses/flood insurance claims

3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
Focus of TBRPC’s Peril of Flood Workshops:

- Policy development related to flood-resistant construction requirements (in Florida Building Code, etc.)

3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
Focus of TBRPC’s Peril of Flood Workshops:

- Policy development related to flood-resistant construction requirements (in Florida Building Code, etc.)

4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
Focus of TBRPC’s Peril of Flood Workshops:

- Policy development related construction activity seaward of CCCL and consistency with Ch. 161, F.S.

5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.
Peril of Flood Act

Focus of TBRPC’s Peril of Flood Workshops:

- Policy development related encouragement of local govt. participation in NFIP CRS

6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.
Adopted Comprehensive Plan Amendments related to Peril of Flood

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Tampa Bay Regional Planning Council
March 3, 2017
Jurisdictions that have adopted Peril of Flood amendments

- St. Petersburg (DEO #15-5ESR)
- Treasure Island (DEO #16-1ESR)
- Madeira Beach (DEO #16-1ESR)
- South Pasadena (DEO #16-1ESR)
- Miami Beach (DEO #16-1ESR)
- Tampa (DEO #17-1ESR?)
OBJECTIVE CM11:

The City will reduce natural hazard impacts through compliance with FEMA regulations, participation in NFIP’s Community Rating System (CRS) and by targeting repetitive flood loss and vulnerable properties for mitigation.

CM11.409 The City shall continue to participate in the Federal Emergency Management Agency’s National Flood Insurance Program and Community Rating System in order to achieve higher flood insurance premium discounts.

CM11.4312 After adoption of the Pinellas County Local Hazard Mitigation Strategies by Pinellas County, the City will consider amendments to its comprehensive plan and land development regulations based upon any new or revised recommendations therein of in the Pinellas County Local Mitigation Strategy.
The City will continue to attend the continuing meetings of the Pinellas County Local Hazard Mitigation Strategy Work Group Committee to ensure that the strategies are implemented and updated as necessary.

In order to reduce flood risk, the City shall continue to promote the use of the development and redevelopment principles, strategies and engineering solutions contained in the Florida Building Code and the Land Development Regulations.

Through implementation of the Land Development Regulations, the City will continue to be consistent with, and in some instances more stringent than, the flood-resistant construction requirements in the Florida Building Code and federal flood plain management regulations.
DEO technical assistance comments:

- City did not address s. 163.3178 (2)(f)1., F.S. completely (sea level rise)

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
DEO technical assistance comments:

- City did not address s. 163.3178 (2)(f)5., F.S. (CCCL)

5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.
City’s response to DEO comments:

Section 19. New Policy CM11.14 in Chapter 5, Coastal Management Element, is hereby added to read as follows:

In order to reduce flood risk resulting from or associated with high-tide events, storm surge, flash floods, stormwater runoff and the impacts related to sea-level rise, the City shall continue to promote the use of the development and redevelopment principles, strategies and engineering solutions contained in the Florida Building Code and the Land Development Regulations.
City’s response to DEO comments:

“...the City’s jurisdictional boundaries do not touch the Gulf of Mexico, thus, the Comprehensive Plan does not need to address activities seaward of the CCCL.”
The Department is working with Tampa Bay Regional Planning Council and our pilot communities through the Community Resiliency Initiative to provide guidance to coastal communities on meeting the redevelopment component of the Coastal Management Element related to sea-level rise. Based on the City’s next Evaluation and Appraisal Notification letter due date, the City’s Plan needs to be updated to meet the new statutory requirements by November 1, 2020. Therefore, the City may want to postpone adoption of the amendments addressing the remaining flood risk and sea-level rise requirements until the conclusion of the Community Resiliency Initiative work is completed.
Goal 2:
The City shall provide a set of guidelines for development that protect the lives and property of its residents from the effects of natural disasters including high tide events, storm surge, flash floods, stormwater runoff, and sea level rise.

Section 4. That Objective 2.3 and Policy 2.3.1, Policy 2.3.2, Policy 2.3.3, Policy 2.3.4, Policy 2.3.5 and Policy 2.3.6 of Section 3.7 Conservation and Coastal Management Element of the Comprehensive Plan of the City of Madeira Beach are hereby created to read as follows:

Objective 2.3:
Development and redevelopment within the City shall proceed in a manner that lessens risk to public investments and private property by utilizing policies, techniques and practices that reduce negative impacts of flooding and sea level rise.
Policy 2.3.1:
Current and credible sea-level rise data should be considered when evaluating future land use amendment applications.

Policy 2.3.2:
Strategies for preparing for sea-level rise, such as increasing road surface elevation standards, subsurface stabilization, stormwater management and drainage, and adjustment of bridge heights to allow for navigation, should be collectively assessed and implemented where appropriate.

Policy 2.3.3:
The City may collaborate with state and Pinellas County as appropriate to develop strategies for responding to sea-level rise, including consideration of the effects of sea-level rise on potable water sources, saltwater intrusion, wastewater treatment facilities and the water table.
Policy 2.3.4:
Acquisition of severe repetitive loss properties, which have sustained repeated flood losses for use as public open space shall be considered as procurement opportunities arise, such as through the use of grants or tax deed sales.

Policy 2.3.5:
Development and redevelopment in the City will be consistent with or more stringent than the flood-resistant construction requirements in the Florida Building Code and applicable floodplain management regulations set forth in 44 C.F.R. part 60.

Policy 2.3.6:
The City will continue to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for its residents.
DEO technical assistance comments:
* The City did not address s.163.3178(2)(f)1., 2., 3., and 5. F.S.

The Department is working with Tampa Bay Regional Planning Council and our pilot communities through the Community Resiliency Initiative to provide guidance to coastal communities on meeting the redevelopment component of the Coastal Management Element related to sea-level rise. Based on the City’s next Evaluation and Appraisal Notification letter due date, the City’s Plan needs to be updated to meet the new statutory requirements by November 1, 2020. Therefore, the City may want to postpone adoption of the amendments addressing the remaining flood risk and sea-level rise requirements until the conclusion of the Community Resiliency Initiative work is completed.
DEO technical assistance comments:
* The City did not address s.163.3178(2)(f)1., 2., and 3., F.S.

The Department is working with Tampa Bay Regional Planning Council and our pilot communities through the Community Resiliency Initiative to provide guidance to coastal communities on meeting the redevelopment component of the Coastal Management Element related to sea-level rise. Based on the City’s next Evaluation and Appraisal Notification letter due date, the City’s Plan needs to be updated to meet the new statutory requirements by November 1, 2020. Therefore, the City may want to postpone adoption of the amendments addressing the remaining flood risk and sea-level rise requirements until the conclusion of the Community Resiliency Initiative work is completed.
CONSERVATION/COASTAL ZONE MANAGEMENT

Policy 2.12

Salt tolerant landscaping and highly water-absorbent, native or Florida friendly plants shall continue to be given preference over traditional other planting materials in the plant materials list used in the administration of the landscape section of the Land Development Regulations and the design review process.
Objective 13:

Increase the City’s resiliency to the impacts of climate change and rising sea levels by developing and implementing adaptation strategies and measures in order to protect human life, natural systems and resources and adapt public infrastructure, services, and public and private property.

Policy 13.1:

Based on evolving rising seas data and associated vulnerabilities, to allow for flexible adjustments, preserve future strategic adaptation implementation options to maintain maximum resiliency in response to new risks and vulnerabilities. The City will take advantage of new emerging data and technological opportunities. The City’s basis for measuring sea level rise shall be as per the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact.
Policy 13.2:

The City will identify public investments and infrastructure at risk to sea level rise and other climate related impacts. The City will assess the vulnerability to public facilities and services, including but not limited to water and wastewater facilities, stormwater systems, roads, bridges, governmental buildings, hospitals, transit infrastructure and other assets.

Evaluation Measure: Collaborating with regional partners, City shall identify public investments, infrastructure and assets at risk from rising sea levels by 2018. Thereafter, this assessment will be performed every five (5) years.
Policy 13.3:

As per Section 163.3164(1) and Section 163.3177(6)(g)(10), Florida Statutes, an Adaptation Action Area (AAA) is an optional designation within the coastal management element of a local government’s comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure and adaptation planning.

The entire City is hereby designated an AAA, as all areas meet considerations for AAA designation, which include the following:

a. Areas which experience tidal flooding, storm surge, or both;
b. Areas which have an hydrological connection to coastal waters;
c. Locations which are within areas designated as evacuation zones for storm surge; and
d. Other areas impacted by stormwater/flood control issues.
Policy 13.4:

The City will develop and implement adaptation strategies for areas vulnerable to coastal flooding, tidal events, storm surge, flash floods, stormwater runoff, salt water intrusion and other impacts related to climate change or exacerbated by sea level rise, with the intent to increase the community’s comprehensive adaptability and resiliency capacities.

The City will include areas, which experience tidal flooding, storm surge, or both as the first priority for the development and implementation of adaptation strategies. Other areas will be included as the second priority for the development and implementation of adaptation strategies.
Policy 13.5:

Adaptation strategies may apply to the following:

a. Public infrastructure planning, siting, construction, replacement, operation and maintenance;
b. Emergency management;
c. Stormwater management;
d. Land development regulations;
e. Building codes;
f. Comprehensive planning; and

Other functions.
Policy 13.6:

AAA's adaptation strategy options include:

a. Protection: Strategies that involve “hard" and “soft" structurally defensive measures to mitigate impacts of rising seas in order to decrease vulnerability while allowing structures and infrastructure to remain unaltered. Two examples are shoreline armoring and beach renourishment. Protection strategies may be targeted for areas of a community that are location-dependent and cannot be significantly altered or relocated, such as areas of historical significance, or water-dependent uses.

b. Accommodation: Strategies that do not act as a barrier, but rather alter the design through measures such as elevation or stormwater improvements, to allow the structure of infrastructure system to stay intact. Rather than preventing flooding or inundation, these strategies aim to reduce potential risks.

c. Management Strategies: Strategies that involve the actual removal of existing development, their possible relocation to other areas, and/or prevention of further development in high-risk areas.

d. Avoidance: Strategies that involve ensuring development does not take place in areas subject to coastal hazards associated with sea level rise or where the risk is low at present but will increase over time.

e. Other options.
Policy 13.7:

The City shall pursue funding sources for the implementation of AAA associated adaptation strategies including the following:

a. Federal and State grants and technical expertise assistance (in-kind)
b. Local Stormwater Utility Fees and CIP (Capital Improvement Plan) prioritization
c. Public/Private Partnerships
d. Other sources
Policy 13.8:

The City shall integrate AAAs into existing and future City processes and city-wide plans and documents which may include:

a. Strategic Plan;
b. Sustainability Plan;
c. Resiliency Plan;
d. Stormwater Master Plan;
e. Emergency Management Plan;
f. Land Development Regulations;
g. Capital Improvement Plan;
h. Local Mitigation Strategy; and
i. Agreements with Public or Private Utility and Infrastructure Providers;
j. Agreements with Public Health Providers;
k. Interlocal Agreements with Other Government Agencies; and
l. Other processes, plans and documents.
Policy 13.9:
The City shall align and be consistent with, to the extent possible, relevant and current national, state, and regional adaptation strategy documents such as the Miami-Dade County GreenPrint, Southeast Florida Regional Climate Action Plan, and The President’s Climate Action Plan as well as other regional strategic plans, disaster mitigation plans, water management plans, transportation/transit plans, and climate change plans.
Policy 13.10:

The City shall participate in, when appropriate, coordinated governmental, non-governmental and other appropriate agencies’ proposed application requests for funding adaptation implementation projects.
Policy 13.11:

The City shall collaborate and coordinate with appropriate local, regional, state, and national governmental agencies, to the extent possible, toward the implementation of AAA adaptation strategies and to identify risks, vulnerabilities and opportunities associated with coastal hazards and the impacts from sea level rise.
City of Tampa
Peril of Flood
Text Amendment
Discussion of Peril of Flood Issues
Thank you for your participation in today’s workshop!

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