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421 SW Camden Avenue
Stuart, Florida 34994
(772) 221-4060

Joint Meeting
South Florida and Treasure Coast Regional Planning Councils

Friday, February 17, 2023
10:00 a.m. – 3:30 p.m.
or conclusion

(Lunch will be provided)

[Long Key Natural Area and Nature Center](#)
3501 SW 130th Avenue, Davie, Florida 33330

***This meeting has been **Publicly Noticed**
to permit participation of all County and Municipal Elected Officials
and Staff from Monroe through Indian River counties. ***

AGENDA

1. Welcome to Broward County & Pledge of Allegiance
2. Roll Call
3. Chairs' Comments – The Honorable Steve Geller, Chair, SFRPC and Douglas Bournique, Chair, TCRPC
4. Approval of the Meeting Agenda
5. Legislative Update: Ron L. Book, Founder, President & CEO, Ron L Book, P.A.
6. Approval of Joint Council Meeting Minutes (March 18, 2022) & Solid Waste Management Joint Conference Meeting Summary
7. Florida's Coral Reef – DEP's Coral Protection and Restoration Program and Coral Reef Conservation Act Reauthorization (Passed as part of the FY 2023 National Defense Authorization Act)

Featured Guest: Joanna C. Walczak, Administrator, Coral Protection and Restoration Program, Office of Resilience and Coastal Protection, Florida Department of Environmental Protection.

8. Marine Research Hub: Connecting the Dots of Florida’s Blue Economy
Featured Guest: Katherine O’Fallon, Executive Director, Marine Research Hub
9. **Lunch & Learn:** Affordable Housing Legislation including an overview of Florida Senate President Passidomo’s Priority Legislation: Senate Bill 102
Featured Guest: Kody Glazer, Esq., Legal & Policy Director, Florida Housing Coalition
10. Connecting Southeast Florida’s Restoration & Flood Control Planning Studies, Projects, and Timelines
Featured Guests:
 - Drew Bartlett, SFWMD Executive Director
 - Ana Carolina Coelho Marán, P.E., Ph.D., SFWMD Resiliency Officer
 - E. Timothy Gysan, P.E., PMP, Army Corps of Engineers Resilience Senior Project Manager (Ecosystem Branch Programs & Project Division, Jacksonville District)
11. Statewide Water Infrastructure: Challenges and Opportunities
Featured Guest: Frank Bernardino, Founding Partner, Anfield Consulting
12. SFRPC / TCRPC Legislative Priorities Conversation
13. Public Comment
14. Council Comment
15. Adjournment

Next Joint Council Conference or Meeting: Friday, October 20, 2023 (TBD)

Pursuant to Chapter 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this joint hearing is asked to advise the Agency at least 5 days before the hearing by contacting the Treasure Coast Regional Planning Council at one of the following: (1) 421 SW Camden Avenue, Stuart, Florida, 34994; (2) Phone 772.221.4060; (3) Fax 772.221.4067; or (4) lgulick@tcrpc.org. Additionally, please feel free to contact the South Florida Regional Planning Council at (1) One Oakwood Boulevard, Suite 250, Hollywood, Florida 33020; (2) Phone 954.924.3653; (3) Fax 954.924.3654; or (4) sfadmin@sfrpc.com. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, 1 (800) 955-8771 (TTY/VCO), 1 (800) 955-8770 (Voice), 1 (800) 955-8773 (Spanish).

JOINT MEETING
SOUTH FLORIDA AND TREASURE COAST
REGIONAL PLANNING COUNCILS



~ Guest Speaker Bios ~
February 17, 2023

Welcome & Opening Remarks



The Honorable Steve Geller
Chair, SFRPC
Broward County Commissioner, District 5
Former State Senator



The Honorable Doug Bournique
Chair, TCRPC
Gubernatorial Appointee

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Welcome and Opening Remarks *SFRPC & TCRPC Chairs*

The Honorable Steve Geller, Chair, SFRPC

Broward County Commissioner, District 5, and Former State Senator



Senator Steve Geller served as Broward County Mayor during FY 2021. Elected to District 5 in 2016, he currently represents all or part of Cooper City, Southwest Ranches, Davie, Plantation, Sunrise, and unincorporated areas including part of the Seminole Reservation and all of Broadview Park. Geller serves as Chairman of the Broward County Water Advisory Board, Chair of the South Florida Regional Planning Council, and serves on the Executive Committee of the Florida Association of Counties (FAC) and on the Broward County Cultural Council. Geller also serves as Chair of the South Florida CEDS Strategy Committee established pursuant to the SFRPC's responsibilities as U.S. EDA's Economic Development District for South Florida. He was recently re-elected Chair by his colleagues on the SFRPC.

Prior to his current service as a Broward County Commissioner, Geller was elected to the Florida Legislature in 1988 at the age of 29. He served in the Florida Legislature for 20 years; nine years in the House of Representatives followed by 11 years in the Florida Senate. Geller was respected by both Political Parties and chaired legislative committees under the leadership of both Democratic and Republican Presiding Officers. Geller chaired the Regulated Industries Committee in the House of Representatives, and the Agriculture and Consumer Services and the Community Affairs Committees in the Senate. Geller served two terms as Chair of the Broward County Legislative Delegation and two terms as Chair of the Hendry County Legislative Delegation. At the time of his retirement from the Florida Senate due to term limits, Senator Geller was the Minority (Democratic) Leader of the Florida Senate. Geller has also served as National President of two legislative organizations: the National Conference of Insurance Legislators (NCOIL) and the National Council of Legislators from Gaming States (NCLGS). Geller was born in the City of New York, New York in 1958. He has lived in South Florida since 1965. He attended Florida State University for college and law school, where he was a member of AEPi Fraternity. He has lived in South Broward since his graduation from Florida State University College of Law in 1982. He is married to Laurel Geller and they have two children Marc and Ben.

The Honorable Doug Bournique, Chair, TCRPC

Gubernatorial Appointee



Mr. Bournique is Executive Vice President and General Manager of the Indian River Citrus League, a grower trade association representing growers and commercial packinghouses along Florida's east coast stretching from Daytona to the West Palm Beach Canal in Palm Beach County. The District has approximately 45,000 acres of commercial citrus which is grown primarily for the fresh fruit market. For more than four decades, Doug has led the charge on water, legislative, and marketing and regulatory issues facing agriculture and fresh Florida citrus. Proving that his impact reached beyond the Indian River District, Doug received strong statewide recognition for his many contributions and the importance of his role in the resurrection and sustainability of fresh Florida citrus in the face of its current trials.

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Doug's background in water is extensive going back to the mid 1970's, when he was Director of the Environmental Affairs for the Sugar Cane industry. Since then, he has worked on the Upper St. Johns Project, the Indian River Lagoon National Estuary Program, the Upper East Coast Water Supply Plan, Indian River Citrus BMPs Steering Committee and is currently a member of the South Florida Water Management District's Water Resources Advisory Commission, Treasure Coast Regional Planning Council, Indian River Lagoon Council and serves on St. Johns River Water Management District Governing Board. He is the recipient of numerous awards and recognitions including the 2018 John T. Leslie Award of Excellence presented for recognition of an individual for outstanding leadership and service on behalf of the Florida fresh citrus industry.

Welcome and Thanks to our Special Guests!

Drew Bartlett, SFWMD Executive Director



Mr. Bartlett serves as the Executive Director of the South Florida Water Management District, the biggest water management district in the state of Florida. The District is responsible for Everglades restoration, the largest ecosystem restoration effort in the world. In addition, the agency is responsible for regional water supply and flood protection infrastructure. The agency's Governing Board appointed Drew Bartlett as Executive Director in 2019, and he was unanimously confirmed by the Florida Senate in 2020. During his tenure, Director Bartlett expedited Everglades projects like the EAA Reservoir, implemented major water quality improvement and monitoring efforts, and advanced the resiliency of the region's water resources. Having spent a lifetime in public service, he previously served as the Florida Department of Environmental Protection's Deputy Secretary for Ecosystem Restoration, where he was responsible for setting water quality standards, establishing restoration goals, and adopting restoration plans. Director Bartlett also held senior roles at the U.S. Environmental Protection Agency where he was responsible for implementing the Clean Water Act and Safe Drinking Water Act.

Director Bartlett holds a B.S. Degree in Industrial Engineering from the Georgia Institute of Technology and received a Master's Degree in Business Administration from Georgia State University.

Ronald L. Book, President & CEO of Ronald L. Book, P.A.



Mr. Book is President and Chief Executive Officer of Ronald L. Book, P.A. Since founding the firm in 1987, Ron has developed a client list that is a "who's who" of business and industry, local governments, health care and not-for-profit associations. His reputation as a hard worker, dedicated to his client's causes, has earned him a place in the upper echelon of Tallahassee power. Associates, clients, and lawmakers describe Ron Book and his firm as committed, tenacious, knowledgeable, and credible.

It is difficult to narrow Mr. Book's areas of expertise to a simple few. From sports and economic development to affordable housing to environmental remediation to social services, transportation, growth management, health care, seaports, and aviation — if it is

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an issue that you have read about, Mr. Book has been at the center of the debate, influencing the decisions of policymakers for the past 4 decades.

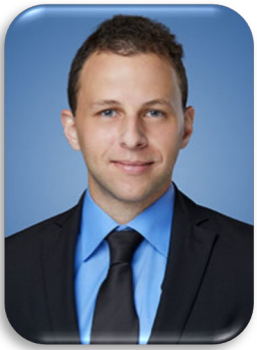
For more than 30 years, his firm has led the government affairs industry in Florida, specializing in the appropriations process, responsible for literally, billions in grants, programs and earmarks to various projects and causes.

Frank Bernardino, Partner, Anfield Consulting



Mr. Bernardino is a Partner of Anfield Consulting, a boutique water resources and environmental consulting company serving both public and private clients. Frank has more than 35 years of experience working on water and natural resource management and resiliency issues in Florida. He holds a Master's Degree in Biology and a Bachelor of Science degree in Environmental Studies, both from Florida International University. His policy experience includes wetlands planning and regulatory work at Miami-Dade County, and water resources management lobbying for the South Florida Water Management District. Frank is best known for his work in securing funding support for water management initiatives throughout the State to accelerate the implementation of key water supply, water quality, and environmental restoration and resiliency projects.

Kody Glazer, Esq., Legal & Policy Director, Florida Housing Coalition



Mr. Glazer is the Legal and Policy Director of the Florida Housing Coalition. Kody provides technical and legal assistance to local governments, community-based organizations, and policymakers on affordable housing policy design, community land trusts, fair housing, land use, and the law generally as it relates to housing. As Legal and Policy Director, he leads the Coalition's advocacy efforts at all levels of government and has expertise drafting state legislation and local housing ordinances and policies. Kody graduated Magna Cum Laude from the Florida State University College of Law, where he was a member of the Florida State University Law Review and the Journal of Land Use & Environmental Law.

E. Timothy Gysan, P.E., PMP, Army Corps of Engineers Resilience Senior Project Manager (Ecosystem Branch Programs & Project Division, Jacksonville District)



Mr. Gysan P.E., PMP is the Resilience Senior Project Manager for the Ecosystems Projects Branch, Jacksonville District, US Army Corps of Engineers. He currently serves as the project manager for the Lake Okeechobee System Operating Manual (LOSOM), C&SF Flood Resiliency (Section 216) Study, the Kissimmee River Restoration, and the Interagency Modeling Center, which supports modeling for the South Florida Ecosystem Restoration program. Mr. Gysan previously spent sixteen years as a hydraulic engineer in the Jacksonville District Engineering Division, Water Resources Engineering Branch supporting projects including the Kissimmee River Restoration and the NRCS Agricultural Conservation Easement Program.

Mr. Gysan graduated from the University of Florida in 1997 with a degree in Environmental Engineering and received his Master's degree in Environmental Engineering specializing in Systems Ecology in 2000. He is a Registered Professional Engineer in the state of Florida and holds a Project Management Professional (PMP) certification. Mr. Gysan is an active

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member of Society of American Military Engineers Jacksonville Post and was selected as Post Engineer of the Year in 2012 and Junior Engineer of the Year 2007-2008. Mr. Gysan is married and has three children. He and his family reside in St. Johns, Florida.

Ana Carolina Coelho Marán, P.E., Ph.D., SFWMD Resiliency Officer



Dr. Carolina Marán is the District Resiliency Officer with the South Florida Water Management District. In her role, she is responsible for coordinating resilience efforts across federal, state, regional, and local agencies; advancing scientific research and data analysis to ensure the District's resilience planning and projects are founded on the best available science; and developing and implementing comprehensive resiliency goals to mitigate and adapt to the challenges facing the District's infrastructure from sea level rise and other climate change impacts. Carolina has nearly 20 years of experience working on water resources planning, management, and regulation; water and climate resiliency; water allocation rules and conflict resolution; and hydrologic and hydraulic modeling, decision support systems, and GIS. Prior to joining SFWMD, Carolina was the Water Manager at Broward County, worked over 10 years as a Water Resources Specialist for the Federal Water Agency in Brazil, and collaborated with

International Organizations as part of technical consulting teams. She holds a Ph.D. in Civil and Environmental Engineering – Water Resources from Colorado State University and a Master's Degree in Water Resources Engineering from Parana Federal University in Brazil. Currently, she serves on the Florida Water and Climate Alliance Steering Committee, Southeast Florida Regional Climate Compact Steering Committee, and on the Board of Directors of South Florida Hydrologic Society and the Resilient Utility Coalition. Mom of two incredible boys, Carolina enjoys watching them play little league baseball and visiting new places with her family.

Katherine O'Fallon, Executive Director, Marine Research Hub



Ms. O'Fallon has served as the executive director of the Marine Research Hub since October of 2022. Most recently, Katherine served as Marine Science & iCAN (Integrated Career & Academic Networks) Magnet Coordinator at New River Middle School where she successfully oversaw the implementation of curriculum in the classrooms, developed marketing strategies, and built partnerships within the community to create field experiences for her students that expanded their marine science education.

Katherine grew up in Minnesota before receiving her degree in Marine Biology from Long Island University (LIU) Southampton in New York. In her undergraduate work, she focused on coral reef ecology with summer research in Hawaii. She then began her career working as a marine biologist and educator in Curaçao which solidified her love for marine science and became a PADI Open Water Instructor. In 2002, she moved to Fort Lauderdale, Florida and pursued her Master's in Marine Science and Education at Nova Southeastern University. In 2006, she also began teaching marine science at New River Middle School (NRMS). From there she transitioned to become the Marine Magnet Coordinator and played a pivotal role as NRMS became a National Certified Magnet School in 2018 and was recognized for 7 years in a row as a Magnet School of Distinction.

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Joanna Walczak, Administrator, Florida Department of Environmental Protection Office of Resilience and Coastal Protection's Coral Protection and Restoration Program



Ms. Joanna Walczak is the Administrator for the Florida Department of Environmental Protection (DEP) Office of Resilience and Coastal Protection's (RCP) Coral Protection and Restoration Program designed to focus the state's protection of Florida's Coral Reef and the administration of more than \$28 million appropriated for these critical efforts. Since 2012, she has been the State of Florida's appointed Point of Contact for the U.S. Coral Reef Task Force and U.S. All Islands Coral Reef Committee. Joanna holds a Bachelor's of Science from Texas A&M University Galveston, and a Master's of Science from Nova Southeastern University's Oceanographic Center – both in marine biology. She specializes in coral reef ecology, stakeholder engagement in conservation issues, as well as planned and unplanned coral reef injury assessment, mitigation, and enforcement.

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MEMORANDUM

AGENDA ITEM # 6

DATE: FEBUARY 17, 2023

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: JOINT COUNCIL MEETING MINUTES (MARCH 18, 2022) & SOLID WASTE MANAGEMENT JOINT CONFERENCE MEETING SUMMARY (OCT 21, 2022)

Please find herewith for your review the meeting minutes from the SFRPC / TCRPC Joint Meeting held on March 18, 2022 and meeting summary from the Solid Waste Management SFRPC / TCRPC Joint Conference held on October 21, 2022.

Recommendation

Approve the minutes and summary.



**JOINT MEETING -- MINUTES OF THE
SOUTH FLORIDA AND TREASURE COAST REGIONAL PLANNING COUNCILS
MARCH 18, 2022**

The South Florida and Treasure Coast Regional Planning Councils held a joint meeting on March 18, 2022, at the Clayton E. Hutcheson Agricultural Service Center, 559 N. Military Trail, West Palm Beach, Florida.

Agenda Item 1: Welcome & Pledge of Allegiance

Chair Townsend called the meeting to order at 10:07 a.m. and welcomed everyone. She led the pledge of allegiance.

Dr. Ronald Rice, Director, University of Florida/IFAS Extension Palm Beach County welcomed both Councils to the Agricultural Service Center.

Chair Townsend recognized in attendance Mr. Drew Bartlett from SFWMD, Ms. Evelyn Dupleczy from Senator Berman's office, and Ms. Melissa Santoro from Representative Willhite's office.

Agenda Item 2: Roll Call

The following members and alternates were present from **Treasure Coast Regional Planning Council**:

- | | |
|---------------------------|--|
| Indian River County: | Commissioner Peter O'Bryan |
| Martin County: | Commissioner Doug Smith |
| St. Lucie County: | Commissioner Cathy Townsend
Commissioner Sean Mitchell
Councilman Anthony Bonna, City of Port St. Lucie
Councilman David Pickett, City of Port St. Lucie, Alternate |
| Palm Beach County: | Commissioner Maria Marino
Commissioner Melissa McKinlay, Alternate
Commissioner David Kerner, Alternate
Mayor Anne Gerwig, Village of Wellington
Councilman Jeff Hmara, Village of Royal Palm Beach
Vice Mayor Regina Bohlen, City of Pahokee, Alternate
Commissioner John Linden, Town of Lake Park |
| Gubernatorial Appointees: | Douglas Bournique, Indian River County |

Reece Parrish, St. Lucie County

Ex-Officios: Lois Bush, FDOT
Jason Andreotta, FDEP

Council Staff: Thomas Lanahan, Executive Director
Phyllis Castro
Kim DeLaney
Liz Gulick
Stephanie Heidt
Dana Little
Terry Ann Paulo
Jessica Seymour

Council Attorney: Keith Davis

The following members were present from **South Florida Regional Planning Council**:

Broward County: Mayor Steve Geller, SFRPC Chair
Commissioner Quentin “Beam” Furr
Mayor Greg Ross, City of Cooper City
Mayor Ana Ziade, City of North Lauderdale

Monroe County: Commissioner Michelle Coldiron

Ex-Officios: Shereen Yee Fong, FDOT, VI
Lorraine Mayers, SFWMD

Council staff: Isabel Cosio Carballo, Executive Director
Bridget Huston
Kathe Lerch
Alisha Lopez
Christina Miskis
Jason McMahon

Council Attorney: Sam Goren

Agenda Item 3: Chair’s Comments – Honorable Cathy Townsend, Chair, TCRPC; and Honorable Steve Geller, Chair, SFRPC

On behalf of the Treasure Coast Regional Planning Council (TCRPC), Chair Townsend welcomed and thanked everyone for attending today's joint meeting. On behalf of the South Florida Regional Planning Council (SFRPC), Chair Geller welcomed everyone and expressed his excitement for today's meeting.

Agenda Item 4: Agenda Approval

Council Action: Mayor Ross from the City of Cooper City moved approval of the agenda. Councilman Hmara from the Village of Royal Palm Beach seconded the motion, which carried unanimously.

Agenda Item 5: Approval of Minutes – March 19, 2021, and November 5, 2021, Joint Workshops

Council Action: Commissioner Mitchell from St. Lucie County moved approval of the March 19 and November 5, 2021, Minutes. Mayor Ross from the City of Cooper City seconded the motion, which carried unanimously.

Agenda Item 6: Wesley R. Brooks, Ph.D., Chief Resilience Officer, Office of Governor DeSantis, State of Florida

Chair Geller introduced Dr. Wesley Brooks, Chief Resilience Officer, Office of Governor DeSantis, State of Florida.

Per Dr. Brooks:

“The Florida Legislature recognizes that the state is vulnerable to adverse impacts from flooding, resulting from increases in frequency and duration of rainfall events; storm surge from more frequent and severe weather systems; and sea level rise. Such adverse occurrences impact post economic, social, environmental, and public health and safety challenges to the state.” The Florida Legislature has tasked us to examine and respond to these issues. We must ensure that we are meeting our community's vision and needs, while procuring the right dollars for the right projects.

Resilience. Defined as empowering local communities to build the future they want for themselves, their posterity, and neighbors. Dr. Brooks noted that his position entails communication, coordination, and innovation and his focus is on flood mitigation (i.e., sea level rise, heavy downpours, riverine flooding). He offered his assistance to local governments. He visited numerous counties this week, meeting with local governments and observing their issues. Martin County has two projects being funded with the resilience funds awarded from Florida Department of Environmental Protection (DEP).

In general, he is educating and bringing attention to the State's efforts to develop a more comprehensive approach to delivering resilience projects to our communities that encompasses coordination with state agencies, federal agencies, and local agencies. He desires to serve as a bridge of connection between local, state, and federal governments.

As we progress, an all-important innovation piece will include conducting, assessing, and addressing gaps across all our state efforts. There is tremendous support from all the agency heads so far. The Governor's support of this initiative has resonated throughout state government, and you are seeing a positive move towards accommodating a comprehensive resilience vision.

Another program, the Resilient Florida Program, enhances the efforts to protect the inland waterways, coastlines, and shores, which serve as invaluable natural defenses against sea level rise. The Legislature's actions will yield the largest investment in Florida's history to prepare communities for the impacts of climate change – including sea level rise, intensified storms, and flooding. The state is going to be investing over a billion dollars in resilience award money, which is all matched at the local level.

The planning grants can be used to help fund comprehensive plan amendments for coastal re-development. If applying from the county level, they can be used for vulnerability assessments. County-wide vulnerability assessments will help identify where the critical infrastructure is, what the vulnerabilities are, and it also opens the county up for the actual resilience implementation project funds, which is the biggest source of funds that DEP is providing.

Beyond the planning grants, there are implementation grants. Counties in this room have been successful, such as Miami-Dade County and Monroe County - home to the Florida Keys. Those implementation grants can fund design or construction projects. With the planning grants, there is no cost-share necessary. For the implementation grants, it is a 50% cost share. It ties in very well with the idea that these projects must be locally driven.

Finally, the Florida Flood Hub is addressing flooding and sea level rise. If we are not already a resilience leader in terms of actual practice of resilience, this is going to be the scientific underpinning that allows us to be a leader in the modeling of compound flooding—including questions concerning the impacts of flooding and how to mitigate it.

Chair Geller asked Dr. Brooks to comment on the C&SF Restudy. Dr. Brooks responded that he has been working on the C&SF Restudy for the past 4-5 years, stating that the Army Corps of Engineers (ACOE) will be involved in the Restudy. There is no higher priority in South Florida than making sure that that flood control system is operational.

Commissioner Smith from Martin County thanked Dr. Brooks for his work on the Coral Reef Reauthorization Act. Dr. Brooks thanked the RPCs for their support on this bill, affirming that he is confident the Restoring Resilient Reefs Act Bill will be completed this year.

Commissioner Coldiron from Monroe County thanked Dr. Brooks for working with the Monroe County Twin Lakes neighborhood, noting that the County has completed a vulnerability assessment and has

identified the roads that need immediate help. She thanked him for the funds that Twin Lakes received, as well as for Stillwight Point.

Mayor Ziade from the City of North Lauderdale in Broward County asked if there is a matrix of what is needed to apply for these grants. Dr. Brooks stated that he would connect her with the Office of Resilience and Coastal Protection after the meeting, and they would guide her through the details.

Chair Townsend thanked Dr. Brooks for his presentation.

Agenda Item 7: Resiliency Initiatives Panel “Neighbors Helping Neighbors” – Moderated by Tom Lanahan, Executive Director, TCRPC

Mr. Lanahan, TCRPC Executive Director, recognized the panel members in attendance and noted there would be a series of questions.

Panel:

Sandra Bogan, Resilience Navigator, St. Lucie County

Kathy Fitzpatrick, PE, Coastal Engineer, Martin County

Jake Leech, Palm Beach County Office of Resilience

Dr. Jennifer Jurado, Chief Resilience Officer, Broward County

Dr. Ana Carolina Maran, District Resiliency Officer, South Florida Water Management District

Andrew Sobczak, Assistant Community Development Director, Indian River County

Questions for “Neighbors Helping Neighbors” Resilience Panel

How are you accomplishing stakeholder engagement and outreach (realtors, landowners, business community)?

Dr. Jurado, Broward County, stated that every year the County hosts a regional/countywide resilience roundtable. All the cities (elected officials, city managers, key resilient staff) are invited. She noted the South Florida Water Management District is an ongoing partner. This is an important forum for bringing together everyone in Broward County about the nature of our challenges through the efforts of the SE Florida Regional Climate Change Compact. In 2017, we engaged the business community on the theme of economic resilience, and it continues to be a robust partnership. This includes representatives from Palm Beach, and Miami-Dade counties and we have reached out to Monroe County. There is an economic resilience committee that is convened by the Greater Fort Lauderdale Chamber of Commerce attended by numerous chambers that meets monthly. She noted that the business community is engaged on these recommendations relating to economic resilience. We are working with developers and the real estate community to plan for future conditions.

Mr. Leech, Palm Beach County, noted they are working regionally with many high-level stakeholders, who understand the resilience and climate issues that are affecting south Florida.

Ms. Fitzpatrick, Martin County, mentioned that they are getting established, sending out initial letters, and following up with questionnaires.

Ms. Bogan, St. Lucie County, said that they participate in webinars that raise a greater level of awareness with the residents. They are doing an economic vulnerability assessment in this next round. She also mentioned that St. Lucie County has an upward mobility initiative-putting established nonprofit groups, who are working toward elevating economic opportunity, within the community.

Dr. Maran, South Florida Water Management District, asserted the district has been establishing close coordination and alignment with all the counties with whom they work. The group is fully committed to understanding what the communities want to look like when planning projects at the SFWMD. The SFWMD has been putting together a list of priority resiliency projects and are working with the counties to understand how the resiliency projects can be integrated to all the local projects.

Do your efforts extend beyond the coastal areas, and if yes, what are the initiatives?

Dr. Maran noted the efforts focus on the inland needs and how we can quantify inland impacts, primarily driven by rainfall. The language is specific in the legislation that rainfall is the first vulnerability issue that we need to map, in coordination with the local governments. We have invested some years in research to understand future rainfall and a piece of this work is being released in April from the District.

Mr. Lanahan asked if those studies look at the interface between rainwater and tailwater conditions due to sea level rise.

Dr. Maran noted flood protection level of service accounts for increasing storm surge and sea level rise at the coastal structures. Working closely with the ACOE, the next study will explore fully integrating rainfall, sea level rise, and storm surge impacts through advanced modeling and proper characterization of compound flooding impacts.

Mr. Leech noted that this is an issue for Palm Beach County (PBC) because of the urbanized coastal population. There is a significant western inland population that is overlooked, especially when discussing sea level rise. Sea level rise can cause significant issues with flooding inland when flood control structures are compromised because of the way the canal system works. A vulnerability assessment will be conducted that covers the unincorporated parts of Palm Beach County, including western communities.

Dr. Jurado noted early planning efforts were focused principally on the coastal vulnerabilities because of the high tide flooding, recognizing that there was exceptional risk for the western communities. The countywide models for all of Broward County were updated to look at predicted flood elevations under

an integrated approach of groundwater table rise, increased rainfall intensification, and the impacts of sea level rise on that entire drainage system. Our community flood map, which is separate from FEMA, has been updated to look at future flood elevations with two feet of sea level rise and accounting for all those conditions. Broward County has contracted for a multiyear study that is designed to focus on modified water management operations, infrastructure improvements, and redevelopment strategies to help address the collective flood mitigation needs across Broward County, including how to manage, store, distribute, and infiltrate water in a manner that is responsive to this evolving flood risk.

Mr. Sobczak from Indian River County noted they recently wrapped up a resilience study funded by DEP. Having a large open canal system significantly impacts the coastal area as well inland areas, specifically the older subdivisions. We are going back and plugging in some specific elevation data, finished floor, and survey data for parking lots and storm water systems to get a better view of what these potential inland impacts would be.

Mr. Lanahan asked about the open canal system. There are no intervening control structures along the way, so water can be pushed westward and as things back up subdivisions can get backwards flooding.

Mr. Sobczak explained that the subdivisions eventually drain into the open canal system, which is tied into the lagoon, so when that level rises there is that opportunity for the water to go in the opposite direction.

Ms. Fitzpatrick countered that it depends on one's definition of coastal. If you talk to NOAA, the entire state is coastal. Definitions change as you move up and down the coast. In the more southern counties, there are the canals with control structures. In our area, especially in Martin County, there are natural waterways that extend far inland, and the County's initial flooding problems have not been strictly caused by sea level rise. We are interested in what the SFWMD is doing with their updated predictive precipitation because we have a hybrid problem--rainwater that cannot go anywhere due to sea level rise. Additionally, the worst flooding that we have had in our county is in these areas of developed relic dunes. The water has accumulated with nowhere to drain and we have had to start pumping it everywhere.

Are you addressing the land use/resilience interface?

Dr. Jurado noted in looking at the countywide resilience plan, there is a progressive land use plan that encourages compact development and transit-oriented development. Key corridors will be examined and look at how to not only alter development strategies to support this compact development but may find that we cannot achieve the SFWMD water quality requirements on a parcel-by-parcel basis.

Mr. Lanahan asked about a retention system design, based on a higher groundwater table so it brings the entire system up. Dr. Maran noted that several years ago the groundwater table map was updated, and the groundwater table has already risen a foot in the community. The historic standards were inadequate, but they were also a foot too shallow. It is up to the developer to demonstrate how he will satisfy that requirement, but we demonstrated it through site specific examples while adopting the standard, and it

has been applied successfully, and subsequently, to all projects since 2017. It is embedded in our land use plan and embedded in our code of ordinances.

Ms. Fitzgerald noted that Martin County is different -- a lot of land, less density, but while our county is a higher elevation, the older structures are along those inland waterways.

What is the status of funding and implementation?

Dr. Jurado noted the needs are far greater than the resources that are currently available. The Resilient Florida Grant funding program has been a welcome area of support. The Rebuild Florida grant program has also provided communities with support, and we have our eye on federal infrastructure funding. We had about \$87 million allocated across the Broward County, including the airport, parks, and many city projects. There are ongoing collaborations with the Florida Department of Transportation (FDOT) on some projects. Broward County has put a total of \$4 million behind that countywide resilience plan and considers that a significant investment. Our business community has said, "Give us a plan, show what the risk reduction is, and we will support that plan, if it is well documented and developed."

Dr. Leech lauded great board support for these resilience projects, as well as great and promising opportunities through the state and federal levels.

Ms. Bogan noted that St. Lucie County only started resilience planning a few years ago and has been fortunate to get a few grants. The County received the CDBG funding and have executed it in the last few weeks, which will allow us to hire a team of consultants to do additional vulnerability assessments. The plan is to create a robust engagement with business leaders, nonprofits, educational institutions, and our general citizen stakeholders, and then we will work toward a preliminary draft and final resilience plan.

Dr. Maran noted they put together their first Sea Level Rise and Flood Resiliency Plan last year, trying to document and organize our prior investment in terms of resiliency. In year one of this plan-formulation process, we focused on the piece of the system that is most vulnerable—our coastal structures. To stabilize the funding for the implementation of the project, we have been looking at any grant opportunity. Going on our third round this year, we work with the federal level to bring grant applications. We are also partnering with the local government to implement those projects, and we are coordinating at the state level. We also have the C&SF Study coming up which will focus on those coastal structures and increase our funding opportunities through the cost-share agreement that we will be building with the ACOE next.

Dr. Jurado noted about two years ago the business community came forward and partnered with our local governments, and we received a state grant to develop an economic case for resilience. It was a foundational document. It evaluated the 4-county compact area. Figures were developed at the regional level and the county level, with municipal analyses within that. It really made the case demonstrating a 4:1 return on investment for building level adaptation and a 2:1 return on investment. Communitywide

investments could be beaches, dunes, seawall strategies, extended to coordinated stormwater management strategies.

Mr. Lanahan asked Dr. Jurado to share seawall issues.

Dr. Jurado noted that in 2012 many of our communities began to see more regular and impactful tidal flooding; then there were a few years of calmness and then it really came back again maybe in the 2016 timeframe. We found that Broward County had no consistent protection. The seawall heights are all different, from city to city, from neighboring property to neighboring property. Homeowners might make the investment improving their seawall, yet the water just flows around it from neighboring properties right back into their yard, and so we knew we needed to have consistency in terms of standards, an almost guaranteed level of service. If I make this investment, is the protection going to come? Therefore, we worked with the ACOE on a study and came up with a recommended top elevation. Advancing through our land use plan and then through the county's adoption of a standard within our code of ordinances, we established a figure of 5-foot NAVD elevation. Acknowledging that much of the elevations in Broward County are very low (sometimes one foot), establishing five feet is a sizeable difference. Therefore, the ordinance also allowed for adoption of an interim target of 4 feet NAVD up until 2035 so long as you can achieve those 5 feet by 2050. That number, that standard, was identified as being able to provide high tide flood protection through the year 2070. Additionally, earlier than that it provides flood protection with high tides and smaller storm surges. Broward County requires our municipalities to adopt an implementation ordinance within two years of the County's adoption. March is that two-year period, and I would say all our coastal cities have either adopted or close to their final hearing. There are a couple more inland communities that have small, limited reaches of a canal that might be tidal. We worked closely with our Water Advisory Board which Senator Geller chairs to work with all our municipalities. A lot of knowledge coming into that process, and we had extensive municipal and industry outreach and for all the Commission meetings that we supported in that process, there was not a single conversation where there was a challenge about that. Instead, the residents and the developers said we just needed a number. We know the amount of flooding taking place. We saw a lot of success with that process and that is where we stand today.

Mayor Geller asked how this to apply to existing properties.

Dr. Jurado noted upgrading seawalls is not expected to be an overnight accomplishment. Upgrading applies to new development, re-development, a major restoration, or a property that has been cited as the source of tidal water trespass, affecting adjacent properties or right of way. Even then, the cited resident would have 12 months to implement remedies. Our legal community identifies tidal flooding as a public nuisance requiring remedy. For example, there have been instances where medical services were disrupted, people were trudging through two feet of tidal water, and people could not get their children to school. It is a public nuisance.

What were the main deliberation points/controversies during the crafting of the plan?

Dr. Jurado noted funding of residential seawalls are a main point of deliberation. There remains concern that there is not a committed source of funding for residential improvements. Seawalls are already a part of the property, like roofs. Improvements must be made, but we have successfully communicated that the standards are reasonable and manageable. For example, working with the USGS, we used a moderate scenario with the ground table map. We went through site-specific examples that show technical feasibility and that drainage needs could not only be met but that they were also reasonable. They were bracketed about .5 to 1.6 percent of the total project costs. We do have resilience tied into our land use plan, and today the requirements of applying resilience standards have not precluded any single project.

Ms. Fitzpatrick noted it is difficult fixing existing problems, addressing new problems, trying to get out from behind the eight-ball, all while gaining the trust of the residents and developers. We do realize that we can adapt internally, but we need to figure out how to buy ourselves time and to be able to discover underlying problems.

In hindsight, what would you do differently?

Dr. Maran noted the most important task is to effectively coordinate with the local level, partnering to understand the timing and implementation of those projects.

Dr. Jurado noted in 2017, when they finally reached out to the business community, they had been waiting for us! I think, I, along with our partners, would say that it has been the most rewarding, enriching, fruitful investment, and collaboration over these past five years. We, who do the policy planning at the local government level, must engage the business community. They have been our strongest, most supportive partners. They have connections and are creative, efficient, and energetic. Being able to access funds at the regional level is sometimes challenging because the compact is not a separate entity. It is important to consider, when looking at partnerships, who can serve as the fiscal agent; who has the easiest procurement process; and who can procure and manage the funds well.

Commissioner McKinlay from Palm Beach County asked how we can manage to do all these resilience efforts without doing two things: 1) without continuing to raise the cost of housing for our residents; and 2) without triggering a move from the Florida Legislature to wipe out our efforts. The few of us who sit on the 16-county coalition on Lake Okeechobee agree that there is nothing more important to resilience efforts than making sure we protect our water supply, and I have full participation from my small rural counties, so it is frustrating to get no response from Miami-Dade and Broward counties, in terms of protecting the water supply for South Florida.

Dr. Leech agreed that affordable housing is an issue. Resilience cannot be the only priority requiring funds. Despite long-term savings, other important projects compete for upfront funds, such as solar panels on every roof and electric vehicle charges in every house, but even if we get affordable housing in the county,

with sea level rise issues, what if all those affordable homes flood? Then we have bigger problems. We must compromise and prioritize.

Dr. Jurado noted to the 16-county coalition, I respect the efforts of these sixteen counties. We need to reassess how our county, our commissioners, and our staff can participate at the appropriate level. We, as a county, are certainly very committed to the water supply protection issues. We have been watchful and are interested in the partnerships on reuse and C51 reservoir, as well as many other areas. We have worked together on several large-scale regional projects, and there is much more to do including the C&SF project. Let us continue to work closely together. Thank you for the partnership to date.

On the housing issue: Right now, housing is not affordable, and it has nothing to do with resilience. The cost of insurance alone can be a hindrance to homeownership. Investments and resilience are the best way to maintain affordability. We need to be very thoughtful about redevelopment strategies. Speaking without authority, I think there will be some adjustments in terms of what can be built to be most affordable. Whatever we do, bolstering resilience is the best bet to be able to envision a place for ourselves, our children, and future generations moving forward.

Commissioner Furr from Broward County noted that Monroe County is the only county who has paved the way for an advanced water treatment plant in South Florida. Our two biggest counties have not done that yet. Would you recommend to utility directors to go to advanced water treatment plants? I wonder if you all look at it as your place to be making those kinds of recommendations, or do you feel this is outside of your sphere?

Dr. Leech noted he did not know the exact definition of advanced water treatment plant but indicated the water utility in PBC is doing a phenomenal job of upgrading some of their facilities. We are about to expand the lagoons at one of our systems. The water that we are going to be releasing into that lagoon will be functionally potable, although we are not selling it as potable water.

Commissioner Furr noted that in Hollywood, Florida, the water is not pure enough when it comes out, right now, for reuse. There are many reasons, on various levels, for every county as to why the water is not at the pureness we need for reuse. The technology is there, yet the cost is high.

Dr. Jurado noted that the greatest pressure on the reefs are the urban discharges on the surface water, which is of poor quality. I believe that nutrient reductions in treated wastewater are certainly attractive. In comparison, the costs would be equitable to other water quality improvements, producing the same benefits. I think we would want an understanding of the potential benefits of water quality improvements, and I think we should be cognizant of looking at the other energy demands that come with all our water treatment improvements, holistically optimizing water quality. For example, are we optimizing our green infrastructure in our wastewater treatment nutrient removal? We need that, and clearly nutrient removal is attractive, but if we do that across the board, which utilities and what benefits of investments are of

concern? I do not know enough to be able to say emphatically where our priorities should or should not be.

Ms. Fitzgerald replied that we do what we can when we can. If funding becomes available for something that is lower on the priority list, we must do it and see how it works. Sometimes opportunities arise, and they make your decisions for you. As funding comes along, we must be open to whatever comes along. Take that chance and go with it.

Councilmember Bournique, Gubernatorial Appointee from Indian River County, noted that we still have not figured out what to do when we flush our toilets. He serves on the St. John's River Water Management District (SJRWMD) Governing Board, and we are still accepting biosolids from all the counties to our south and from our west, over from Tampa, Miami-Dade, Broward, and Palm Beach counties. They are trucking 82% of their biosolids to us which end up in our basin. We have the St. Johns River and the Indian River Lagoon (IRL) and we are seeing unbelievable outbreaks because of biosolids in our basin. It needs to be dealt with at your facilities. When you pay ranchers to accept your biosolids, which contain chemicals from ingested pills that everybody takes from the pharmaceutical industry, those chemicals go through the grasses and into the meat of cattle. Humans are going to ingest those chemicals again later. That cycle needs to be broken. The cheapest possible way to do that is to do it at your plant, not putting it on the back of other people in an environmental setup that we should not have to deal with it. It is ruining our environment. The upper Indian River Lagoon looks like pea soup and we cannot accept that anymore. We need to move away from that, and it needs to be done at home in your backyard, with your taxpayers taking on the brunt of flushing their own toilets.

Mayor Ziade from the City of North Lauderdale asked what is the fifteen-second elevated speech to residents that do not even know what the word *resilience* means? When you go to explain to them that they are funding the water pump from the C14 and re-doing the canal system, how do you explain to the residents that do not live on the canals why we are spending "x" amount of money on canals when it does not affect them?

Dr. Maran noted it is extremely important for our communities to make the connection that flooding affects everybody. We need to explain to the community how the system works. They need to understand that if any piece of our primary or secondary system fails, the flooding is not going to occur in just one spot, but we are going to have consequences down/upstream, depending on from where the main driver of the flood risk is coming. The system is integrated. We have groundwater levels in Florida that are not so close to the surface, so flooding is the highest risk that we have. Explain the drainage basin and how everything is interconnected.

By our working on those basins to reduce overall flood risks, insurance costs will also be impacted.

Dr. Jurado noted that the systems are all interconnected and affects us all. Flooded roads mean kids do not get to school; people do not get to work; patients do not get to medical facilities. It is about making

investments across the system that serve a community. We must be able to navigate, and so it is about community livability, community affordability, quality of life.

Commissioner Smith stated that there is a consistent struggle in Florida in getting a pilot project done which people can put their hands on. Senator Mayfield was helpful in getting Senate hearings on innovative technologies. At the Association of Counties, we have inserted in every policy, language with the words *innovative technologies* to support the idea that it is something we need to be doing. At the National Association of Counties (NACO), I chair the Energy Environment and Land Use (EELU) Committee. We have put in our National Association of Counties, *innovative technologies* at that level and on the federal level for funding. There is a great amount of money available at the federal level for septic to sewer, wastewater conversions, and other issues related to wastewater. If there was ever a time for Florida to stick itself out in front of this issue, now is the time. We must get in on the conversation and include our coral reefs, the Indian River Lagoon, and other estuaries that receive off our runoff. Hopefully, we can get the Legislature focused on it. I know there is funding at the state level, but there is potentially a lot of funding at the federal level. We must make an application, so we can get some of this equipment on the ground and get it producing, so if the utilities do not have an excuse to say, “This is not for us,” or, “It is too expensive, and we can’t afford it now.” I agreed with Kathy’s comment that when funding comes your way, you must be flexible enough to take it and run with it. We need to get back to prioritizing these issues. Let us keep pushing each other. We will put a pilot project wherever you want to put it. The Janicki’s are still willing to show us the industry and they are actively building this technology around the country. Now is the time.

Mr. Lanahan thanked the panel for being here today and for taking the time to help participate in this conversation and sharing with each other some of your successes and challenges along the way with this. A round of applause.

Agenda Item 8: Collaborative Multi-Region CDBG-Mitigation Project Overview

Mr. Lanahan noted that the CDBG-Mitigation project is underway. It is funded through a community development block grant mitigation program. Six of the RPCs are involved in this effort (East Central, North Central, Northeast, Treasure Coast, Central and Tampa Bay RPCs) and are getting started on this, and the concept is advancing mitigation assessment and planning through regional collaboration. One of the goals of this is to look at the sorts of planning and mitigation projects that cross county boundaries. While it does not cover the entire footprint of the ten regional planning councils, the idea is that it is useful for all the regional planning councils and the entire state.

Chair Townsend recognized Lucdwin Luck, Regional Manager from the office of Chief Financial Officer Jimmy Petronis.

Legislative Update and Look Ahead – Senator Ken Pruitt

Mr. Ken Pruitt (former Senator), now President of The P5 Group, LLC, a full-service governmental affairs and public policy consulting firm, gave a presentation on the 2022 Florida Legislative Session.

Mr. Pruitt noted the legislative session lasted 60 days, with 3,735 bills filed and only 285 bills passed in both chambers. The \$112 billion 2022-23 budget includes \$43 billion in general revenue. He detailed the budget highlights and amounts as well as significant bills that passed and failed.

He perceived that the last two sessions have been the most significant in modern history. The levels of funding for resiliency, the establishment of storm water, water supply, Everglades, land acquisition, water projects, septic to sewer, and infrastructure in general, has been extraordinary. The Legislature focused on those initiatives that would move the needle for a very fast-growing Florida. Of the two hundred plus bills that passed, most of them passed unanimously.

He went on to ask “What is next?” There are two new leaders coming in, Senate President Kathleen Passidomo from the Naples area and Speaker-Designate Paul Renner from the Palm Coast from the Northeast Florida area. They are two of the most respected legislators in the process.

Commissioner McKinlay thanked Senator Pruitt for always being such a great mentor and offering very sage advice. She asked him what he sees moving forward over the second term as being the priorities for the administration, understanding that many of them have been accomplished during the first four years. What can we expect moving forward?

Mr. Pruitt noted it has been a joy to be able to collaborate on these important issues. The funding that you have received from the State is the beginning of what will be happening in these infrastructure policies because Florida is going to be growing by 900 to 1,000 people a day. The Legislature is just beginning this course, and you are going to continue to see them because these are initiatives from the people. They are demanding improvements in resiliency, clean water, storm water, etc. Those issues that impact quality of life are important issues to them. As far as House Speaker-Designate Paul Renner and Senate President Kathleen Passidomo, they will always have something near and dear to them to bring forward, but for the most part, you are going to see what you saw this past session in terms of infrastructure, moving these initiatives forward, getting Florida prepared even more so than what it is now.

Commissioner McKinlay noted that much of that funding was a one-time infusion of federal dollars. She asked if the state would continue that level of funding from other resources or that our economy is just going to keep doing that well and make up for what we will lose in federal funding? Mr. Pruitt replied that while some of those funding resources were federal, the majority was at the state level and that is what they will continue to leverage. The beauty of local leveraging is ensuring our match and what they provide.

Commissioner O’Bryan thanked Senator Pruitt for his help over the years. Mr. Pruitt thanked Commissioners O’Bryan and McKinlay for their service.

Agenda Item 9a: Statewide Water Resources Investment Planning - Frank Bernardino, Partner, Anfield Consulting

Frank Bernardino, Partner, Anfield Consulting, gave a PowerPoint presentation entitled “One Region, One Water.” The presentation is available on TCRPC’s Website: [PowerPoint Presentation \(tcrpc.org\)](#) and [SFRPC’s Website](#).

He discussed the following:

- FY 22-23 General Appropriations
- FY 21-22 SFWMD Budget Highlights
- FY 22-33 WMD Cooperative Funding
- Governance Issues
- Funding Issues

In summary, not including adaptation for Sea Level Rise, Florida will need \$66.09 billion over the next 20 years to address its water resource protection and infrastructure needs. We need to step up the game and have a meaningful conversation about what our priorities are, find a funding plan, and push solutions that will get us to where we need to go.

Mayor Gerwig with the Village of Wellington had a question about the disparity of funding compared to transportation and funding for Everglades Restoration.

Mr. Bernardino noted that you cannot talk Everglades Restoration without understanding that it impacts water supply and that there is a measure of flood and water resource management that is present. It is great that we have made that investment in Everglades Restoration, but there are other areas that matter too. Since there are limited funding resources, what should be the priority? Is it drinking water, flood control, or is it natural resource management? Two of those do not have appropriate funds. He said he is not saying to take money out of the transportation arena and move it to water, but his point is these things are important too, and they are not being funded appropriately.

Councilmember Bournique discussed public-private partnerships. Our future water supply, food supply, and the way we want to grow, will come out of embracing the people that are here and own the open spaces in Western St. Lucie, Western Palm Beach County, and the open areas of Osceola. Rather than chase them off and force them into putting up thousands of roof tops, it is better to embrace them, saying we would like to take some of your water and pond it to provide water to the community. We are better if we can use some of your land for our food supply. We want to embrace, not chase away with our restrictions. The future is public-private partnerships: Caulkins Water Farm and others ring a bell. The reconnection of the St. Johns and South Florida water management areas is another issue. The private landowners that reside between Indian River and St. Lucie County want to reconnect it. They sit there with tens of thousands of acres to allow the water not to go to the Lagoon, but to let it flow into the upper

St. Johns, into 200,000 acres of marsh, or for a water supply for all the residents to the north. It is unbelievable that we have not embraced them earlier, and now the Legislature is thinking. It started back with Senator Pruitt listening about the original talks about water farming and other issues.

Commissioner McKinlay gave thanks to Miami-Dade and Broward counties because the C51 reservoir, which is housed in her district, would not have come to fruition had it not been for their partnership. We are happy to be the holder of those funds to make sure that projects get completed. For 7½ years, Commissioner Smith talked about putting that plan together, like the transportation work plan. How do we make that happen? What is the first step that we can take? What can local governments do to put that plan together to present it to the state? Can we get those applications and start mapping where those project requests are and start putting that together ourselves to push the state to start doing something?

Mr. Bernardino stated that in the resiliency world, the State attempted to do that. The new resiliency law, which passed last year, now requires the DEP to have a 3-year plan that rotates much like the Transportation Work Plan. The difference is that the resiliency plan does not have the level of funding that the Transportation Work Plan has, so the funding appropriation amount will be exceeded by the needs. There is an attempt to put a work plan together on a 3-year rotating basis for the funds that they do have. Our advocacy needs to focus on two things: 1) Push for more available funding, so additional work can be undertaken regarding water infrastructure. We need to have projects in place to make that level of investment. The Economic and Demographic Research (EDR) Report, on an annual basis, has been an alarm bell that has begun to go off in Tallahassee. This year the investment has doubled but in water infrastructure it is nowhere near what is needed. The local drinking water supply is the responsibility of the local governments, and most of the problems that we are facing in the future is because of sea level rise impacts on wellfields. This will have to be regional. So where does that conversation begin? Also, for regional flood control, the secondary system is your responsibility, not the responsibility of the water management district. Where is the regional coordination for those improvements? The District can make all the improvements that they want to the primary system, but it will not matter if the secondary and tertiary systems are not working properly.

Mr. Bernardino stated that the SFWMD supports the request in Tallahassee because they do not have a means by which to raise revenue themselves.

Commissioner McKinlay thanked Mr. Bernardino for all his good work.

Commissioner Smith noted that he represents the Small County Coalition on the long-range Transportation Planning Commission for the Department of Transportation, in which he has been involved over the past 18 years. FDOT's budget was approximately \$3 billion, and now it is over \$11 billion. There is a specific process that FDOT goes through every 5 years. There is a 5-year work plan, a 20-year work plan, and it is incredibly deliberate. Well-managed, well-thought through, and every year produces results that are predictable. Water does not get the same benefit. We have an incredibly supportive administration today on water, and we have a Legislature that is supportive as well, but that is not always

consistent. The water discussion goes up and down. FDOT keeps going on. What is the difference? Why does FDOT enjoy the support that it gets, and water does not, on a long-term basis? Part of it is that there is an enormous industry behind transportation--asphalt people, bridge people, engineers, all sorts of societies, all sorts of folks that are engaged in that re-occurring funding strategy that make sure that funding is recurring yearly. Water does not necessarily have or enjoy that same kind of strategy. The idea of creating a duplicative kind of plan, like the FDOT, is to create an ongoing strategy that never leaves water out of anybody's conversation. It keeps the pressure on all of us to stay in the conversation constantly, allowing the industry, which is building these hundreds of millions of dollars' worth of projects for us, to continue building. If that industry knew that the money, \$66 billion, was going to continue to be there in the future, there would be a very different level of support or conversation in Tallahassee on water, than we are getting today. The construction industry must be a part of that conversation. It only scratches the surface of what FDOT does, but Frank's data shows the numbers for FDOT and the numbers for water. It clearly shows that to keep up with the millions of folks that are coming to Florida yearly, infrastructure is crucial for both transportation and water. Whether it is sea level rise, infrastructure, septic to sewer, biosolids, or you name it, water is involved. Unless we get the same kind of structure put in place that is diligent and recurring, predictable, and strong, we will keep having this same conversation.

We have been successful in getting those resolutions adopted at the Florida Association of Counties. We knew that it would not happen this session, but we knew that the leadership coming in was supportive in looking for a long-term strategy on water, and so we head into this knew period encouraged. I think, additionally, that we need to put together on paper, for both the League of Cities and for the Association of Counties, a more concise strategy plan of needs to present during the next legislative session.

Agenda Item 9b: Statewide Water Resources Investment Planning - Joint Resolution TCSF #22-01

Council staff created Joint Resolution TCSF #22-01 expressing support for statutory changes that will lead to coordinated and strategic investment of State funds for water resources using a structured modeled on the Florida Transportation Commission and Florida Transportation Plan. The Resolution is intended to be sent to leaders in the Legislature, the Governor, the Florida Association of Counties, the Florida League of Cities, and the other Regional Planning Councils.

Mr. Lanahan read into the record.

A JOINT RESOLUTION OF THE SOUTH FLORIDA AND TREASURE COAST REGIONAL PLANNING COUNCILS REPRESENTING THE LOCAL GOVERNMENTS OF MONROE, MIAMI-DADE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, AND INDIAN RIVER COUNTIES, FLORIDA; SUPPORTING CREATION OF A STATEWIDE COORDINATED PLANNING AND PRIORITIZATON APPROACH FOR WATER RESOURCE INVESTMENTS MODELED ON THE FLORIDA TRANSPORTATION COMMISSION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Action: Chair Geller moved approval of Joint Resolution TCSF #22-01 supporting improved statewide water resources planning. Mayor Ross seconded the motion which carried unanimously.

Agenda Item 10: Coral Reef Conservation Strategy Joint Letter

Mrs. Cosio Carballo noted that at the October 16, 2020, joint meeting, the Councils voted to send a joint letter to FDEP Secretary Noah Valenstein and FFWCC Executive Director Eric Sutton requesting they take on as a priority the development of a joint long-term reef conservation strategy for Florida's Coral Reef. The letter was sent, received, and acknowledged. The letter in front of you today is requesting status of Council's request.

Council Action: Chair Geller moved approval of transmitting the Coral Reef Conservation Strategy Joint Letter. Mayor Ross seconded the motion which carried unanimously.

Agenda Item 11: Discussion and Topics for October 2022 "Southeast Florida Summit"

Chair Townsend noted some of the things discussed were wastewater and affordable housing.

Chair Geller noted looking at an all-day summit that will encompass a topic. He noted three topics were discussed at the SFRPC being solid waste management, insurance, and affordable housing. It is the recommendation of the South Florida RPC that it be solid waste management but only subject to the TCRPC agreeing.

Commissioner Furr agreed that solid waste is a regional issue, and we need to figure out a way to manage this together. If we are all creating an incinerator or building a palletization plant, planning to eliminate biosolids, working with other counties is imperative. Whatever assets they have, how can we use those assets together? This affects us all. It is a topic that is worth discussing for both planning councils, since it does affect these two planning councils directly. He stated he advocates for that as a major topic.

Mayor Ross. Ditto.

Chair Geller asked if there were other things people would prefer to the solid waste?

Commissioner Smith asked that biosolids be part of that conversation. Commissioner Furr agreed.

Commissioner O'Bryan recommended selecting a backup, which would be affordable housing.

Chair Geller noted he did not think we can have a backup because we need to line up speakers. If it is the desire of this group, we could just say we would have two topics: one for 4-5 hours and one between 1-3 hours. Affordable housing is too broad. If we are going to discuss affordable housing, we need to

determine what aspect of affordable housing. We were talking about trying one aspect, transit-oriented development, or the impact of homeowner's insurance on housing.

O'Bryan asked for a second topic.

Mayor Gerwig wanted agricultural waste part of that conversation.

Commissioner Marino from Palm Beach County noted she is the secretary for the Solid Waste Authority for Palm Beach County, and she is happy to coordinate.

Chair Geller noted there is a desire to have two topics. What he said he heard was a primary and a secondary. If that is correct, the only things heard thus far, unless somebody else says something different, is a primary on solid waste management and a secondary, later in the afternoon, on an aspect which we will determine, but it must be a single and discreet aspect of affordable housing that we might be able to deal with in a couple of hours.

Chair Geller asked if there was consensus and the members of both councils agreed.

Agenda Item 12: Public Comment

Samuel Cintron of the Sierra Club stated that the Intergovernmental Panel on Climate Change (IPCC) recently released a report and we have about 10 years to try to keep our temperatures below 1.5 degrees above the industrial levels. He said he knows that he does not have to inform the Council Members as to the problems. He said he would like to stress the urgency: we need to take this seriously, and said he has a few ideas for consideration by the Councils.

He went on to say that we should concentrate on the Florida Wildlife Corridor Act of 2021 which spans the whole southern part of Florida – all the way up to Alabama. Salinization of our freshwaters and loss of flora and fauna are issues of concern. We must think globally and act locally. We must prevent development. These natural preserves are consistently being encroached by development. We must stop granting variances and exceptions to zoning ordinances.

Under the previous administration, the EPA's wetland permitting authority to protect Florida's wetlands was transferred over to the Florida Governor. He said that since Florida took over, developers have rushed to submit a rash of permit applications to satisfy voracious building, property flipping, and many other money-making schemes. Mr. Cintron also stated that under the state takeover anyone objecting to a wetlands permit in Florida has lost protection under the National Environmental Policy Act because the law does not apply to state permits. He said a lawsuit was filed in January 2021 on behalf of seven groups through the Sierra Club challenging EPA's approval of the state wetlands permitting program and the way authority was transferred from federal agencies.

Agenda Item 13: Council Comment

Chair Geller noted at the next meeting of the Broward County Water Advisory Board the entire meeting will be devoted to the issue of septic to sewer.

Chair Townsend thanked everyone for coming out today and that there were a lot of good conversations. She said she is looking forward to the October meeting. Chair Geller thanked everyone for being here. Mrs. Cosio Carballo thanked the TCRPC for hosting the Joint Meeting and for the great partnership that we continue to have working together. Mr. Lanahan thanked Mrs. Cosio Carballo for all her help in putting the Joint Meeting together and lining up all the speakers. Mr. Lanahan also thanked Palm Beach County for hosting the joint meeting and providing the audio-visual technology as well.

Agenda Item 14: Adjournment

There being no further business, Chair Townsend and Chair Geller adjourned the Joint Meeting of the Treasure Coast and South Florida Regional Planning Councils at 2:00 p.m. This signature is to attest that the undersigned are the Secretaries or designated nominees of the Treasure Coast and South Florida Regional Planning Councils, and that the information herein provided is the true and correct Minutes of the March 18, 2022, meeting.

Michele Lincoln, SFRPC Secretary
Monroe County Commissioner

Doug Smith, TCRPC Secretary / Treasurer
Martin County Commissioner

“Challenges and Opportunities”

Highlights from October 21, 2022
Florida Atlantic University
Boca Raton, Florida



SOLID WASTE CONFERENCE WAS A HUGE REGIONAL SUCCESS!

The South Florida and Treasure Coast Regional Planning Councils hosted a 7-County Conference on Solid Waste Management Challenges and Opportunities in Southeast Florida. The Conference was held on Friday, October 21, 2022 at Florida Atlantic University in Boca Raton.

Featured presentations were given by county professionals and other subject matter experts regarding the current state of solid waste management practice in Southeast Florida, new technologies and best-practice approaches, and opportunities for greater regional collaboration to manage an ever-growing supply of solid waste.

Please visit our [Solid Waste Management Regional Conference](#) webpage for more information, meeting materials, recordings, and presentations. Provided below is a brief overview of this very successful event.

“Solid Waste Management is important to the seven counties in the RPCs’ planning areas. The amount of trash that we’re generating increases each year while places to store our leftover waste decreases. What will we do when our landfills fill up? What about the methane generated by landfills? Are there new technologies that we can use? Is burning effective and ecologically sound? Are we going to be able to recycle more? And how are we going to pay for all of this?”

~ Senator Steve Geller, SFRPC Chair

“It’s important that the Regional Planning Councils jointly discuss this issue because Solid Waste Management is truly a regional challenge requiring coordination and collaboration to address. Each of us will gain insights to bring home and apply regionally.

~ Cathy Townsend, TCRPC Chair

REGIONAL OVERVIEW

*Isabel Cosio Carballo, SFRPC Executive Director
Tom Lanahan, TCRPC Executive Director
[\[view presentation\]](#)*

On behalf of the South Florida and Treasure Coast Regional Planning Councils (RPCs) we thank you for your interest in this very important conversation and continued support of the Councils efforts to make the South Florida region a better place to live and thrive.



According to the Department of Environmental Protection, the Southeast Florida regional population served in 2020 was 6,951,723. Data reflects that the Municipal Solid Waste (MSW) collected and recycled was as follows:

Total Tons Collected Per Year	13,601,628
Total Tons Recycled Per Year	4,455,829
Single-Family Tons Collected Per Year	4,157,429
Single-Family Tons Recycled Per Year	1,207,420
Multi-Family Tons Collected Per Year	2,163,337
Multi-Family Tons Recycled Per Year	431,606
Commercial Tons Collected Per Year	7,280,862
Commercial Tons Recycled Per Year	2,816,803

The State of Florida collected a total of 47,064,583 tons of solid waste of which 19,572,559 tons were recycled. Florida has an average recycling rate of 42%. Data received from a survey produced by the RPCs and submitted by the



Solid Waste Management Directors for each County reflects the challenges facing Southeast Florida:

South Florida Regional Planning Council			
October 2021	Miami-Dade	Broward	Monroe
Landfill Capacity Remaining	9.8 Million Cubic Yards	1.03 Million Cubic Yards	No Landfill
Projected Depletion Year (absent hurricane)	2026, 2032	2030	0

Treasure Coast Regional Planning Council				
October 2021	Palm Beach	Martin	St. Lucie	Indian River
Landfill Capacity Remaining	26.5 Million Cubic Yards	No Landfill	12.7 Million Cubic Yards	12.3 Million Cubic Yards
Projected Depletion Year (absent hurricane)	2054	0	2067	2086

CONVERTING WASTE-TO-ENERGY

*Joe Kilsheimer, Executive Director
Florida Waste-to-Energy Coalition
[\[view presentation\]](#)*

What is Waste-to-Energy (WTE)?

Waste-to-Energy (WTE) is critical infrastructure for the state of Florida and, may be one of the State’s best available environmental tools. WTE is the direct combustion of municipal solid waste in a facility that uses extremely high temperatures – around 1,500 to 1,800 degrees Fahrenheit – to turn garbage into a chemically inert ash, reducing the volume of solid waste by 90%. The heat is used to create steam to generate electricity hence the term “[Waste-to-Energy](#).”



The Economics of WTE

Financially, Florida’s WTE facilities are supported by three streams of revenue: tipping fees, electricity sales, and the

sale of recyclable metals recovered from the ash. Federal laws (PURPA) require utilities to purchase power from “qualified independent power producers,” (i.e., WTE facilities), but allows states to determine the pricing formula, also known as the “standard offer.”

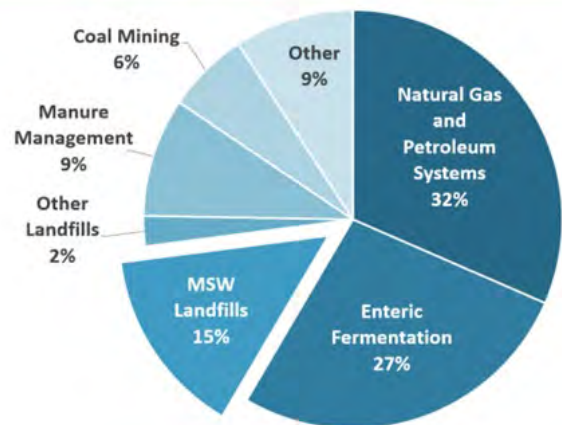
Over the past 20 years, changes in how Florida calculates the basis of the standard offer have dramatically reduced what utilities are willing to pay for WTE-generated electricity.

Why does Florida have 10 WTE facilities?

One of the reasons is because in Florida, counties are responsible, by State Statute, for the operation of solid waste facilities that meet the needs of their residents. This is a responsibility that counties cannot escape, and it works better when cities and counties are collaborating and working together to plan our solid waste future.

Methane emitted by landfills is also a significant contributor to global climate change. New data shows that methane is even more damaging than previously thought.

2020 U.S. Methane Emissions, By Source



Source: Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2020 U.S. EPA 2022

Benefits of WTE

In 1977, the Florida Legislature enacted [The Florida Resource Recovery Act](#) which mandated that the State’s 19 most populous counties study WTE as part of their Solid Waste Master Plans. The counties in which WTE provides the primary method of solid waste disposal are Florida’s most populous and economically vibrant economies. Land resources for new landfills are



dwindling and in some cases there's simply no more room to place a landfill in the area.

- WTE communities comprise 48% of Florida's population.
- Florida's WTE communities comprise more than half of the state's economy.
- Florida's 10 WTE facilities annually;
 - ✓ Avoid the landfilling of 6.5 million tons of solid waste.
 - ✓ Reduce the volume of solid waste by 90%.
 - ✓ Reduce greenhouse gas emissions by 6.5 million tons of CO₂.
 - ✓ Recycle 212,000 tons of metal; enough to build 156,000 cars.

Waste-to-energy facilities provide a safe, technologically advanced means of waste disposal that reduces greenhouse gases, generates clean energy, and recycles metal. It is a widely recognized technology that can help mitigate climate change. This is because the waste combusted at a WTE facility doesn't generate methane, as it would at a landfill; the metals that would have been sent to the landfill are recovered for recycling instead of being thrown out; and the electricity generated offsets the greenhouse gases that would otherwise have been generated from coal and natural gas power plants. WTE facilities are the only form of energy generation that reduces greenhouse gases. Additionally, the energy produced at waste-to-energy facilities is reliable baseload power, meaning that it is generated 24 hours a day, seven days a week. That provides the opportunity to not only sell electricity onto the grid, but also provide steam delivered to houses, public buildings, and industry.

FLORIDA'S RECYCLING RATE AND DISASTER DEBRIS MANAGEMENT

Allanah Irwin, MS, Environmental Manager Solid Waste
Florida DEP, Southeast District
[\[view presentation\]](#)

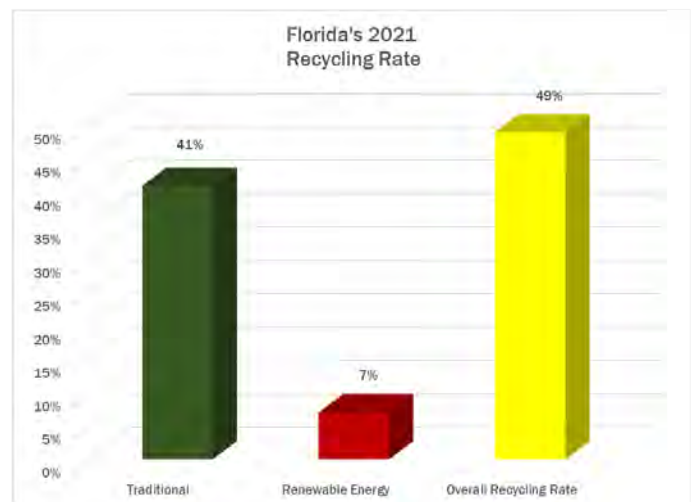
Disaster debris management locations are temporarily authorized solid waste management processing sites, subject to an Emergency Final Order. There are currently [1,030 preauthorized sites on file](#), which must be processed every year. This allows our Counties to receive FEMA funding during times of natural disasters.



It is essential to note that disaster debris management numbers are not a part of the numbers provided in Florida's recycling rate and solid waste management. Disaster debris can rapidly consume landfill capacity. The average life span of the Class 1 Landfills in the Southeast Florida region is currently 24 years, excluding disasters, so we need to act now. Section 403.706 of the Florida State Statutes:

- Established the [75% recycling goal for municipal solid waste by 2020](#).
- Directed all counties to report their recycling progress annually.
- Established interim recycling goals: 40% by 2012; 50% by 2014; 60% by 2016; and 70% by 2018.
- Directed counties, over 100,000 population, to develop a plan if the county does not achieve the interim recycling goal.
- Directed the state to identify additional programs or statutory changes if the interim recycling goals are not met.

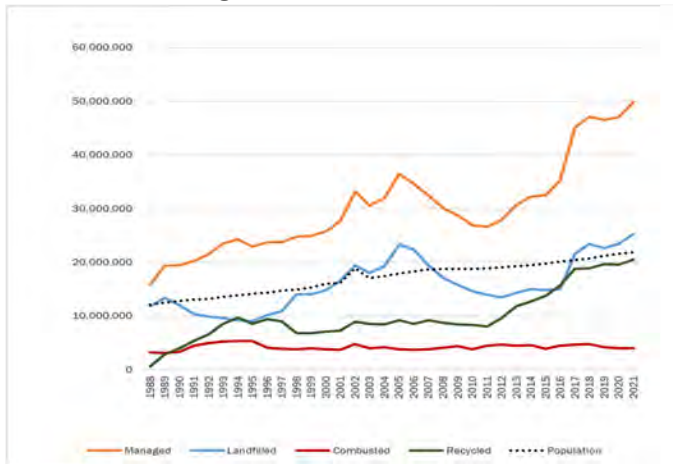
The statewide overall recycling rate, including renewable energy recycling credits, decreased from 50% in 2020 to 49% in 2021. The statewide traditional recycling rate, excluding renewable energy recycling credits, decreased from 42% in 2020 to 41% in 2021.



Source: Department of Environmental Protection



Solid Waste Management in Florida 1988 – 2021



Source: Department of Environmental Protection

Available Recycling Programs

- [Guardians of the Environment](#)
 The Guardians of the Environment curriculum was developed at the direction of the Florida Legislature with the Department of Environmental Protection. Florida science educators from across the state collaborated to create original lesson plans aligned to the Next Generation Sunshine State Standards (NGSSS) in Science.
- [F.O.R.C.E. Florida Organics Recycling Center for Excellence](#)
 FORCE is Florida's Organics recycling effort involving the Florida Department of Environmental Protection (FDEP), and public/private researchers. The mission of FORCE is to provide a framework to promote organics recycling and serve as a catalog of information on statewide efforts to streamline compost processing, research, demonstration, marketing, and education in Florida.



NEW TECHNOLOGIES

Dave Robau, Executive Director, Gulf Coast Energy Network
[\[view presentation\]](#)

Solid Waste is a Global Challenge!

Simply burning garbage is not the best idea, so the Gulf Coast Energy Network commercialized advanced solid waste processing technologies. Through our work with the Department of Defense we built the first-in-the-Air Force Plasma Gasification technology to safely process 10 TPD of Municipal Solid Waste. It will ultimately provide energy security for warfighters in the battlefield.



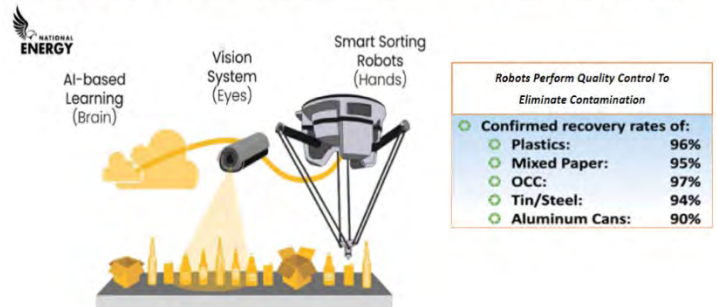
We are seeing more cardboard and plastics in our packaging materials – so we unpacked the power of garbage! All packaging materials should be recyclable or compostable. If they're not, we recommend not introducing them into the world.

Let's talk ROBOTS!

We have incorporated them into the solid waste community. We could potentially eliminate the need for solid waste landfills. We can reduce labor, provide a safer environment, use the same staff, but utilize them as technicians instead, receiving data and studying the amount and sources of solid waste being run through the system. Today, because of technological advances these robots can now sort waste into 50 different categories which boosts their economic viability.

Leveraging AI-Powered Robotic Sorting Technology

Robots increase worker safety, significantly reduce operational cost and increase recycling rates.



Source: National Energy & Gulf Coast Energy Network



Did you know?

Landfills are the 3rd largest single point source of greenhouse emissions for methane gases. What are landfills doing to your road system? Do you know how much a garbage truck weighs or what their fuel efficiency is? It's less than 3 miles to the gallon. An average garbage truck can travel up to 500 miles per day. Think of the impact to your roadways. Did you know that when Hurricane Katrina hit New Orleans, 12 years of their landfill capacity was gone in a week. We must focus on waste reduction.

ADVANCED BIOSOLIDS MANAGEMENT & NUTRIENT RECOVERY

Stanley Janicki, Chief Revenue Officer, Sedron Technologies
[\[view presentation\]](#)

How can we take Florida to the next generation of biosolids management and enable the complete elimination of land application of biosolids, reduce the landfilling of biosolids, produce renewable energy, and produce climate smart precision fertilizers that farmers and the agricultural community in Florida can use?



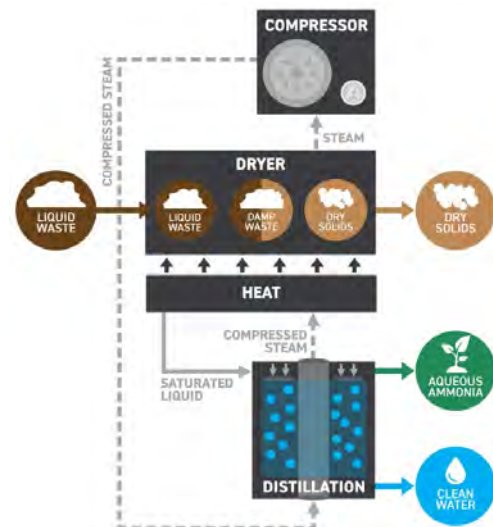
The tremendous population growth of Florida has resulted in many wastewater treatment plants receiving increased nutrient loading. Once received, these increased nutrients are difficult to remove from the plants. This causes further issues – such as the quality of their biosolids and where the biosolids go. Currently one-third of Florida's 1.7 million tons of wet biosolids go into landfills. Another one-third is land applied creating incredible deleterious impact in the environment – such as nutrient pollution from runoff. The last issue of concern is the carbon footprint, not just of water and wastewater but the other industries in Florida. Cement production and general energy production, as examples, all have a tremendous carbon impact. All of these issues can be solved with the right tools!

Introducing the VARCOR™ System

Sedron Technologies' [VARCOR system](#) provides a highly efficient solution for processing liquid waste streams that

concentrates and recovers the outputs into pathogen-free solid and liquid fractions. This approach to treatment is applicable to liquid waste streams such as:

- Wastewater biosolids
- Wastewater side stream nutrient removal (both nitrogen and phosphorus)
- Dairy waste
- Low Carbon Fuel Standard (LCFS) digestate
- Raw septage



Source: Sedron Technologies

The VARCOR can process any liquid waste stream with suspended or dissolved solids in it. This allows the VARCOR system to be 30 times more efficient than conventional evaporation. It is a complete holistic liquid waste handling system that solves nutrient pollution by stopping the land application of biosolids while simultaneously producing renewable energy and providing the Florida agricultural industry with precision, climate-smart, nitrogen fertilizer unbundled from phosphorus. Industrial scale facilities are under construction and in the planning stage now.





RECOVERED MATERIALS - RECYCLING

Ramana P. Kari, P.E., BCEE, Chief Engineer, Solid Waste Authority of Palm Beach County
Michael W. Ruiz, Assistant County Administrator, Broward County
[\[view presentation\]](#)

Recovered Materials vs. Recyclable Materials



Chapter 62-701 of the Florida Administrative Code (FAC) defines Recovered Material as metal, paper, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been

diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

Recyclable material means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

Role of Government

Reduce

- Extended Producer Responsibility (Policy)

Reuse

- Sharing (Policy and Practice)
- Right to Repair (Policy)
- Composting (Practice)

Recycle

- Goals (Policy)
- Materials Recovery Facilities (Practice)
- Collection Incentives vs. Enforcement (Practice)
- Contamination Reduction (Single Dual Stream)

Reduce, Reuse, Recycle, and RETHINK???

Think outside the recyclable collection bin

- Residential recycling is only a small % of the total.

Construction & Demolition (C&D) Debris Recycling

- Achieves diversion from the landfill.
- Sends valuable material for reuse and avoids mining of natural material.
- Increases recycling rates.

Vegetation recycling

- Achieves diversion from the landfill.
- Beneficial reuse.

Beneficial Use of WTE ash-derived aggregates (ADA)

- Avoids mining of natural material
- Reduces landfilling of ash

Advanced Metals Recovery (AMR) from WTE ash

- Additional revenue stream.
- Improves ADA quality.

Summary

- Choose a system that works for your community.
- Align recyclables with markets and seek value.
- High collection, capital, O&M, and disposal costs necessitate a cohesive approach (not a fragmented system). Economies of scale!
- Need branding and consistent messaging.
- Focus on low-hanging fruits (C&D debris, vegetation).
- Establish short- and long-term approaches.
- Set realistic goals.

REGIONAL COLLABORATION & COORDINATION

A 7-County Expert Panel "Talks Trash"



Broward County Commissioner Beam Furr, Moderator

- Challenge: When you think about what you need, think about what else your County needs beyond the solid waste community. If we are ever going to



think about bringing solid waste manufacturing to the Region, we need to pool those things together.

residents. Today, all around, our residents are satisfied.

**Himansu Mehta, Utilities and Biosolids Department
Managing Director, Indian River County**

- What You Need: Sharing lessons learned would be helpful. Our County was once part of the Central District and we valued meetings with the Directors. We need more collaboration and to share our processes and methodologies. We need more help in educating the youth, possibly using digital devices since we live in a digital age and kids know a lot of these devices.
- What We Have: We have great Commissioners who back our ideas.

**Rebecca Olson, Assistant Director of Public Utilities &
Solid Waste, St. Lucie County**

- What You Need: We need marketing assistance. Education is important to help with contamination rates and much more. We also need a glass offtake. We do have a glass processing machine which breaks bottles down into sand, and we have a lot of it, but we need to give the material that is produced away because we have an abundance.
- What You Have: Our board is very supportive, and we have been able to get agreements approved. We also have an offtake of small generators for plastic milk jugs. If it is something that you have enough of, and you don't want to put it in your landfill, we will take it & recycle it.

**Sam Amerson, Utilities and Solid Waste Department
Director, Martin County**

- What You Need: We have difficulty getting commercial recycling numbers. The recycling rates are not as accurate as they could be.
- What You Have: Our County Commission listens & supports staff. No idea is too crazy or outlandish. They want us to keep thinking outside the box. We have landfill & transfer station capacity. We also have plans to build a single stream transfer station adjacent to our current transfer station to open up the tipping floor for additional garbage. On a side note, we recently went through a competitive bid, with three bidders. Our board was not interested in the lowest price, but the level of service! It may have cost more, but we have a duty to our

**Dan Pellowitz, Solid Waste Authority Executive Director,
Palm Beach County**

- What You Need: We have 30 years with waste-to-energy experience and need to do better at educating the community on what we have and what we do. Additionally, it would also be helpful to have additional standby reciprocal agreements, we currently have agreements in place with Okeechobee and the Jet Landfill. Lastly, our landfill is set to expire in 2054. In this line of business, if you're less than 10 years away, then you're already behind, so we will be looking to extend the life of our landfill.
- What You Have: We have excess capacity in our recycling center and have offered our assistance, in a pinch, if someone needs it, we can assist quickly.

**Kevin Kelleher, Assistant County Administrator, Broward
County**

- What You Need: We need a structure built to address the issue collaboratively. We currently have an energy plant with little life left, but we



- need newer options and more space. We need a material recovery facility (MRF) as well, hopefully we can work collaboratively.
- What You Have: We have 31 Cities & a County Commission that recognizes that this is a problem. A working group has been created to address this issue and form a Countywide solid waste authority.
- Thoughts on Education: We do not believe people generally understand the totality of the problem. Elected officials are aware, but there also comes a cost, then there are political ramifications & it results in an uninformed community. With respect to the elected fronts, we believe we can address the commercial community which will help tremendously, but then the cost is passed on to the community, but it will help the problem



significantly. It is good to prepare the public for policy!

have arranged different tours, as well as special interest groups, and Commissioners.

Michael Fernandez, Director, Miami-Dade County Department of Solid Waste Management



- What We Need: Capacity is a huge issue for Miami-Dade County. We have our development boundary, but we are limited on space.
- What You Have: We have a waste-to-energy facility. It has expanded our capacity. It is also still a need in other areas, and since recycling is expensive, it is necessary more so than landfills. We must recycle better! We don't have a county-owned materials recovery facility (MRF), but they are controlled by the private sector, therefore maybe a partnership is appropriate.
- Thoughts on Education: There's a misconception that we landfill everything. We are the masters of waste, and we manage 1.8 million tons but that's only one-third of what's really out there. In actuality there is a total of 5 million tons that we don't even touch. One thing we had previously decided is to add language to our trucks that your trash is turned into energy, we've done marketing, youth education, and commercials and it has helped open the eyes of our residents. Messaging is important. Secondly, our recycling program is important, but cities also have their own program, and it can get very confusing for the public. We are attempting to create an app to let people see what is and isn't a part of our program. Standardization would be beneficial for clarity and compliance.

What would the panel like to see the Councils & our policy makers do moving forward?

Cheryl Sullivan, Director, Monroe County Solid Waste Management

- Plastic Film Recycling additions and a Bottle Bill would be helpful. It would also help to have commercial recycling mandated.
- More collaboration!
- Commercial recycling because we need help. And more regional conversations. Our planning councils are vital to this step!
- A change in the avoided-cost-calculation to allow WTE facilities to make more than 2-3 cents per kilowatt hour since the market rate is currently at 11-12 cents.
- We need to look at PFAS and PFOA and will need some clear direction from Tallahassee as to what it means for the solid waste community.
- We need to look internally at our own practices as well. Point of the day, there is one recycle bin in the room here and it has a plastic bag, which means it was going to be thrown away with the other garbage. We need to start looking at ourselves before we can impose on others. We need to practice what we preach!
- Financing the waste-to-energy facilities better. Funding is important, especially for startup programs. We need to look more at building infrastructure and not just programs.
- We must get the attention of the folks with the money and power to help us with infrastructure. Implementing a Bottle Bill and getting commercial owners on board is also a priority.

- What You Need: We could use a buy-in from commercial partners. Until it becomes an absolute "you must do this", they do not participate. They are a large part of our recycling issue.
- What You Have: We have a resilient community. We have a concerned and participatory Commission. We all make trash, we all make garbage, and we all must work together.
- Thoughts on Education: There is a misconception that recycling all just goes into the trash & not really recycled, so for us it's important to keep pushing the message out to the community. They should also know more about the MRF centers and how they work. In working with waste management, we

Martin County Commissioner Doug Smith encouraged the team to go back amongst themselves and provide the policy makers with a work product that says, *we need this thing out of the legislature this year, it would be a huge game changer for us.*



SUMMARY & NEXT STEPS

The South Florida and Treasure Coast Regional Planning Councils look forward to addressing the following topics and better serving you to help make our Region a better, safer, and cleaner environment to live in:

- Public Education
- Attacking the Construction, Demolition & Vegetation components of the Trash Stream
- Concepts for Regional Cooperation
- Looking at the Transportation Implications
- Hosting a “What Do You Have? What Do You Need?” Conversation to include manufacturers and end-users
- Hosting periodic Solid Waste Management Directors meetings for the Region
- Hosting a Cost Avoidance Conversation
- Covering Legislative Concerns for Solid Waste Management Directors

“One thing I would say about this group, and if you’ve been in this long enough, the friendships that you build, the relationships you build, the partnerships we build in these two Regional Planning Councils is incredibly powerful. It was said earlier, that if we can get our minds wrapped around an idea and we represent 6 million, 7 million, whatever that population number is and we go to D.C. or we go to Tallahassee, that’s an amazing influencer on policy.”

~ Doug Smith, Martin County Commissioner



For additional information, please contact:

South Florida Regional Planning Council
(954) 924-3653 | sfadmin@sfrpc.com

and/or

Treasure Coast Regional Planning Council
(772) 221-4060 | lgulick@tcrpc.org



MEMORANDUM

AGENDA ITEM # 7

DATE: FEBUARY 17, 2023

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: FLORIDA'S CORAL REEF – DEP'S CORAL PROTECTION AND RESTORATION PROGRAM AND CORAL REEF CONSERVATION ACT REAUTHORIZATION (PASSED AS PART OF THE FY 2023 NATIONAL DEFENSE AUTHORIZATION ACT)

Please welcome Joanna C. Walczak, Administrator, Coral Protection and Restoration Program, Office of Resilience and Coastal Protection, Florida Department of Environmental Protection for a presentation.

Ms. Walczak has provided the following reference materials for your review:

1. Governor's Budget Highlights: Environment: <https://www.flgov.com/wp-content/uploads/2023/02/FY-23-24-Governor-Rec-Budget-Highlights-FINAL-1.31.23.pdf>
2. U.S. Coral Reef Conservation Act Reauthorization
3. Coral Reef Restoration for Risk Reduction (CR4): A Guide to Project Design and Proposal Development: https://coralreef.gov/assets/about/cr4_guide_nov2022_508.pdf

Recommendation:

Information Only.

FRAMEWORK FOR FREEDOM



FISCAL YEAR 2023-2024

Environment

Florida natural resources are the foundation of Florida's communities, economy, and way of life, and the protection of Florida's environment remains a key focus of Governor DeSantis. With record investments over the past four years, Florida has ushered in a new area of stewardship for Florida's natural resources, including the Everglades. The Framework for Freedom Budget continues this historic momentum, with significant investments made for Fiscal Year 2023-24. As part of more than \$6.8 billion in funding to protect our environment, agriculture and natural resources, the budget includes over \$3.5 billion specifically for the Department of Environmental Protection (DEP).

Continued Improvements for Water Quality, Quantity and Supply

In Executive Order 19-12, among other major environmental reforms, Governor DeSantis called for \$2.5 billion to be invested over four years for the protection of water resources, an increase of \$1 billion over the previous four years. The Governor surpassed that goal by securing over \$3.3 billion. Governor DeSantis builds on this historic investment with Executive Order 23-06, calling for \$3.5 billion over the next four years for Everglades restoration and protection of our water resources, including water quality and water supply. The Fiscal Year 2023-24 budget initiates this investment, by dedicating more than \$1.1 billion.

The Framework for Freedom Budget includes more than \$614 million for Everglades restoration projects, including:

- \$58 million for Restoration Strategies.
- \$182.2 million for the Comprehensive Everglades Restoration Plan (CERP).
- \$86.3 million for the C-43 West Basin Reservoir Storage Project.
- \$152 million for the EAA Reservoir to continue the momentum of this critical project to reduce harmful discharges and help send more clean water south of the Everglades.
- \$50 million is included for specific project components designed to achieve the greatest reductions in harmful discharges to the Caloosahatchee and St. Lucie Estuaries as identified in the Comprehensive Everglades Restoration Plan Lake Okeechobee Watershed Restoration Project Draft Integrated Project Implementation Report and Environmental Impact Statement dated August 2020.
- \$86.1 million is included for the Northern Everglades and Estuaries Protection Program.

The Framework for Freedom Budget also includes \$370 million for targeted water quality improvements to achieve significant, meaningful and measurable nutrient reductions in key waterbodies across the state and to implement the recommendations of the Blue-Green Algae Task Force. This includes:

FRAMEWORK FOR FREEDOM



FISCAL YEAR 2023-2024

- \$200 million for the wastewater grant program for projects to construct, upgrade or expand wastewater facilities, to provide advanced wastewater treatment and to convert from septic to sewer.
- \$100 million for the new Indian River Lagoon (IRL) Protection Program for priority projects to improve water quality in the IRL.
- \$50 million to accelerate projects to meet scientific nutrient reduction goals, called Total Maximum Daily Loads, which may include green infrastructure investments or land conservation to protect our water resources.
- \$20 million for critical infrastructure including wastewater and stormwater projects that address water quality impairments and coral reef restoration in Biscayne Bay.

On top of the investment in targeted water quality improvements, the Framework for Freedom Budget includes \$50 million to restore Florida's world-renowned springs. This funding may also be used for land acquisition to protect springsheds and is crucial to supporting homeowners and local communities as they work with the state to achieve septic and nutrient reduction requirements.

The Framework for Freedom Budget includes \$85 million for the continued stabilization, water treatment, and closure of Piney Point.

The Framework for Freedom Budget invests \$65 million to improve water quality and combat the effects and impacts of harmful algal blooms, including blue-green algae and red tide. The Framework for Freedom Budget includes the following:

- \$10 million for innovative technologies and short-term solutions to aid in the prevention, cleanup and mitigation of harmful algal blooms.
- \$10.8 million to increase water quality monitoring, support the Blue-Green Algae Task Force, and to maintain and improve the water quality public information portal.
- \$30 million for harmful algal blooms mitigation to implement water quality treatment technologies to combat harmful algal blooms in Lake Okeechobee.
- \$10 million to assist county governments with their responses to emergency conditions associated with harmful algal blooms and red tide events that may impact public health, Florida's environment and fragile ecosystems, including beaches and wildlife.
- \$4.2 million in funding for continued support of research activities conducted by the Center for Red Tide Research.

\$50 million is provided for the Alternative Water Supply Grant Program to help communities plan for and implement vital conservation, reuse and other alternative water supply projects. DEP will continue to engage local governments, industry, universities and water management districts to identify and research all viable

FRAMEWORK FOR FREEDOM



FISCAL YEAR 2023-2024

alternative water supply sources and is working to provide an assessment of funding needs critical to supporting Florida's growing economy.

Further Protection of our Valuable and Vulnerable Coastlines

In Fiscal Year 2021-22, Governor DeSantis championed the passage of the Resilient Florida Grant Program which enhances our efforts to protect our inland waterways, coastlines, shores and coral reefs, which serve as invaluable natural defenses against sea level rise.

The Framework for Freedom Budget invests over \$406 million for resiliency, including \$350 million for implementation of statewide resilience projects and \$56 million for resiliency planning and coral reef protection.

Protecting Florida's 1,300 miles of coastline is critical to our growing economy and quality of life, as millions travel from around the world to visit our world-renowned beaches. The Framework for Freedom Budget includes \$50 million in beach nourishment funding to continue addressing Florida's critically eroded shorelines. In addition, Governor DeSantis recommends \$106 million for Hurricanes Ian and Nicole beach erosion recovery projects to fully fund DEP's *Hurricanes Ian and Nicole Recovery Plan for Florida's Beach and Dune Systems*.

Florida's Coral Reef Restoration and Recovery Initiative

Included within \$21.2 million for coral reef protection is \$10.2 million to implement Florida's Coral Reef Restoration and Recovery Initiative to restore 25 percent of Florida's Coral Reef by 2050. Through facilitating an unprecedented, evidence-based propagation and outplanting program conducted by the state and its partners, Florida's Coral Reef will be restocked with hardy populations of native corals and other keystone species to re-establish and strengthen natural reproduction, dispersal, and recruitment patterns. Florida's Coral Reef Restoration and Recovery Initiative will significantly enhance flood protection in Southeast Florida and strengthen coastal economies.

Apalachicola Bay Oyster Restoration

The Framework for Freedom Budget includes \$15 million to support the ongoing oyster restoration operation in Apalachicola Bay. This investment will double the supported acreage from 1,000 to 2,000 acres of durable oyster habitat.

Investing in Clean Lands and Air

The Framework for Freedom Budget includes more than \$194 million for the cleanup of contaminated sites with a focus on promoting redevelopment of these areas once cleanup has been completed. Working with federal and local partners, cleanup and redevelopment of these sites will ensure Florida's new businesses and growing

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communities can safely develop and our economy can continue to grow. Specific investments include:

- \$180 million for Petroleum Tanks Cleanup;
- \$9 million for Dry Cleaning Solvent Contaminated Site Cleanup;
- \$5.5 million for Hazardous Waste Contaminated Site Cleanup.

A Commitment to Florida's Prized Properties and Waterways

The Framework for Freedom Budget includes \$145 million to protect our prized properties and waterways in Florida. This funding will ensure all Floridians have access to enjoy our pristine natural environment, while protecting these unique natural resources and investing in the management of our state-owned lands.

As land acquisition is vital to both our economic growth and environmental protection, the Framework for Freedom Budget includes \$100 million for the Florida Forever Program, the state's premier conservation and recreation land acquisition program. This includes:

- \$75 million for the Division of State Lands to acquire land with a focus on protecting our water resources for Floridians and visitors, including lands within the Florida Wildlife Corridor.
- \$15 million for the Florida Communities Trust component of Florida Forever, which provides funding to local governments and eligible non-profit environmental organizations for the acquisition of community-based parks, open space and greenways that further outdoor recreation and natural resource protection needs.
- \$10 million for the Florida Recreation Development Assistance Program (FRDAP), which provides competitive recreational grants to local governments for the acquisition and/or development of land for public outdoor recreation.

Florida's State Parks have won the National Gold Medal a record four times for having the best state park system in the nation. The Framework for Freedom Budget dedicates \$45 million to infrastructure improvements and resource management with the goal of maintaining this high standard and ensuring all visitors and residents alike have access to these prized properties for generations to come.

Defending Florida's Everglades from Invasive Species

Governor DeSantis has prioritized efforts to remove the invasive Burmese python from the Everglades. The Framework for Freedom Budget includes up to \$3.4 million for the Florida Fish and Wildlife Conservation Commission to remove pythons from the Everglades.

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Investing in Florida's Agriculture and Citrus Industry

The Framework for Freedom Budget includes more than \$2.7 billion for Florida's agricultural industry. In order to preserve Florida's iconic citrus industry, the budget invests \$29.4 million for citrus research and the Citrus Health Response Program. This includes \$15 million for the Department of Citrus for the expansion of the eCommerce and digital marketing program, which is focused on driving sales of Florida Citrus products through eCommerce partnerships with retail grocers and online shopping platforms.

Combatting Wildfires

Also, recognizing the importance of effectively combatting wildfires, the budget includes \$11.5 million for wildfire suppression equipment and \$4.9 million for road and bridge maintenance to allow for better access for land management and wildfire suppression activities.

Sec. 10406. Marine Mammal Rescue and Response Grant Program and Rapid Response Fund.

Sec. 10407. Health MAP.

Sec. 10408. Reports to Congress.

Sec. 10409. Authorization of appropriations.

Sec. 10410. Definitions.

Sec. 10411. Study on marine mammal mortality.

TITLE CV—VOLCANIC ASH AND FUMES

Sec. 10501. Modifications to National Volcano Early Warning and Monitoring System.

TITLE CVI—LEARNING EXCELLENCE AND GOOD EXAMPLES FROM NEW DEVELOPERS

Sec. 10601. Learning excellence and good examples from new developers.

1 **TITLE C—CORAL REEF**
 2 **CONSERVATION**
 3 **Subtitle A—Reauthorization of**
 4 **Coral Reef Conservation Act of 2000**

5 **SEC. 10001. REAUTHORIZATION OF CORAL REEF CONSERVA-**
 6 **TION ACT OF 2000.**

7 (a) *IN GENERAL.*—*The Coral Reef Conservation Act*
 8 *of 2000 (16 U.S.C. 6401 et seq.) is amended by striking*
 9 *sections 202 through 210 and inserting the following:*

10 **“SEC. 202. PURPOSES.**

11 *“The purposes of this title are—*

12 *“(1) to conserve and restore the condition of*
 13 *United States coral reef ecosystems challenged by nat-*
 14 *ural and human-accelerated changes, including in-*
 15 *creasing ocean temperatures, changing ocean chem-*
 16 *istry, coral bleaching, coral diseases, water quality*
 17 *degradation, invasive species, and illegal, unreported,*
 18 *and unregulated fishing;*

1 “(2) to promote the science-based management
2 and sustainable use of coral reef ecosystems to benefit
3 local communities and the Nation, including through
4 improved integration and cooperation among Federal
5 and non-Federal stakeholders responsible for man-
6 aging coral reef resources;

7 “(3) to develop sound scientific information on
8 the condition of coral reef ecosystems, continuing and
9 emerging threats to such ecosystems, and the efficacy
10 of innovative tools, technologies, and strategies to
11 mitigate stressors and restore such ecosystems, includ-
12 ing evaluation criteria to determine the effectiveness
13 of management interventions, and accurate mapping
14 for coral reef restoration;

15 “(4) to assist in the preservation of coral reefs by
16 supporting science-based, consensus-driven, and com-
17 munity-based coral reef management by covered
18 States and covered Native entities, including moni-
19 toring, conservation, and restoration projects that em-
20 power local communities, small businesses, and non-
21 governmental organizations;

22 “(5) to provide financial resources, technical as-
23 sistance, and scientific expertise to supplement, com-
24 plement, and strengthen community-based manage-

1 *ment programs and conservation and restoration*
2 *projects of non-Federal reefs;*

3 “(6) *to establish a formal mechanism for col-*
4 *lecting and allocating monetary donations from the*
5 *private sector to be used for coral reef conservation*
6 *and restoration projects;*

7 “(7) *to support rapid, effective, and science-based*
8 *assessment and response to exigent circumstances that*
9 *pose immediate and long-term threats to coral reefs,*
10 *including—*

11 “(A) *coral disease outbreaks;*

12 “(B) *invasive or nuisance species;*

13 “(C) *coral bleaching;*

14 “(D) *natural disasters; and*

15 “(E) *industrial or mechanical disasters, in-*
16 *cluding vessel groundings, hazardous spills, and*
17 *coastal construction accidents; and*

18 “(8) *to serve as a model for advancing similar*
19 *international efforts to monitor, conserve, and restore*
20 *coral reef ecosystems.*

21 **“SEC. 203. FEDERAL CORAL REEF MANAGEMENT AND RES-**
22 **TORATION ACTIVITIES.**

23 “(a) *IN GENERAL.—The Administrator, the Secretary*
24 *of the Interior, or the Secretary of Commerce may conduct*
25 *activities described in subsection (b) to conserve and restore*

1 *coral reefs and coral reef ecosystems that are consistent*
2 *with—*

3 “(1) *all applicable laws governing resource man-*
4 *agement in Federal and State waters, including this*
5 *Act;*

6 “(2) *the National Coral Reef Resilience Strategy;*
7 *and*

8 “(3) *coral reef action plans in effect under sec-*
9 *tion 205, as applicable.*

10 “(b) *ACTIVITIES DESCRIBED.—Activities described in*
11 *this subsection are activities to conserve, research, monitor,*
12 *assess, and restore coral reefs and coral reef ecosystems in*
13 *waters managed under the jurisdiction of a Federal agency*
14 *specified in subsection (c) or in coordination with a State*
15 *in waters managed under the jurisdiction of such State, in-*
16 *cluding—*

17 “(1) *developing, including through the collection*
18 *of requisite in situ and remotely sensed data, high-*
19 *quality and digitized maps reflecting—*

20 “(A) *current and historical live coral cover*
21 *data;*

22 “(B) *coral reef habitat quality data;*

23 “(C) *priority areas for coral reef conserva-*
24 *tion to maintain biodiversity and ecosystem*
25 *structure and function, including the reef ma-*

1 *trix, that benefit coastal communities and living*
2 *marine resources;*

3 “(D) *priority areas for coral reef restora-*
4 *tion to enhance biodiversity and ecosystem struc-*
5 *ture and function, including the reef matrix, to*
6 *benefit coastal communities and living marine*
7 *resources; and*

8 “(E) *areas of concern that may require en-*
9 *hanced monitoring of coral health and cover;*

10 “(2) *enhancing compliance with Federal laws*
11 *that prohibit or regulate—*

12 “(A) *the taking of coral products or species*
13 *associated with coral reefs; or*

14 “(B) *the use and management of coral reef*
15 *ecosystems;*

16 “(3) *long-term ecological monitoring of coral reef*
17 *ecosystems;*

18 “(4) *implementing species-specific recovery plans*
19 *for listed coral species consistent with the Endangered*
20 *Species Act of 1973 (16 U.S.C. 1531 et seq.);*

21 “(5) *restoring degraded coral reef ecosystems;*

22 “(6) *reducing land-based stressors to coral reef*
23 *ecosystems;*

24 “(7) *promoting ecologically sound navigation*
25 *and anchorages, including through navigational aids*

1 *and expansion of reef-safe anchorages and mooring*
2 *buoy systems, to enhance recreational access while*
3 *preventing or minimizing the likelihood of vessel im-*
4 *pacts or other physical damage to coral reefs;*

5 *“(8) monitoring and responding to severe bleach-*
6 *ing or mortality events, disease outbreaks, invasive*
7 *species outbreaks, and significant maritime accidents,*
8 *including hazardous spill cleanup and the removal of*
9 *grounded vessels;*

10 *“(9) conducting scientific research that contrib-*
11 *utes to the understanding, sustainable use, and long-*
12 *term conservation of coral reefs;*

13 *“(10) enhancing public awareness, under-*
14 *standing, and appreciation of coral reefs and coral*
15 *reef ecosystems and their ecological and socioeconomic*
16 *value; and*

17 *“(11) centrally archiving, managing, and dis-*
18 *tributing on a public website data sets and coral reef*
19 *ecosystem assessments, including the data repositories*
20 *of the Coral Reef Conservation Program of the Na-*
21 *tional Oceanic and Atmospheric Administration.*

22 *“(c) FEDERAL AGENCIES SPECIFIED.—A Federal*
23 *agency specified in this subsection is one of the following:*

24 *“(1) The National Oceanic and Atmospheric Ad-*
25 *ministration.*

1 “(2) *The National Park Service.*

2 “(3) *The United States Fish and Wildlife Serv-*
3 *ice.*

4 “(4) *The Office of Insular Affairs.*

5 **“SEC. 204. NATIONAL CORAL REEF RESILIENCE STRATEGY.**

6 “(a) *IN GENERAL.—The Administrator shall—*

7 “(1) *not later than 2 years after the date of the*
8 *enactment of the James M. Inhofe National Defense*
9 *Authorization Act for Fiscal Year 2023, develop a na-*
10 *tional coral reef resilience strategy; and*

11 “(2) *review and revise the strategy—*

12 “(A) *not less frequently than once every 15*
13 *years;*

14 “(B) *not less frequently than once every 5*
15 *years, in the case of guidance on best practices*
16 *under subsection (b)(4); and*

17 “(C) *as appropriate.*

18 “(b) *ELEMENTS.—The strategy required by subsection*
19 *(a) shall include the following:*

20 “(1) *A discussion addressing—*

21 “(A) *continuing and emerging threats to the*
22 *resilience of United States coral reef ecosystems;*

23 “(B) *remaining gaps in coral reef ecosystem*
24 *research, monitoring, and assessment;*

1 “(C) *the status of management cooperation*
2 *and integration among Federal reef managers*
3 *and covered reef managers;*

4 “(D) *the status of efforts to manage and*
5 *disseminate critical information, and enhance*
6 *interjurisdictional data sharing, related to re-*
7 *search, reports, data sets, and maps;*

8 “(E) *areas of special focus, which may in-*
9 *clude—*

10 “(i) *improving natural coral recruit-*
11 *ment;*

12 “(ii) *preventing avoidable losses of cor-*
13 *als and their habitat;*

14 “(iii) *enhancing the resilience of coral*
15 *populations;*

16 “(iv) *supporting a resilience-based*
17 *management approach;*

18 “(v) *developing, coordinating, and im-*
19 *plementing watershed management plans;*

20 “(vi) *building and sustaining water-*
21 *shed management capacity at the local level;*

22 “(vii) *providing data essential for*
23 *coral reef fisheries management;*

24 “(viii) *building capacity for coral reef*
25 *fisheries management;*

1 “(ix) increasing understanding of coral
2 reef ecosystem services;

3 “(x) educating the public on the im-
4 portance of coral reefs, threats and solu-
5 tions; and

6 “(xi) evaluating intervention efficacy;

7 “(F) the status of conservation efforts, in-
8 cluding the use of marine protected areas to serve
9 as replenishment zones developed consistent with
10 local practices and traditions and in cooperation
11 with, and with respect for the scientific, tech-
12 nical, and management expertise and respon-
13 sibilities of, covered reef managers;

14 “(G) science-based adaptive management
15 and restoration efforts; and

16 “(H) management of coral reef emergencies
17 and disasters.

18 “(2) A statement of national goals and objectives
19 designed to guide—

20 “(A) future Federal coral reef management
21 and restoration activities authorized under sec-
22 tion 203;

23 “(B) conservation and restoration priorities
24 for grants awarded under section 211; and

1 “(C) research priorities for the reef research
2 coordination institutes designated under section
3 213(b)(1)(B).

4 “(3) A designation of priority areas for con-
5 servation, and priority areas for restoration, to sup-
6 port the review and approval of grants under section
7 211(e).

8 “(4) Technical assistance in the form of general
9 templates for use by covered reef managers and Fed-
10 eral reef managers to guide the development of coral
11 reef action plans under section 205, including guid-
12 ance on the best science-based practices to respond to
13 coral reef emergencies that can be included in coral
14 reef action plans.

15 “(c) CONSULTATIONS.—In developing all elements of
16 the strategy required by subsection (a), the Administrator
17 shall—

18 “(1) consult with the Secretary of the Interior,
19 the Task Force, covered States, and covered Native en-
20 tities;

21 “(2) consult with the Secretary of Defense, as ap-
22 propriate;

23 “(3) engage stakeholders, including covered
24 States, coral reef stewardship partnerships, reef re-
25 search institutes and research centers described in sec-

1 *tion 213, and recipients of grants under section 211;*
2 *and*

3 *“(4) solicit public review and comment regard-*
4 *ing scoping and the draft strategy.*

5 *“(d) SUBMISSION TO CONGRESS; PUBLICATION.—The*
6 *Administrator shall—*

7 *“(1) submit the strategy required by subsection*
8 *(a) and any revisions to the strategy to the appro-*
9 *priate congressional committees; and*

10 *“(2) publish the strategy and any such revisions*
11 *on public websites of—*

12 *“(A) the Coral Reef Conservation Program*
13 *of the National Oceanic and Atmospheric Ad-*
14 *ministration; and*

15 *“(B) the Task Force.*

16 **“SEC. 205. CORAL REEF ACTION PLANS.**

17 *“(a) PLANS PREPARED BY FEDERAL REEF MAN-*
18 *AGERS.—*

19 *“(1) IN GENERAL.—Not later than 3 years after*
20 *the date of the enactment of the James M. Inhofe Na-*
21 *tional Defense Authorization Act for Fiscal Year 2023*
22 *and 2 years after the date of publication of each Na-*
23 *tional Coral Reef Resilience Strategy, each Federal*
24 *reef manager shall—*

1 “(A) prepare a coral reef action plan to
2 guide management and restoration activities to
3 be undertaken within the responsibilities and ju-
4 risdiction of the manager; or

5 “(B) in the case of a reef under the jurisdic-
6 tion of a Federal reef manager for which there
7 is an action plan in effect as of such date of en-
8 actment, update that plan to comply with the re-
9 quirements of this subsection.

10 “(2) *ELEMENTS*.—A plan prepared under para-
11 graph (1) by a Federal reef manager shall include a
12 discussion of the following:

13 “(A) Short- and medium-term coral reef
14 conservation and restoration objectives within
15 the jurisdiction of the manager.

16 “(B) A current adaptive management
17 framework to inform research, monitoring, and
18 assessment needs.

19 “(C) Tools, strategies, and partnerships nec-
20 essary to identify, monitor, and address pollu-
21 tion, water quality, and other negative impacts
22 to coral reef ecosystems within the jurisdiction of
23 the manager.

24 “(D) The status of efforts to improve coral
25 reef ecosystem management cooperation and inte-

1 *gration between Federal reef managers and cov-*
2 *ered reef managers, including the identification*
3 *of existing research and monitoring activities*
4 *that can be leveraged for coral reef status and*
5 *trends assessments within the jurisdiction of the*
6 *manager.*

7 *“(E) Estimated budgetary and resource con-*
8 *siderations necessary to carry out the plan.*

9 *“(F) Contingencies for response to and re-*
10 *covery from emergencies and disasters.*

11 *“(G) In the case of an updated plan, an-*
12 *annual records of significant management and res-*
13 *toration actions taken under the previous plan,*
14 *cash and noncash resources used to undertake the*
15 *actions, and the source of such resources.*

16 *“(H) Documentation by the Federal reef*
17 *manager that the plan is consistent with the Na-*
18 *tional Coral Reef Resilience Strategy.*

19 *“(I) A data management plan to ensure*
20 *data, assessments, and accompanying informa-*
21 *tion are appropriately preserved, curated, pub-*
22 *licly accessible, and broadly reusable.*

23 *“(3) SUBMISSION TO TASK FORCE.—Each Fed-*
24 *eral reef manager shall submit a plan prepared under*
25 *paragraph (1) to the Task Force.*

1 “(4) *APPLICATION OF ADMINISTRATIVE PROCE-*
2 *DURE ACT.—Each plan prepared under paragraph*
3 *(1) shall be subject to the requirements of subchapter*
4 *II of chapter 5, and chapter 7, of title 5, United*
5 *States Code (commonly known as the ‘Administrative*
6 *Procedure Act’).*

7 “(b) *PLANS PREPARED BY COVERED REEF MAN-*
8 *AGERS.—*

9 “(1) *IN GENERAL.—A covered reef manager may*
10 *elect to prepare, submit to the Task Force, and main-*
11 *tain a coral reef action plan to guide management*
12 *and restoration activities to be undertaken within the*
13 *responsibilities and jurisdiction of the manager.*

14 “(2) *EFFECTIVE PERIOD.—A plan prepared*
15 *under this subsection shall remain in effect for 5*
16 *years, or until an updated plan is submitted to the*
17 *Task Force, whichever occurs first.*

18 “(3) *ELEMENTS.—A plan prepared under para-*
19 *graph (1) by a covered reef manager—*

20 “(A) *shall contain a discussion of—*

21 “(i) *short- and medium-term coral reef*
22 *conservation and restoration objectives with-*
23 *in the jurisdiction of the manager;*

1 “(ii) estimated budgetary and resource
2 considerations necessary to carry out the
3 plan;

4 “(iii) in the case of an updated plan,
5 annual records of significant management
6 and restoration actions taken under the pre-
7 vious plan, cash and noncash resources used
8 to undertake the actions, and the source of
9 such resources; and

10 “(iv) contingencies for response to and
11 recovery from emergencies and disasters;
12 and

13 “(B) may contain a discussion of—

14 “(i) the status of efforts to improve
15 coral reef ecosystem management coopera-
16 tion and integration between Federal reef
17 managers and covered reef managers, in-
18 cluding the identification of existing re-
19 search and monitoring activities that can be
20 leveraged for coral reef status and trends as-
21 sessments within the jurisdiction of the
22 manager;

23 “(ii) a current adaptive management
24 framework to inform research, monitoring,
25 and assessment needs;

1 “(iii) tools, strategies, and partner-
2 ships necessary to identify, monitor, and
3 address pollution and water quality im-
4 pacts to coral reef ecosystems within the ju-
5 risdiction of the manager; and

6 “(iv) a data management plan to en-
7 sure data, assessments, and accompanying
8 information are appropriately preserved,
9 curated, publicly accessible, and broadly re-
10 usable.

11 “(c) *TECHNICAL ASSISTANCE.*—*The Administrator*
12 *and the Task Force shall make reasonable efforts to provide*
13 *technical assistance upon request by a Federal reef manager*
14 *or covered reef manager developing a coral reef action plan*
15 *under this section.*

16 “(d) *PUBLICATION.*—*The Administrator shall publish*
17 *each coral reef action plan prepared and submitted to the*
18 *Task Force under this section on the public website of the*
19 *Coral Reef Conservation Program of the National Oceanic*
20 *and Atmospheric Administration.*

21 “**SEC. 206. CORAL REEF STEWARDSHIP PARTNERSHIPS.**

22 “(a) *IN GENERAL.*—*To further community-based stew-*
23 *ardship of coral reefs, coral reef stewardship partnerships*
24 *for Federal and non-Federal coral reefs may be established*
25 *in accordance with this section.*

1 “(b) *STANDARDS AND PROCEDURES.*—*The Adminis-*
2 *trator shall develop and adopt—*

3 “(1) *standards for identifying individual coral*
4 *reefs and ecologically significant units of coral reefs;*
5 *and*

6 “(2) *processes for adjudicating multiple appli-*
7 *cants for stewardship of the same coral reef or eco-*
8 *logically significant unit of a reef to ensure no geo-*
9 *graphic overlap in representation among stewardship*
10 *partnerships authorized by this section.*

11 “(c) *MEMBERSHIP FOR FEDERAL CORAL REEFS.*—*A*
12 *coral reef stewardship partnership that has identified, as*
13 *the subject of its stewardship activities, a coral reef or eco-*
14 *logically significant unit of a coral reef that is fully or par-*
15 *tially under the management jurisdiction of any Federal*
16 *agency specified in section 203(c) shall, at a minimum, in-*
17 *clude the following:*

18 “(1) *That Federal agency, a representative of*
19 *which shall serve as chairperson of the coral reef stew-*
20 *ardship partnership.*

21 “(2) *A State or county’s resource management*
22 *agency to the extent that such partnership covers a*
23 *reef within such States or county’s jurisdiction.*

24 “(3) *A coral reef research center designated*
25 *under section 212(b).*

1 “(4) *A nongovernmental organization.*

2 “(5) *A covered Native entity culturally affiliated*
3 *with the subject reef or ecologically significant unit,*
4 *if any.*

5 “(6) *Such other members as the partnership con-*
6 *siders appropriate, such as interested stakeholder*
7 *groups and covered Native entities.*

8 “(d) *MEMBERSHIP FOR NON-FEDERAL CORAL*
9 *REEFS.—*

10 “(1) *IN GENERAL.—A coral reef stewardship*
11 *partnership that has identified, as the subject of its*
12 *stewardship activities, a coral reef or ecologically sig-*
13 *nificant component of a coral reef that is not under*
14 *the management jurisdiction of any Federal agency*
15 *specified in section 203(c) shall, at a minimum, in-*
16 *clude the following:*

17 “(A) *A State or county’s resource manage-*
18 *ment agency or a covered Native entity, a rep-*
19 *resentative of which shall serve as the chair-*
20 *person of the coral reef stewardship partnership.*

21 “(B) *A coral reef research center designated*
22 *under section 212(b).*

23 “(C) *A nongovernmental organization.*

1 “(D) *Such other members as the partner-*
2 *ship considers appropriate, such as interested*
3 *stakeholder groups.*

4 “(2) *ADDITIONAL MEMBERS.—*

5 “(A) *IN GENERAL.—Subject to subpara-*
6 *graph (B), a coral reef stewardship partnership*
7 *described in paragraph (1) may also include*
8 *representatives of one or more Federal agencies.*

9 “(B) *REQUESTS; APPROVAL.—A representa-*
10 *tive of a Federal agency described in subpara-*
11 *graph (A) may become a member of a coral reef*
12 *stewardship partnership described in paragraph*
13 *(1) if—*

14 “(i) *the representative submits a re-*
15 *quest to become a member to the chair-*
16 *person of the partnership referred to in*
17 *paragraph (1)(A); and*

18 “(ii) *the chairperson consents to the re-*
19 *quest.*

20 “(e) *NONAPPLICABILITY OF FEDERAL ADVISORY COM-*
21 *MITTEE ACT.—The Federal Advisory Committee Act (5*
22 *U.S.C. App.) shall not apply to coral reef stewardship part-*
23 *nerships under this section.*

1 **“SEC. 207. BLOCK GRANTS.**

2 “(a) *IN GENERAL.*—*In each fiscal year beginning in*
3 *fiscal year 2023 and subject to the availability of appro-*
4 *priations, the Administrator shall provide block grants of*
5 *financial assistance of not less than \$500,000 to each cov-*
6 *ered State to support management and restoration activi-*
7 *ties and further the implementation of coral reef action*
8 *plans in effect under section 205 by covered States and non-*
9 *Federal coral reef stewardship partnerships in accordance*
10 *with this section. The Administrator shall review each cov-*
11 *ered State’s application for block grant funding to ensure*
12 *that applications are consistent with applicable action*
13 *plans and the National Coral Reef Resilience Strategy.*

14 “(b) *RESPONSIBILITIES OF THE ADMINISTRATOR.*—
15 *The Administrator is responsible for—*

16 “(1) *providing guidance on the proper docu-*
17 *mentation of expenditures authorized under this Act;*

18 “(2) *issuing annual solicitations to covered*
19 *States for awards under this section; and*

20 “(3) *determining the appropriate allocation of*
21 *additional amounts among covered States in accord-*
22 *ance with this section.*

23 “(c) *RESPONSIBILITIES OF COVERED STATES.*—*Each*
24 *covered State is responsible for documenting and report-*
25 *ing—*

1 “(1) *such State’s use of Federal funds received*
2 *under this Act; and*

3 “(2) *such expenditures of non-Federal funds*
4 *made in furtherance of coral reef management and*
5 *restoration as the Administrator determines appro-*
6 *priate.*

7 “(d) *COOPERATIVE AGREEMENTS.—Subject to the*
8 *availability of appropriations, the Administrator may seek*
9 *to enter into a cooperative agreement with a covered State*
10 *to fund coral reef conservation and restoration activities in*
11 *waters managed under the jurisdiction of such covered State*
12 *that are consistent with the National Coral Reef Resilience*
13 *Strategy and any applicable action plan under section 205.*

14 “(e) *ALL ISLANDS COMMITTEE.—The Administrator*
15 *may enter into a cooperative agreement with the All Islands*
16 *Committee of the Task Force to provide support for its ac-*
17 *tivities.*

18 **“SEC. 208. CORAL REEF STEWARDSHIP FUND.**

19 “(a) *AGREEMENT.—The Administrator shall seek to*
20 *enter into an agreement with the National Fish and Wild-*
21 *life Foundation (in this section referred to as the ‘Founda-*
22 *tion’), authorizing the Foundation to receive, hold, and ad-*
23 *minister funds received under this section.*

24 “(b) *FUND.—*

1 “(1) *IN GENERAL.*—*The Foundation shall estab-*
2 *lish an account, which shall—*

3 “(A) *be known as the ‘Coral Reef Steward-*
4 *ship Fund’ (in this section referred to as the*
5 *‘Fund’); and*

6 “(B) *serve as the successor to the account*
7 *known before the date of the enactment of the*
8 *James M. Inhofe National Defense Authorization*
9 *Act for Fiscal Year 2023 as the Coral Reef Con-*
10 *servation Fund and administered through a pub-*
11 *lic-private partnership with the Foundation.*

12 “(2) *DEPOSITS.*—*The Foundation shall deposit*
13 *funds received under this section into the Fund.*

14 “(3) *PURPOSES.*—*The Fund shall be available*
15 *solely to support coral reef stewardship activities*
16 *that—*

17 “(A) *further the purposes of this title; and*

18 “(B) *are consistent with—*

19 “(i) *the National Coral Reef Resilience*
20 *Strategy; and*

21 “(ii) *coral reef action plans in effect, if*
22 *any, under section 205 covering a coral reef*
23 *or ecologically significant component of a*
24 *coral reef to be impacted by such activities,*
25 *if applicable.*

1 “(4) *INVESTMENT OF AMOUNTS.*—

2 “(A) *INVESTMENT OF AMOUNTS.*—*The*
3 *Foundation shall invest such portion of the Fund*
4 *as is not required to meet current withdrawals*
5 *in interest-bearing obligations of the United*
6 *States or in obligations guaranteed as to both*
7 *principal and interest by the United States.*

8 “(B) *INTEREST AND PROCEEDS.*—*The inter-*
9 *est on, and the proceeds from the sale or redemp-*
10 *tion of, any obligations held in the Fund shall*
11 *be credited to and form a part of the Fund.*

12 “(5) *REVIEW OF PERFORMANCE.*—*The Adminis-*
13 *trator shall conduct a continuing review of all depos-*
14 *its into, and disbursements from, the Fund. Each re-*
15 *view shall include a written assessment concerning*
16 *the extent to which the Foundation has implemented*
17 *the goals and requirements of—*

18 “(A) *this section; and*

19 “(B) *the National Coral Reef Resilience*
20 *Strategy.*

21 “(c) *AUTHORIZATION TO SOLICIT DONATIONS.*—

22 “(1) *IN GENERAL.*—*Pursuant to an agreement*
23 *entered into under subsection (a), the Foundation*
24 *may accept, receive, solicit, hold, administer, and use*
25 *any gift (including, notwithstanding section 1342 of*

1 *title 31, United States Code, donations of services) to*
2 *further the purposes of this title.*

3 “(2) *DEPOSITS IN FUND.*—*Notwithstanding sec-*
4 *tion 3302 of title 31, United States Code, any funds*
5 *received as a gift shall be deposited and maintained*
6 *in the Fund.*

7 “(d) *ADMINISTRATION.*—*Under an agreement entered*
8 *into pursuant to subsection (a), and subject to the avail-*
9 *ability of appropriations, the Administrator may transfer*
10 *funds appropriated for such purposes to carry out this title*
11 *to the Foundation. Amounts received by the Foundation*
12 *under this subsection may be used for matching, in whole*
13 *or in part, contributions (whether in money, services, or*
14 *property) made to the Foundation by private persons, State*
15 *or local government agencies, or covered Native entities.*

16 **“SEC. 209. EMERGENCY ASSISTANCE.**

17 “(a) *IN GENERAL.*—*Notwithstanding any other provi-*
18 *sion of law, from funds appropriated pursuant to the au-*
19 *thorization of appropriations under section 215, the Ad-*
20 *ministrator may provide emergency assistance to any cov-*
21 *ered State or coral reef stewardship partnership to respond*
22 *to immediate harm to coral reefs or coral reef ecosystems*
23 *arising from any of the exigent circumstances described in*
24 *subsection (b).*

1 “(b) *CORAL REEF EXIGENT CIRCUMSTANCES.*—*The*
2 *Administrator shall develop a list of, and criteria for, cir-*
3 *cumstances that pose an exigent threat to coral reefs, includ-*
4 *ing—*

5 “(1) *new and ongoing outbreaks of disease;*

6 “(2) *new and ongoing outbreaks of invasive or*
7 *nuisance species;*

8 “(3) *new and ongoing coral bleaching events;*

9 “(4) *natural disasters;*

10 “(5) *industrial or mechanical incidents, such as*
11 *vessel groundings, hazardous spills, or coastal con-*
12 *struction accidents; and*

13 “(6) *such other circumstances as the Adminis-*
14 *trator determines appropriate.*

15 “(c) *ANNUAL REPORT ON EXIGENT CIR-*
16 *CUMSTANCES.*—*On February 1 of each year, the Adminis-*
17 *trator shall submit to the appropriate congressional com-*
18 *mittees, the Committee on Appropriations of the Senate,*
19 *and the Committee on Appropriations of the House of Rep-*
20 *resentatives a report that—*

21 “(1) *describes locations with exigent cir-*
22 *cumstances described in subsection (b) that were con-*
23 *sidered but declined for emergency assistance, and the*
24 *rationale for the decision; and*

1 “(2) *with respect to each instance in which emer-*
2 *gency assistance under this section was provided—*

3 “(A) *the location and a description of the*
4 *exigent circumstances that prompted the emer-*
5 *gency assistance, the entity that received the as-*
6 *istance, and the current and expected outcomes*
7 *from the assistance;*

8 “(B) *a description of activities of the Na-*
9 *tional Oceanic and Atmospheric Administration*
10 *that were curtailed as a result of providing the*
11 *emergency assistance; and*

12 “(C) *an assessment of whether further ac-*
13 *tion is needed to restore the affected coral reef,*
14 *recommendations for such restoration, and a cost*
15 *estimate to implement such recommendations.*

16 **“SEC. 210. CORAL REEF DISASTER FUND.**

17 “(a) *AGREEMENTS.—The Administrator shall seek to*
18 *enter into an agreement with the National Fish and Wild-*
19 *life Foundation (in this section referred to as the ‘Founda-*
20 *tion’), authorizing the Foundation to receive, hold, and ad-*
21 *minister funds received under this section.*

22 “(b) *FUND.—*

23 “(1) *IN GENERAL.—The Foundation shall estab-*
24 *lish an account, to be known as the ‘Coral Reef Dis-*
25 *aster Fund’ (in this section referred to as the ‘Fund’).*

1 “(2) *DEPOSITS.*—*The Foundation shall deposit*
2 *funds received under this section into the Fund.*

3 “(3) *PURPOSES.*—*The Fund shall be available*
4 *solely to support the long-term recovery of coral reefs*
5 *from exigent circumstances described in section*
6 *209(b)—*

7 “(A) *in partnership with non-Federal stake-*
8 *holders; and*

9 “(B) *in a manner that is consistent with—*

10 “(i) *the National Coral Reef Resilience*
11 *Strategy; and*

12 “(ii) *coral reef action plans in effect, if*
13 *any, under section 205.*

14 “(4) *INVESTMENT OF AMOUNTS.*—

15 “(A) *INVESTMENT OF AMOUNTS.*—*The*
16 *Foundation shall invest such portion of the Fund*
17 *as is not required to meet current withdrawals*
18 *in interest-bearing obligations of the United*
19 *States or in obligations guaranteed as to both*
20 *principal and interest by the United States.*

21 “(B) *INTEREST AND PROCEEDS.*—*The inter-*
22 *est on, and the proceeds from, the sale or re-*
23 *demption of, any obligations held in the Fund*
24 *shall be credited to and form a part of the Fund.*

1 “(5) *REVIEW OF PERFORMANCE.*—*The Administrator shall conduct continuing reviews of all deposits*
2 *into, and disbursements from, the Fund. Each such*
3 *review shall include a written assessment concerning*
4 *the extent to which the Foundation has implemented*
5 *the goals and requirements of this section.*

7 “(c) *AUTHORIZATION TO SOLICIT DONATIONS.*—

8 “(1) *IN GENERAL.*—*Pursuant to an agreement*
9 *entered into under subsection (a), the Foundation*
10 *may accept, receive, solicit, hold, administer, and use*
11 *any gift (including, notwithstanding section 1342 of*
12 *title 31, United States Code, donations of services) to*
13 *further the purposes of this title.*

14 “(2) *DEPOSITS IN FUND.*—*Notwithstanding sec-*
15 *tion 3302 of title 31, United States Code, any funds*
16 *received as a gift shall be deposited and maintained*
17 *in the Fund.*

18 **“SEC. 211. RUTH D. GATES CORAL REEF CONSERVATION**
19 **GRANT PROGRAM.**

20 “(a) *IN GENERAL.*—*Subject to the availability of ap-*
21 *propriations, the Administrator shall establish a program*
22 *(to be known as the ‘Ruth D. Gates Coral Reef Conservation*
23 *Grant Program’)* *to provide grants for projects for the con-*
24 *servation and restoration of coral reef ecosystems (in this*
25 *section referred to as ‘coral reef projects’) pursuant to pro-*

1 *posals approved by the Administrator in accordance with*
2 *this section.*

3 “(b) *MATCHING REQUIREMENTS FOR GRANTS.*—

4 “(1) *IN GENERAL.*—*Except as provided in para-*
5 *graph (3), Federal funds for any coral reef project for*
6 *which a grant is provided under subsection (a) may*
7 *not exceed 50 percent of the total cost of the project.*

8 “(2) *NON-FEDERAL SHARE.*—*The non-Federal*
9 *share of the cost of a coral reef project may be pro-*
10 *vided by in-kind contributions and other noncash*
11 *support.*

12 “(3) *WAIVER.*—*The Administrator may waive*
13 *all or part of the matching requirement under para-*
14 *graph (1) if the Administrator determines that no*
15 *reasonable means are available through which an ap-*
16 *plicant can meet the matching requirement with re-*
17 *spect to a coral reef project and the probable benefit*
18 *of the project outweighs the public interest in the*
19 *matching requirement.*

20 “(c) *ELIGIBILITY.*—

21 “(1) *IN GENERAL.*—*An entity described in para-*
22 *graph (2) may submit to the Administrator a pro-*
23 *posal for a coral reef project.*

24 “(2) *ENTITIES DESCRIBED.*—*An entity described*
25 *in this paragraph is—*

1 “(A) a covered reef manager or a covered
2 Native entity;

3 “(B) a regional fishery management council
4 established under the Magnuson-Stevens Fishery
5 Conservation and Management Act (16 U.S.C.
6 1801 et seq.);

7 “(C) a coral reef stewardship partnership
8 seeking to implement a coral reef action plan in
9 effect under section 205;

10 “(D) a coral reef research center designated
11 under section 212(b); or

12 “(E) a nongovernmental organization or re-
13 search institution with demonstrated expertise in
14 the conservation or restoration of coral reefs in
15 practice or through significant contributions to
16 the body of existing scientific research on coral
17 reefs.

18 “(d) *PROJECT PROPOSALS*.—Each proposal for a
19 grant under this section for a coral reef project shall include
20 the following:

21 “(1) The name of the individual or entity re-
22 sponsible for conducting the project.

23 “(2) A description of the qualifications of the in-
24 dividual or entity.

1 “(3) *A succinct statement of the purposes of the*
2 *project.*

3 “(4) *An estimate of the funds and time required*
4 *to complete the project.*

5 “(5) *Evidence of support for the project by ap-*
6 *propriate representatives of States or other govern-*
7 *ment jurisdictions in which the project will be con-*
8 *ducted.*

9 “(6) *Information regarding the source and*
10 *amount of matching funding available to the appli-*
11 *cant.*

12 “(7) *A description of how the project meets one*
13 *or more of the criteria under subsection (e)(2).*

14 “(8) *In the case of a proposal submitted by a*
15 *coral reef stewardship partnership, a description of*
16 *how the project aligns with the applicable coral reef*
17 *action plan in effect under section 205.*

18 “(9) *Any other information the Administrator*
19 *considers to be necessary for evaluating the eligibility*
20 *of the project for a grant under this subsection.*

21 “(e) *PROJECT REVIEW AND APPROVAL.—*

22 “(1) *IN GENERAL.—The Administrator shall re-*
23 *view each coral reef project proposal submitted under*
24 *this section to determine if the project meets the cri-*
25 *teria set forth in subsection (f).*

1 “(2) *PRIORITIZATION OF CONSERVATION*
2 *PROJECTS.—The Administrator shall prioritize the*
3 *awarding of funding for projects that meet the cri-*
4 *teria for approval described in—*

5 “(A) *subparagraphs (A) through (G) of sub-*
6 *section (f)(2) that are proposed to be conducted*
7 *within priority areas identified for coral reef*
8 *conservation by the Administrator under the Na-*
9 *tional Coral Reef Resilience Strategy; and*

10 “(B) *subparagraphs (E) through (L) of sub-*
11 *section (f)(2) that are proposed to be conducted*
12 *within priority areas identified for coral reef*
13 *restoration by the Administrator under the Na-*
14 *tional Coral Reef Resilience Strategy.*

15 “(3) *REVIEW; APPROVAL OR DISAPPROVAL.—Not*
16 *later than 180 days after receiving a proposal for a*
17 *coral reef project under this section, the Adminis-*
18 *trator shall—*

19 “(A) *request and consider written comments*
20 *on the proposal from each Federal agency, State*
21 *government, covered Native entity, or other gov-*
22 *ernment jurisdiction, including the relevant re-*
23 *gional fishery management councils established*
24 *under the Magnuson-Stevens Fishery Conserva-*
25 *tion and Management Act (16 U.S.C. 1801 et*

1 *seq.), or any National Marine Sanctuary or Ma-*
2 *rine National Monument, with jurisdiction or*
3 *management authority over coral reef ecosystems*
4 *in the area where the project is to be conducted,*
5 *including the extent to which the project is con-*
6 *sistent with locally established priorities, unless*
7 *such entities were directly involved in the devel-*
8 *opment of the project proposal;*

9 “(B) *provide for the merit-based peer review*
10 *of the proposal and require standardized docu-*
11 *mentation of that peer review;*

12 “(C) *after considering any written com-*
13 *ments and recommendations based on the reviews*
14 *under subparagraphs (A) and (B), approve or*
15 *disapprove the proposal; and*

16 “(D) *provide written notification of that*
17 *approval or disapproval, with summaries of all*
18 *written comments, recommendations, and peer*
19 *reviews, to the entity that submitted the pro-*
20 *posal, and each of those States, covered Native*
21 *entity, and other government jurisdictions that*
22 *provided comments under subparagraph (A).*

23 “(f) *CRITERIA FOR APPROVAL.—The Administrator*
24 *may not approve a proposal for a coral reef project under*
25 *this section unless the project—*

1 “(1) is consistent with—

2 “(A) the National Coral Reef Resilience
3 Strategy; and

4 “(B) any Federal or non-Federal coral reef
5 action plans in effect under section 205 covering
6 a coral reef or ecologically significant unit of a
7 coral reef to be affected by the project; and

8 “(2) will enhance the conservation and restora-
9 tion of coral reefs by—

10 “(A) addressing conflicts arising from the
11 use of environments near coral reefs or from the
12 use of corals, species associated with coral reefs,
13 and coral products, including supporting con-
14 sensus-driven and community-based planning
15 and management initiatives for the protection of
16 coral reef ecosystems;

17 “(B) improving compliance with laws that
18 prohibit or regulate the taking of coral products
19 or species associated with coral reefs or regulate
20 the use and management of coral reef ecosystems;

21 “(C) designing and implementing networks
22 of real-time water quality monitoring along
23 coral reefs, including data collection related to
24 turbidity, nutrient availability, harmful algal
25 blooms, and plankton assemblages, with an em-

1 *phasis on coral reefs impacted by agriculture*
2 *and urban development;*

3 *“(D) promoting ecologically sound naviga-*
4 *tion and anchorages, including mooring buoy*
5 *systems to promote enhanced recreational access,*
6 *near coral reefs;*

7 *“(E) furthering the goals and objectives of*
8 *coral reef action plans in effect under section*
9 *205;*

10 *“(F) mapping the location and distribution*
11 *of coral reefs and potential coral reef habitat;*

12 *“(G) stimulating innovation to advance the*
13 *ability of the United States to understand, re-*
14 *search, or monitor coral reef ecosystems, or to de-*
15 *velop management or adaptation options to con-*
16 *serve and restore coral reef ecosystems;*

17 *“(H) implementing research to ensure the*
18 *population viability of coral species in United*
19 *States waters listed as threatened or endangered*
20 *under the Endangered Species Act of 1973 as de-*
21 *tailed in the population-based recovery criteria*
22 *included in species-specific recovery plans estab-*
23 *lished under such Act;*

24 *“(I) developing and implementing cost-effec-*
25 *tive methods to restore degraded coral reef eco-*

1 *systems or to create geographically appropriate*
2 *coral reef ecosystems in suitable waters, includ-*
3 *ing by improving habitat or promoting success of*
4 *keystone species, with an emphasis on novel res-*
5 *toration strategies and techniques to advance*
6 *coral reef recovery and growth near population*
7 *centers threatened by rising sea levels and storm*
8 *surge;*

9 *“(J) translating and applying coral genet-*
10 *ics research to coral reef ecosystem restoration,*
11 *including research related to traits that promote*
12 *resilience to increasing ocean temperatures,*
13 *changing ocean chemistry, coral bleaching, coral*
14 *diseases, and invasive species;*

15 *“(K) developing and maintaining in situ*
16 *native coral propagation sites; or*

17 *“(L) developing and maintaining ex situ*
18 *coral propagation nurseries and land-based coral*
19 *gene banks to—*

20 *“(i) conserve or augment genetic diver-*
21 *sity of native coral populations;*

22 *“(ii) support captive breeding of rare*
23 *coral species; or*

24 *“(iii) enhance resilience of native coral*
25 *populations to increasing ocean tempera-*

1 *tures, changing ocean chemistry, coral*
2 *bleaching, and coral diseases through selec-*
3 *tive breeding, conditioning, or other ap-*
4 *proaches that target genes, gene expression,*
5 *phenotypic traits, or phenotypic plasticity.*

6 “(g) *FUNDING REQUIREMENTS.*—*To the extent prac-*
7 *ticable based upon proposals for coral reef projects sub-*
8 *mitted to the Administrator, the Administrator shall ensure*
9 *that funding for grants awarded under this section during*
10 *a fiscal year is distributed as follows:*

11 “(1) *Not less than 40 percent of funds available*
12 *shall be awarded for projects in areas of the Pacific*
13 *Ocean subject to the jurisdiction or control of the*
14 *United States.*

15 “(2) *Not less than 40 percent of the funds avail-*
16 *able shall be awarded for projects in areas of the At-*
17 *lantic Ocean, the Gulf of Mexico, or the Caribbean*
18 *Sea subject to the jurisdiction or control of the United*
19 *States.*

20 “(3) *To the extent there are viable applications*
21 *made by eligible coral reef stewardship partners, not*
22 *more than 67 percent of funds distributed in each re-*
23 *gion in accordance with paragraphs (1) and (2) may*
24 *be made exclusively available to projects that are—*

1 “(A) submitted by a coral reef stewardship
2 partnership; and

3 “(B) consistent with the coral reef action
4 plan in effect under section 205 by such a part-
5 nership.

6 “(4) Of the funds distributed to support projects
7 in accordance with paragraph (3), not less than 20
8 percent and not more than 33 percent shall be award-
9 ed for projects submitted by a Federal coral reef stew-
10 ardship partnership, to the extent there are viable ap-
11 plications made by eligible Federal coral reef steward-
12 ship partnerships.

13 “(h) *TASK FORCE*.—The Administrator may consult
14 with the Secretary of the Interior and the Task Force to
15 obtain guidance in establishing priorities and evaluating
16 proposals for coral reef projects under this section.

17 “**SEC. 212. CORAL REEF RESEARCH.**

18 “(a) *REEF RESEARCH COORDINATION INSTITUTES*.—

19 “(1) *ESTABLISHMENT*.—The Administrator shall
20 designate 2 reef research coordination institutes for
21 the purpose of advancing and sustaining essential ca-
22 pabilities in coral reef research, one each in the At-
23 lantic and Pacific basins, to be known as the ‘Atlan-
24 tic Reef Research Coordination Institute’ and the ‘Pa-

1 *cific Reef Research Coordination Institute’, respec-*
2 *tively.*

3 “(2) *MEMBERSHIP.*—*Each institute designated*
4 *under paragraph (1) shall be housed within a single*
5 *coral reef research center designated by the Adminis-*
6 *trator under subsection (b).*

7 “(3) *FUNCTIONS.*—*The institutes designated*
8 *under paragraph (1) shall—*

9 “(A) *conduct federally directed research to*
10 *fill national and regional coral reef ecosystem re-*
11 *search gaps and improve understanding of, and*
12 *responses to, continuing and emerging threats to*
13 *the resilience of United States coral reef eco-*
14 *systems consistent with the National Coral Reef*
15 *Resilience Strategy;*

16 “(B) *support ecological research and moni-*
17 *toring to study the effects of conservation and*
18 *restoration activities funded by this title on pro-*
19 *moting more effective coral reef management and*
20 *restoration; and*

21 “(C) *through agreements—*

22 “(i) *collaborate directly with States,*
23 *covered Native entities, covered coral reef*
24 *managers, nonprofit organizations, and*

1 *other coral reef research centers designated*
2 *under subsection (b);*

3 *“(ii) assist in the development and im-*
4 *plementation of—*

5 *“(I) the National Coral Reef Re-*
6 *silience Strategy; and*

7 *“(II) coral reef action plans under*
8 *section 205;*

9 *“(iii) build capacity within non-Fed-*
10 *eral governmental resource management*
11 *agencies to establish research priorities and*
12 *translate and apply research findings to*
13 *management and restoration practices; and*

14 *“(iv) conduct public education and*
15 *awareness programs for policymakers, re-*
16 *source managers, and the general public*
17 *on—*

18 *“(I) coral reefs and coral reef eco-*
19 *systems;*

20 *“(II) best practices for coral reef*
21 *ecosystem management and restora-*
22 *tion;*

23 *“(III) the value of coral reefs; and*

24 *“(IV) the threats to the sustain-*
25 *ability of coral reef ecosystems.*

1 “(b) *CORAL REEF RESEARCH CENTERS.*—

2 “(1) *IN GENERAL.*—*The Administrator shall—*

3 “(A) *periodically solicit applications for*
4 *designation of qualifying institutions in covered*
5 *States as coral reef research centers; and*

6 “(B) *designate all qualifying institutions in*
7 *covered States as coral reef research centers.*

8 “(2) *QUALIFYING INSTITUTIONS.*—*For purposes*
9 *of paragraph (1), an institution is a qualifying insti-*
10 *tution if the Administrator determines that the insti-*
11 *tution—*

12 “(A) *is operated by an institution of higher*
13 *education or nonprofit marine research organi-*
14 *zation;*

15 “(B) *has established management-driven*
16 *national or regional coral reef research or res-*
17 *toration programs;*

18 “(C) *has demonstrated abilities to coordi-*
19 *nate closely with appropriate Federal and State*
20 *agencies, and other academic and nonprofit or-*
21 *ganizations; and*

22 “(D) *maintains significant local commu-*
23 *nity engagement and outreach programs related*
24 *to coral reef ecosystems.*

1 **“SEC. 213. CORAL REEF PRIZE COMPETITIONS.**

2 “(a) *IN GENERAL.*—Subject to the availability of ap-
3 propriations, the head of any Federal agency with a rep-
4 resentative serving on the United States Coral Reef Task
5 Force established by section 10011 of the James M. Inhofe
6 National Defense Authorization Act for Fiscal Year 2023,
7 may, individually or in cooperation with one or more agen-
8 cies, carry out a program to award prizes competitively
9 under section 24 of the Stevenson-Wydler Technology Inno-
10 vation Act of 1980 (15 U.S.C. 3719).

11 “(b) *PURPOSES.*—Any program carried out under this
12 section shall be for the purpose of stimulating innovation
13 to advance the ability of the United States to understand,
14 research, or monitor coral reef ecosystems, or to develop
15 management or adaptation options to preserve, sustain,
16 and restore coral reef ecosystems.

17 “(c) *PRIORITY PROGRAMS.*—Priority shall be given to
18 establishing programs under this section that address com-
19 munities, environments, or industries that are in distress
20 as a result of the decline or degradation of coral reef eco-
21 systems, including—

22 “(1) *scientific research and monitoring that fur-*
23 *thers the understanding of causes behind coral reef de-*
24 *cline and degradation and the generally slow recovery*
25 *following disturbances, including changing ocean*

1 *chemistry, temperature-related bleaching, disease, and*
2 *their associated impacts on coral physiology;*

3 *“(2) the development of monitoring or manage-*
4 *ment options for communities or industries that are*
5 *experiencing significant financial hardship;*

6 *“(3) the development of adaptation options to al-*
7 *leviate economic harm and job loss caused by damage*
8 *to coral reef ecosystems;*

9 *“(4) the development of measures to help vulner-*
10 *able communities or industries, with an emphasis on*
11 *rural communities and businesses; and*

12 *“(5) the development of adaptation and manage-*
13 *ment options for impacted tourism industries.*

14 **“SEC. 214. REPORTS ON ADMINISTRATION.**

15 *“(a) IN GENERAL.—Not later than 2 years after the*
16 *date of the enactment of the James M. Inhofe National De-*
17 *fense Authorization Act for Fiscal Year 2023, and every 2*
18 *years thereafter, the Administrator shall submit to the com-*
19 *mittees specified in subsection (b) a report on the adminis-*
20 *tration of this title during the 2-year period preceding sub-*
21 *mission of the report, including—*

22 *“(1) a description of all activities undertaken to*
23 *implement the National Coral Reef Resilience Strat-*
24 *egy;*

1 “(2) a statement of all funds obligated under the
2 authorities of this title; and

3 “(3) a summary, disaggregated by State, of Fed-
4 eral and non-Federal contributions toward the costs of
5 each project or activity funded, in full or in part,
6 under this title.

7 “(b) *COMMITTEES SPECIFIED.*—The committees speci-
8 fied in this subsection are—

9 “(1) the Committee on Commerce, Science, and
10 Transportation, Committee on Environment and
11 Public Works, Committee on Energy and Natural Re-
12 sources, and the Committee on Appropriations of the
13 Senate; and

14 “(2) the Committee on Natural Resources and
15 the Committee on Appropriations of the House of
16 Representatives.

17 **“SEC. 215. AUTHORIZATION OF APPROPRIATIONS.**

18 “(a) *IN GENERAL.*—There is authorized to be appro-
19 priated to the Administrator \$45,000,000 for each of fiscal
20 years 2023 through 2027 to carry out this title which shall
21 remain available until expended. Of such amounts, there
22 is authorized to be appropriated for each such fiscal year—

23 “(1) \$12,000,000 to carry out section 207;

24 “(2) \$3,500,000 for activities authorized under
25 section 211; and

1 “(3) \$4,500,000 to be provided to the cooperative
2 institutes designated under section 212(a) to carry
3 out the functions described in such section.

4 “(b) *ADMINISTRATION*.—Not more than 10 percent of
5 the amounts appropriated under subsection (a) may be used
6 for program administration or overhead costs incurred by
7 the National Oceanic and Atmospheric Administration or
8 the Department of Commerce.

9 **“SEC. 216. DEFINITIONS.**

10 *“In this title:*

11 “(1) *ADMINISTRATOR*.—The term ‘Adminis-
12 trator’ means the Administrator of the National Oce-
13 anic and Atmospheric Administration.

14 “(2) *ALASKA NATIVE CORPORATION*.—The term
15 ‘Alaska Native Corporation’ has the meaning given
16 the term ‘Native Corporation’ in section 3 of the Alas-
17 ka Native Claims Settlement Act (43 U.S.C. 1602).

18 “(3) *APPROPRIATE CONGRESSIONAL COMMIT-*
19 *TEES*.—The term ‘appropriate congressional commit-
20 tees’ means the Committee on Commerce, Science, and
21 Transportation of the Senate and the Committee on
22 Natural Resources of the House of Representatives.

23 “(4) *CONSERVATION*.—The term ‘conservation’
24 means the use of methods and procedures necessary to
25 preserve or sustain native corals and associated spe-

1 *cies as diverse, viable, and self-perpetuating coral reef*
2 *ecosystems with minimal impacts from invasive spe-*
3 *cies, including—*

4 *“(A) all activities associated with resource*
5 *management, such as monitoring, assessment,*
6 *protection, restoration, sustainable use, manage-*
7 *ment of habitat, and maintenance or augmenta-*
8 *tion of genetic diversity;*

9 *“(B) mapping;*

10 *“(C) scientific expertise and technical as-*
11 *sistance in the development and implementation*
12 *of management strategies for marine protected*
13 *areas and marine resources required by Federal*
14 *law;*

15 *“(D) law enforcement;*

16 *“(E) conflict resolution initiatives;*

17 *“(F) community outreach and education;*

18 *and*

19 *“(G) promotion of safe and ecologically*
20 *sound navigation and anchoring.*

21 *“(5) CORAL.—The term ‘coral’ means species of*
22 *the phylum Cnidaria, including—*

23 *“(A) all species of the orders Antipatharia*
24 *(black corals), Scleractinia (stony corals),*
25 *Alcyonacea (soft corals, organ pipe corals,*

1 *gorgonians), and Helioporacea (blue coral), of*
2 *the class Anthozoa; and*

3 “(B) *all species of the order Anthoathecata*
4 *(fire corals and other hydrocorals) of the class*
5 *Hydrozoa.*

6 “(6) *CORAL PRODUCTS.*—*The term ‘coral prod-*
7 *ucts’ means any living or dead specimens, parts, or*
8 *derivatives, or any product containing specimens,*
9 *parts, or derivatives, of any species of coral.*

10 “(7) *CORAL REEF.*—*The term ‘coral reef’ means*
11 *calcium carbonate structures in the form of a reef or*
12 *shoal, composed in whole or in part by living coral,*
13 *skeletal remains of coral, crustose coralline algae, and*
14 *other associated sessile marine plants and animals.*

15 “(8) *CORAL REEF ECOSYSTEM.*—*The term ‘coral*
16 *reef ecosystem’ means—*

17 “(A) *corals and other geographically and*
18 *ecologically associated marine communities of*
19 *other reef organisms (including reef plants and*
20 *animals) associated with coral reef habitat; and*

21 “(B) *the biotic and abiotic factors and proc-*
22 *esses that control or significantly affect coral cal-*
23 *cification rates, tissue growth, reproduction, re-*
24 *ruitment, abundance, coral-algal symbiosis, and*
25 *biodiversity in such habitat.*

1 “(9) *CORAL REEF ECOSYSTEM SERVICES*.—*The*
2 *term ‘coral reef ecosystem services’ means the at-*
3 *tributes and benefits provided by coral reef ecosystems*
4 *including—*

5 “(A) *protection of coastal beaches, struc-*
6 *tures, and infrastructure;*

7 “(B) *habitat for organisms of economic, eco-*
8 *logical, biomedical, medicinal, and cultural*
9 *value;*

10 “(C) *servicing as centers for the promulga-*
11 *tion, performance, and training of cultural prac-*
12 *tices representative of traditional ecological*
13 *knowledge; and*

14 “(D) *aesthetic value.*

15 “(10) *COVERED NATIVE ENTITY*.—*The term ‘cov-*
16 *ered Native entity’ means a Native entity with inter-*
17 *ests in a coral reef ecosystem.*

18 “(11) *COVERED REEF MANAGER*.—*The term ‘cov-*
19 *ered reef manager’ means—*

20 “(A) *a management unit of a covered State*
21 *with jurisdiction over a coral reef ecosystem;*

22 “(B) *a covered State; or*

23 “(C) *a coral reef stewardship partnership*
24 *under section 206.*

1 “(12) *COVERED STATE*.—*The term ‘covered*
2 *State’ means Florida, Hawaii, and the territories of*
3 *American Samoa, the Commonwealth of the Northern*
4 *Mariana Islands, Guam, Puerto Rico, and the United*
5 *States Virgin Islands.*

6 “(13) *FEDERAL REEF MANAGER*.—

7 “(A) *IN GENERAL*.—*The term ‘Federal reef*
8 *manager’ means—*

9 “(i) *a management unit of a Federal*
10 *agency specified in subparagraph (B) with*
11 *lead management jurisdiction over a coral*
12 *reef ecosystem; or*

13 “(ii) *a coral reef stewardship partner-*
14 *ship under section 206(c).*

15 “(B) *FEDERAL AGENCIES SPECIFIED*.—*A*
16 *Federal agency specified in this subparagraph is*
17 *one of the following:*

18 “(i) *The National Oceanic and Atmos-*
19 *pheric Administration.*

20 “(ii) *The National Park Service.*

21 “(iii) *The United States Fish and*
22 *Wildlife Service.*

23 “(iv) *The Office of Insular Affairs.*

24 “(14) *INSTITUTION OF HIGHER EDUCATION*.—
25 *The term ‘institution of higher education’ has the*

1 *meaning given that term in section 101 of the Higher*
2 *Education Act of 1965 (20 U.S.C. 1001).*

3 “(15) *INTERESTED STAKEHOLDER GROUPS.—*
4 *The term ‘interested stakeholder groups’ means any of*
5 *the following with interest in an applicable coral reef*
6 *or ecologically significant unit of a coral reef:*

7 “(A) *A business.*

8 “(B) *A commercial or recreational fisher-*
9 *man.*

10 “(C) *A recreationalist.*

11 “(D) *A Federal, State, Tribal, or local gov-*
12 *ernment unit with related jurisdiction.*

13 “(E) *An institution of higher education (as*
14 *such term is defined in section 101(a) of the*
15 *Higher Education Act of 1965 (20 U.S.C.*
16 *1001(a)).*

17 “(F) *A nongovernmental organization.*

18 “(16) *NATIONAL CORAL REEF RESILIENCE*
19 *STRATEGY.—The term ‘National Coral Reef Resilience*
20 *Strategy’ means the National Coral Reef Resilience*
21 *Strategy in effect under section 204.*

22 “(17) *NATIVE ENTITY.—The term ‘Native entity’*
23 *means any of the following:*

1 “(A) *An Indian Tribe (as defined in section*
2 *4 of the Indian Self-Determination and Edu-*
3 *cation Assistance Act (25 U.S.C. 5304)).*

4 “(B) *An Alaska Native Corporation.*

5 “(C) *The Department of Hawaiian Home*
6 *Lands.*

7 “(D) *The Office of Hawaiian Affairs.*

8 “(E) *A Native Hawaiian organization (as*
9 *defined in section 6207 of the Elementary and*
10 *Secondary Education Act of 1965 (20 U.S.C.*
11 *7517)).*

12 “(18) *NONPROFIT ORGANIZATION.—The term*
13 *‘nonprofit organization’ means any corporation,*
14 *trust, association, cooperative, or other organization,*
15 *not including an institution of higher education,*
16 *that—*

17 “(A) *is operated primarily for scientific,*
18 *educational, service, charitable, or similar pur-*
19 *poses in the public interest;*

20 “(B) *is not organized primarily for profit;*
21 *and*

22 “(C) *uses net proceeds to maintain, im-*
23 *prove, or expand the operations of the organiza-*
24 *tion.*

1 “(19) *RESTORATION.*—*The term ‘restoration’*
2 *means the use of methods and procedures necessary to*
3 *enhance, rehabilitate, recreate, or create a functioning*
4 *coral reef or coral reef ecosystem, in whole or in part,*
5 *within suitable waters of the historical geographic*
6 *range of such ecosystems, to provide ecological, eco-*
7 *nomi- c, cultural, or coastal resiliency services associ-*
8 *ated with healthy coral reefs and benefit native popu-*
9 *lations of coral reef organisms.*

10 “(20) *RESILIENCE.*—*The term ‘resilience’ means*
11 *the capacity for corals within their native range,*
12 *coral reefs, or coral reef ecosystems to resist and re-*
13 *cover from natural and human disturbances, and*
14 *maintain structure and function to provide coral reef*
15 *ecosystem services, as determined by clearly identifi-*
16 *able, measurable, and science-based standards.*

17 “(21) *SECRETARY.*—*The term ‘Secretary’ means*
18 *the Secretary of Commerce.*

19 “(22) *STATE.*—*The term ‘State’ means—*

20 “(A) *any State of the United States that*
21 *contains a coral reef ecosystem within its sea-*
22 *ward boundaries;*

23 “(B) *American Samoa, the Commonwealth*
24 *of the Northern Mariana Islands, Guam, Puerto*
25 *Rico, or the United States Virgin Islands; or*

1 “(C) any other territory or possession of the
2 United States or separate sovereign in free asso-
3 ciation with the United States that contains a
4 coral reef ecosystem within its seaward bound-
5 aries.

6 “(23) STEWARDSHIP.—The term ‘stewardship’,
7 with respect to a coral reef, includes conservation, res-
8 toration, and public outreach and education.

9 “(24) TASK FORCE.—The term ‘Task Force’
10 means the United States Coral Reef Task Force estab-
11 lished under section 10011 of the James M. Inhofe
12 National Defense Authorization Act for Fiscal Year
13 2023.”.

14 (b) CONFORMING AMENDMENT TO NATIONAL OCEANS
15 AND COASTAL SECURITY ACT.—Section 905(a) of the Na-
16 tional Oceans and Coastal Security Act (16 U.S.C.
17 7504(a)) is amended by striking “and coastal infrastruc-
18 ture” and inserting “, coastal infrastructure, and ecosystem
19 services provided by natural systems such as coral reefs”.

20 (c) COMPTROLLER GENERAL REVIEW OF CORAL REEF
21 CONSERVATION PROGRAMS AT THE NATIONAL OCEANIC
22 AND ATMOSPHERIC ADMINISTRATION.—The Comptroller
23 General of the United States shall, not later than 1 year
24 after the date of the enactment of this Act, submit to Con-

1 *gress and the National Oceanic and Atmospheric Adminis-*
2 *tration a report that—*

3 (1) *examines the budget and accounting prac-*
4 *tices of the coral reef conservation programs of such*
5 *Administration, including expenditure tracking*
6 *across line and program offices;*

7 (2) *examines the process for determining appro-*
8 *priate project goals and funding priorities; and*

9 (3) *includes recommendations on policies or best*
10 *practices that may improve the transparency and ac-*
11 *countability of coral reef conservation programs.*

12 (d) *SAVINGS CLAUSE.—None of the amendments made*
13 *by or provisions of this title may be construed to enlarge*
14 *the management authority of a Federal agency or coral reef*
15 *stewardship partnership to coral reefs and coral reef eco-*
16 *systems outside the boundaries of such agency’s or partner-*
17 *ship’s jurisdiction.*

18 ***Subtitle B—United States Coral***
19 ***Reef Task Force***

20 ***SEC. 10011. ESTABLISHMENT.***

21 *There is established a task force to lead, coordinate,*
22 *and strengthen Federal Government actions to better pre-*
23 *serve, conserve, and restore coral reef ecosystems, to be*
24 *known as the “United States Coral Reef Task Force” (in*
25 *this subtitle referred to as the “Task Force”).*

1 **SEC. 10012. DUTIES.**

2 *The duties of the Task Force shall be—*

3 *(1) to coordinate, in cooperation with covered*
4 *States, covered Native entities, Federal reef managers,*
5 *covered reef managers, coral reef research centers des-*
6 *ignated under section 212(b) of the Coral Reef Con-*
7 *servation Act of 2000 (as added by this division), and*
8 *other nongovernmental and academic partners as ap-*
9 *propriate, activities regarding the mapping, moni-*
10 *toring, research, conservation, mitigation, and res-*
11 *toration of coral reefs and coral reef ecosystems;*

12 *(2) to monitor and advise regarding implemen-*
13 *tation of the policy and Federal agency responsibil-*
14 *ities set forth in—*

15 *(A) Executive Order 13089 (63 Fed. Reg.*
16 *32701; relating to coral reef protection); and*

17 *(B) the National Coral Reef Resilience*
18 *Strategy;*

19 *(3) to work in coordination with the other mem-*
20 *bers of the Task Force—*

21 *(A) to assess the United States role in inter-*
22 *national trade and protection of coral species;*

23 *(B) to encourage implementation of appro-*
24 *priate strategies and actions to promote con-*
25 *servation and sustainable use of coral reef re-*
26 *sources worldwide; and*

1 (C) to collaborate with international com-
2 munities successful in managing coral reefs;

3 (4) to provide technical assistance for the devel-
4 opment and implementation, as appropriate, of—

5 (A) the National Coral Reef Resilience
6 Strategy; and

7 (B) coral reef action plans under section
8 205 of that Act; and

9 (5) to produce a report each year, for submission
10 to the appropriate congressional committees and pub-
11 lication on the public website of the Task Force, high-
12 lighting the status of the coral reef resources of a cov-
13 ered State on a rotating basis, including—

14 (A) a summary of recent coral reef manage-
15 ment and restoration activities undertaken in
16 that State; and

17 (B) updated estimates of the direct and in-
18 direct economic activity supported by, and other
19 benefits associated with, those coral reef re-
20 sources.

21 **SEC. 10013. MEMBERSHIP.**

22 (a) **VOTING MEMBERSHIP.**—The voting members of the
23 Task Force shall be—

1 (1) *the Under Secretary of Commerce for Oceans*
2 *and Atmosphere and the Secretary of Interior, who*
3 *shall be co-chairpersons of the Task Force;*

4 (2) *such representatives from other Federal agen-*
5 *cies as the President, in consultation with the Under*
6 *Secretary, determines appropriate; and*

7 (3) *the Governor, or a representative of the Gov-*
8 *ernor, of each covered State.*

9 (b) *NONVOTING MEMBERS.—The Task Force shall have*
10 *the following nonvoting members:*

11 (1) *A member of the South Atlantic Fishery*
12 *Management Council who is designated by the Gov-*
13 *ernor of Florida under section 302(b)(1) of the Mag-*
14 *nuson-Stevens Fishery Conservation and Management*
15 *Act (16 U.S.C. 1852(b)(1)).*

16 (2) *A member of the Gulf of Mexico Fishery*
17 *Management Council who is designated by the Gov-*
18 *ernor of Florida under such section.*

19 (3) *A member of the Western Pacific Fishery*
20 *Management Council who is designated under such*
21 *section and selected as follows:*

22 (A) *For the period beginning on the date of*
23 *the enactment of this Act and ending on Decem-*
24 *ber 31 of the calendar year during which such*
25 *date of enactment occurs, the member shall be se-*

1 lected jointly by the Governors of Hawaii, Amer-
2 ican Samoa, Guam, and the Commonwealth of
3 the Northern Mariana Islands.

4 (B) For each calendar year thereafter, the
5 Governors of Hawaii, American Samoa, Guam,
6 and the Commonwealth of the Northern Mariana
7 Islands shall, on a rotating basis, take turns se-
8 lecting the member.

9 (4) A member of the Caribbean Fishery Manage-
10 ment Council who is designated under such section
11 and selected as follows:

12 (A) For the period beginning on the date of
13 the enactment of this Act and ending on Decem-
14 ber 31 of the calendar year during which such
15 date of enactment occurs, the member shall be se-
16 lected jointly by the Governors of Puerto Rico
17 and the United States Virgin Islands.

18 (B) For each calendar year thereafter, the
19 Governors of Puerto Rico and the United States
20 Virgin Islands shall, on an alternating basis,
21 take turns selecting the member.

22 (5) A member appointed by the President of the
23 Federated States of Micronesia.

24 (6) A member appointed by the President of the
25 Republic of the Marshall Islands.

1 (7) *A member appointed by the President of the*
2 *Republic of Palau.*

3 **SEC. 10014. RESPONSIBILITIES OF FEDERAL AGENCY MEM-**
4 **BERS.**

5 (a) *IN GENERAL.*—*A member of the Task Force de-*
6 *scribed in section 10013(a) shall—*

7 (1) *identify the actions of the agency that mem-*
8 *ber represents that may affect coral reef ecosystems;*

9 (2) *use the programs and authorities of that*
10 *agency to protect and enhance the conditions of such*
11 *ecosystems, including through the promotion of basic*
12 *and applied scientific research;*

13 (3) *collaborate with the Task Force to appro-*
14 *priately reflect budgetary needs for coral reef con-*
15 *servation and restoration activities in all agency*
16 *budget planning and justification documents and*
17 *processes; and*

18 (4) *engage in any other coordinated efforts ap-*
19 *proved by the Task Force.*

20 (b) *CO-CHAIRPERSONS.*—*In addition to their respon-*
21 *sibilities under subsection (a), the co-chairpersons of the*
22 *Task Force shall perform the administrative functions of*
23 *the Task Force and facilitate the coordination of the mem-*
24 *bers of the Task Force described in section 10013(a).*

1 (c) *BRIEFING.*—Not less than 30 days before each meet-
2 ing of the Task Force, the program offices of the National
3 Oceanic and Atmospheric Administration responsible for
4 implementing this title shall provide a briefing to the rel-
5 evant congressional committees on efforts and spending as-
6 sociated with such implementation.

7 **SEC. 10015. WORKING GROUPS.**

8 (a) *IN GENERAL.*—The co-chairpersons of the Task
9 Force may establish working groups as necessary to meet
10 the goals and carry out the duties of the Task Force.

11 (b) *REQUESTS FROM MEMBERS.*—The members of the
12 Task Force may request that the co-chairpersons establish
13 a working group under subsection (a).

14 (c) *PARTICIPATION BY NONGOVERNMENTAL ORGANIZA-*
15 *TIONS.*—The co-chairpersons may allow nongovernmental
16 organizations as appropriate, including academic institu-
17 tions, conservation groups, and commercial and rec-
18 reational fishing associations, to participate in a working
19 group established under subsection (a).

20 (d) *NONAPPLICABILITY OF FEDERAL ADVISORY COM-*
21 *MITTEE ACT.*—The Federal Advisory Committee Act (5
22 U.S.C. App.) shall not apply to working groups established
23 under this section.

24 **SEC. 10016. DEFINITIONS.**

25 *In this subtitle:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.*—*The term “appropriate congressional commit-*
3 *tees” means—*

4 (A) *the Committee on Commerce, Science,*
5 *and Transportation of the Senate;*

6 (B) *the Committee on Environment and*
7 *Public Works of the Senate;*

8 (C) *the Committee on Energy and Natural*
9 *Resources of the Senate; and*

10 (D) *the Committee on Natural Resources of*
11 *the House of Representatives.*

12 (2) *CONSERVATION, CORAL, CORAL REEF, ETC.*—
13 *The terms “conservation”, “coral”, “coral reef”,*
14 *“coral reef ecosystem”, “covered reef manager”, “cov-*
15 *ered State”, “Federal reef manager”, “National Coral*
16 *Reef Resilience Strategy”, “restoration”, “resilience”,*
17 *and “State” have the meanings given those terms in*
18 *section 216 of the Coral Reef Conservation Act of*
19 *2000, as added by this division.*

20 ***Subtitle C—Department of the***
21 ***Interior Coral Reef Authorities***

22 ***SEC. 10021. CORAL REEF CONSERVATION AND RESTORA-***
23 ***TION ASSISTANCE.***

24 (a) *IN GENERAL.*—*The Secretary of the Interior may*
25 *provide scientific expertise and technical assistance, and*

1 *subject to the availability of appropriations, financial as-*
2 *sistance for the conservation and restoration of coral reefs*
3 *consistent with all applicable laws governing resource man-*
4 *agement in Federal, State, and Tribal waters, including—*

5 *(1) the National Coral Reef Resilience Strategy;*
6 *and*

7 *(2) coral reef action plans in effect under section*
8 *205 of the Coral Reef Conservation Act of 2000, as*
9 *added by this division, as applicable.*

10 *(b) CORAL REEF INITIATIVE.—The Secretary may es-*
11 *tablish a Coral Reef Initiative Program—*

12 *(1) to provide grant funding to support local*
13 *management, conservation, and protection of coral*
14 *reef ecosystems in—*

15 *(A) coastal areas of covered States; and*

16 *(B) Freely Associated States;*

17 *(2) to enhance resource availability of National*
18 *Park Service and National Wildlife Refuge System*
19 *management units to implement coral reef conserva-*
20 *tion and restoration activities;*

21 *(3) to complement the other conservation and as-*
22 *sistance activities conducted under this Act or the*
23 *Coral Reef Conservation Act of 2000, as amended by*
24 *section 10001; and*

1 (4) *to provide other technical, scientific, and fi-*
2 *nancial assistance and conduct conservation and res-*
3 *toration activities that advance the purposes of this*
4 *title and the Coral Reef Conservation Act of 2000, as*
5 *amended by this division.*

6 (c) *CONSULTATION WITH THE DEPARTMENT OF COM-*
7 *MERCE.—*

8 (1) *CORAL REEF CONSERVATION AND RESTORA-*
9 *TION ACTIVITIES.—The Secretary of the Interior may*
10 *consult with the Secretary of Commerce regarding the*
11 *conduct of any activities to conserve and restore coral*
12 *reefs and coral reef ecosystems in waters managed*
13 *under the jurisdiction of the Federal agencies speci-*
14 *fied in paragraphs (2) and (3) of section 203(c) of the*
15 *Coral Reef Conservation Act of 2000, as added by this*
16 *division.*

17 (2) *AWARD OF CORAL REEF MANAGEMENT FEL-*
18 *LOWSHIP.—The Secretary of the Interior shall consult*
19 *with the Secretary of Commerce to award the Susan*
20 *L. Williams Coral Reef Management Fellowship*
21 *under subtitle D.*

22 (d) *COOPERATIVE AGREEMENTS.—Subject to the*
23 *availability of appropriations, the Secretary of the Interior*
24 *may enter into cooperative agreements with covered reef*
25 *managers to fund coral reef conservation and restoration*

1 *activities in waters managed under the jurisdiction of such*
2 *managers that—*

3 *(1) are consistent with the National Coral Reef*
4 *Resilience Strategy; and*

5 *(2) support and enhance the success of coral reef*
6 *action plans in effect under section 205 of the Coral*
7 *Reef Conservation Act of 2000, as added by this divi-*
8 *sion.*

9 *(e) DEFINITIONS.—In this section:*

10 *(1) CONSERVATION, CORAL, CORAL REEF, ETC.—*
11 *The terms “conservation”, “coral reef”, “covered reef*
12 *manager”, “covered State”, “National Coral Reef Re-*
13 *silience Strategy”, “restoration”, and “State” have*
14 *the meanings given those terms in section 216 of the*
15 *Coral Reef Conservation Act of 2000, as added by this*
16 *division.*

17 *(2) TRIBE; TRIBAL.—The terms “Tribe” and*
18 *“Tribal” refer to Indian Tribes (as defined in section*
19 *102 of the Federally Recognized Indian Tribe List Act*
20 *of 1994 (25 U.S.C. 5130)).*

1 ***Subtitle D—Susan L. Williams Na-***
2 ***tional Coral Reef Management***
3 ***Fellowship***

4 **SEC. 10031. SUSAN L. WILLIAMS NATIONAL CORAL REEF**
5 **MANAGEMENT FELLOWSHIP.**

6 (a) *DEFINITIONS.—In this section:*

7 (1) *ALASKA NATIVE CORPORATION.—The term*
8 *“Alaska Native Corporation” has the meaning given*
9 *the term “Native Corporation” in section 3 of the*
10 *Alaska Native Claims Settlement Act (43 U.S.C.*
11 *1602).*

12 (2) *FELLOW.—The term “fellow” means a Na-*
13 *tional Coral Reef Management Fellow.*

14 (3) *FELLOWSHIP.—The term “fellowship” means*
15 *the National Coral Reef Management Fellowship es-*
16 *tablished in subsection (c).*

17 (4) *COVERED NATIVE ENTITY.—The term “cov-*
18 *ered Native entity” has the meaning given the term*
19 *in section 216 of the Coral Reef Conservation Act of*
20 *2000, as added by this division.*

21 (5) *COVERED STATE.—The term “covered State”*
22 *has the meaning given the term in section 216 of the*
23 *Coral Reef Conservation Act of 2000, as added by this*
24 *division.*

1 (6) *NATIVE ENTITY*.—*The term “Native entity”*
2 *has the meaning given the term in section 216 of the*
3 *Coral Reef Conservation Act of 2000, as added by this*
4 *division.*

5 (7) *SECRETARY*.—*The term “Secretary” means*
6 *the Secretary of Commerce.*

7 (b) *ESTABLISHMENT OF FELLOWSHIP PROGRAM*.—

8 (1) *IN GENERAL*.—*There is established a Na-*
9 *tional Coral Reef Management Fellowship Program.*

10 (2) *PURPOSES*.—*The purposes of the fellowship*
11 *are—*

12 (A) *to encourage future leaders of the*
13 *United States to develop additional coral reef*
14 *management capacity in States and local com-*
15 *munities with coral reefs;*

16 (B) *to provide management agencies of cov-*
17 *ered States and covered Native entities with*
18 *highly qualified candidates whose education and*
19 *work experience meet the specific needs of each*
20 *covered State or covered Native entity; and*

21 (C) *to provide fellows with professional ex-*
22 *perience in management of coastal and coral reef*
23 *resources.*

24 (c) *FELLOWSHIP AWARDS*.—

1 (1) *IN GENERAL.*—*The Secretary, in consultation*
2 *with the Secretary of the Interior, shall award a fel-*
3 *lowship in accordance with this subsection.*

4 (2) *TERM OF FELLOWSHIP.*—*A fellowship*
5 *awarded under this subsection shall be for a term of*
6 *not more than 2 years.*

7 (3) *QUALIFICATIONS.*—*The Secretary, in con-*
8 *sultation with the Secretary of the Interior, shall*
9 *award a fellowship to individuals who have dem-*
10 *onstrated—*

11 (A) *an intent to pursue a career in marine*
12 *services and outstanding potential for such a ca-*
13 *reer;*

14 (B) *leadership potential, actual leadership*
15 *experience, or both;*

16 (C) *possession of a college or graduate de-*
17 *gree in biological science, a college or graduate*
18 *degree in resource management with experience*
19 *that correlates with aptitude and interest for*
20 *marine management, or both;*

21 (D) *proficient writing and speaking skills;*
22 *and*

23 (E) *such other attributes as the Secretary,*
24 *in consultation with the Secretary of the Inte-*
25 *rior, considers appropriate.*

1 (d) *MATCHING REQUIREMENT.*—

2 (1) *IN GENERAL.*—*Except as provided in para-*
3 *graph (2), the non-Federal share of the costs of a fel-*
4 *lowship under this section shall be 25 percent of such*
5 *costs.*

6 (2) *WAIVER OF MATCHING REQUIREMENT.*—*The*
7 *Secretary may waive the application of paragraph*
8 *(1) to a fellowship if the Secretary finds that such*
9 *waiver is necessary to support a project that the Sec-*
10 *retary has identified as a high priority.*

11 ***TITLE CI—BOLSTERING LONG-***
12 ***TERM UNDERSTANDING AND***
13 ***EXPLORATION OF THE GREAT***
14 ***LAKES, OCEANS, BAYS, AND***
15 ***ESTUARIES***

16 ***SEC. 10101. PURPOSE.***

17 *The purpose of this title is to promote and support—*

18 (1) *the monitoring, understanding, and explo-*
19 *ration of the Great Lakes, oceans, bays, estuaries, and*
20 *coasts; and*

21 (2) *the collection, analysis, synthesis, and shar-*
22 *ing of data related to the Great Lakes, oceans, bays,*
23 *estuaries, and coasts to facilitate scientific research*
24 *and operational decisionmaking.*

Coral Reef Restoration for Risk Reduction (CR4): A Guide to Project Design and Proposal Development



Photo credit: Curt Storlazzi, USGS.

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Introduction

The Federal Emergency Management Agency (FEMA), U.S. Geological Survey (USGS), U.S. Army Corps of Engineers (USACE), National Oceanic and Atmospheric Administration (NOAA), and University of California Santa Cruz (UCSC) are working through the U.S. Coral Reef Task Force to provide guidance on the development of coral reef restoration proposals for federal hazard mitigation funding.

What is coral reef restoration and what is coral reef restoration for risk reduction?

Typically, active coral restoration projects are designed to improve some ecological function of coral reef ecosystems through a variety of restoration methods (see Figure 1).

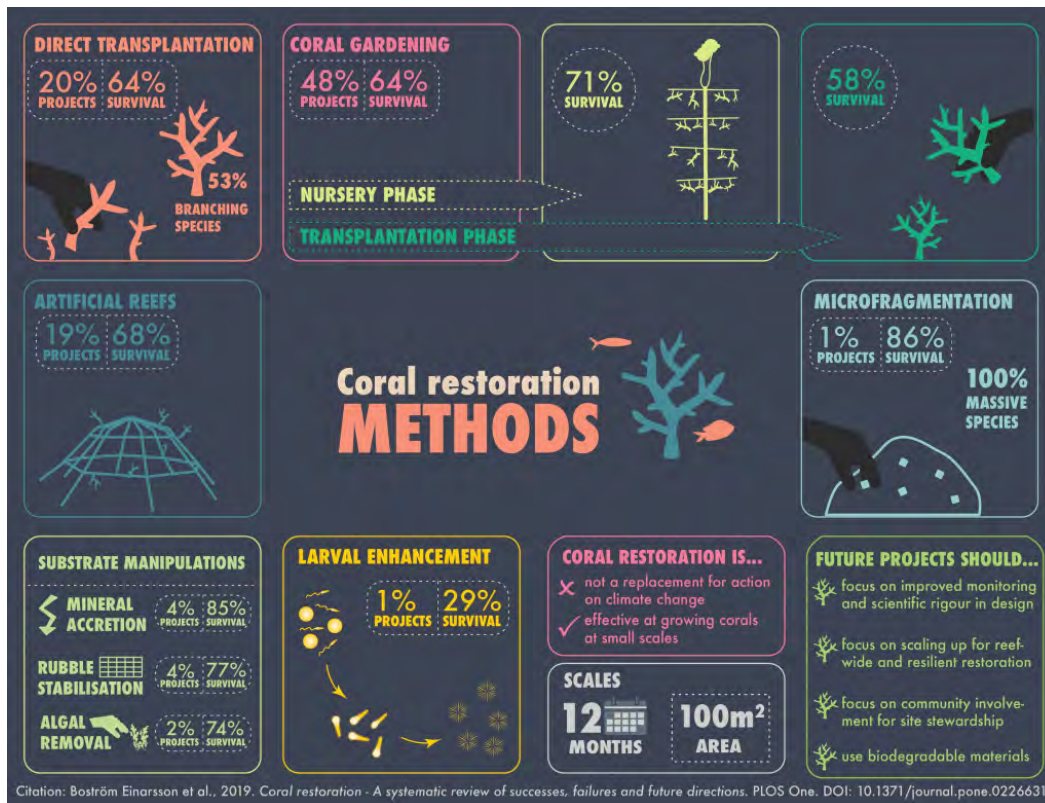


Figure 1. Coral restoration methods adapted from Bostrom-Einarsson et al. (2019).

Coral reef restoration for risk reduction (CR4) projects are designed to reduce flood or erosion risks by rehabilitating, recovering, and restoring reefs. This Guide focuses on projects for flood risk reduction. CR4 projects differ from solely ecological coral restoration projects, because CR4 projects aim to meet two different management objectives for environmental conservation and hazard mitigation. They often will require more specific placement and planning, detailed hydrodynamic analyses, and can require larger project scales to meet both objectives. CR4 is a relatively new approach and stakeholders including community leaders, natural resource managers, and government entities, may often not know when and where it can be used for flood risk reduction nor how to apply for hazard mitigation or recovery funding for CR4 projects.

How to Use this Guide

This Guide aims to provide potential project proponents from organizations to agencies an understanding of the key steps needed and critical information sources available to support CR4 proposals. This document guides potential applicants through the project conception, design, and implementation phases of a CR4 project. The Guide covers vital elements, including project scoping, identification of the project team, selection of site(s), benefit-cost analysis, identification of regulatory requirements, and potential funding opportunities.

Applications for federal assistance will usually need to be led and submitted by a local, state, territorial, or commonwealth agency. However, many stakeholders and project proponents can be involved in developing the project proposal and funding application. Further, the approaches outlined in this Guide can support many other nature-based projects and proposals beyond reef restoration for federal hazard mitigation funding.

PART I: BACKGROUND

Value of Coral Reefs

Coral reefs harbor significant biodiversity and provide a range of key ecosystem services (e.g., food provision, hazard mitigation, recreation) for people. Coral reefs are among the world's most diverse and biologically complex ecosystems. Despite covering less than 0.5% of the world's seafloor, coral reefs are home to more than 25% of known marine species. Coral reefs provide the primary subsistence source of protein for many island nations through fisheries and provide nursery habitat for many commercial species. They are also a major source of recreation and often a primary source of income through tourism. The total value of the world's coral reefs for tourism is estimated at \$36 billion (Spalding et al. 2017). In the U.S., coral reef-related tourism (direct reef use) is valued at \$550.8 million per year, with reef-adjacent tourism (reef existence driving visitors to certain locations) valued at \$680.1 million per year (Spalding et al. 2017). In total, the tourism value of coral reefs in the U.S. is estimated to be about \$1.2 billion per year (Spalding et al. 2017). When accounting for tourism, fisheries, and coastal protection, the total economic value of coral reefs in the U.S. is estimated at \$3.4 billion (Brander and van Beukering 2013).



Figure 2. Healthy coral reef at Tumon Bay, Guam. Photo credit: Curt Storlazzi, USGS.



Figure 3. Healthy Elkhorn coral (*Acropora palmata*) near Buck Island, U.S. Virgin Islands. Photo credit: Curt Storlazzi, USGS.

Nature-based Solutions for Natural Hazard Mitigation

The Federal Emergency Management Agency (FEMA) identifies that “nature-based solutions (NBS) are sustainable planning, design, environmental management, and engineering practices that weave natural features or processes into the built environment to promote adaptation and resilience.” The U.S. Army Corps of Engineers (USACE) has focused on a subset of NBS called Natural and Nature-Based Features (NNBF) which are landscape features that are used to provide engineering functions relevant to flood risk management while producing additional economic, environmental, and/or social benefits (Bridges et al. 2021).



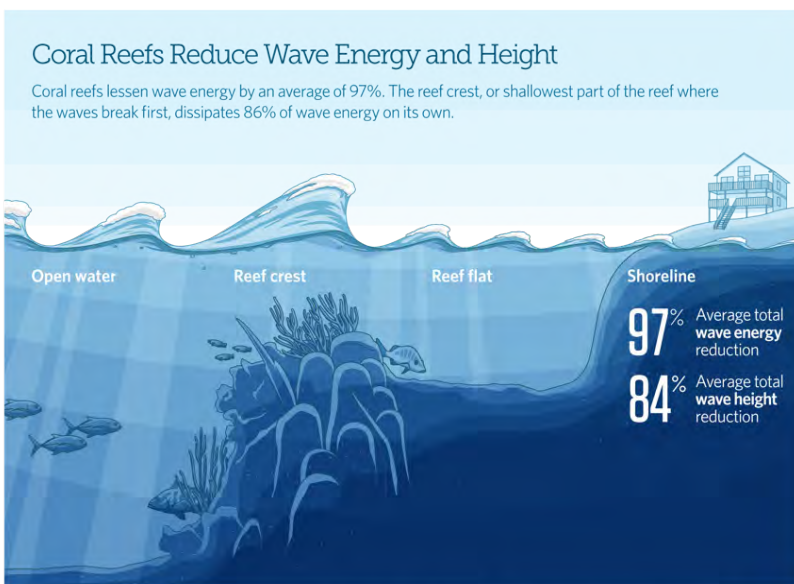
Figure 4. Examples of nature-based solutions. Credit: World Bank.

NBS are increasingly recognized as viable solutions for hazard mitigation of flooding and erosion (IUCN 2020). Recent work quantifies these NBS benefits socially and economically to support their use in meeting goals for hazard mitigation, risk reduction, and adaptation projects (Storlazzi et al. 2021; Reguero et al. 2021). NBS have many characteristics that can make them preferred alternatives over solely gray infrastructure for both communities and managers, including cost, appearance, and adaptability (FEMA 2020). Overall, implementing NBS can reduce the costs of future hazards and increase community resilience in the face of increasing climate impacts.

Coral Reefs as Nature-based Solutions

Coral reefs offer coastal protection services by reducing flooding and erosion through wave breaking and friction. On average, coral reefs dissipate 97% of wave energy before it reaches coastlines (Ferrario et al. 2014). Individual coral colonies induce drag on waves, further reducing wave energy and flooding reaching the shoreline (Quataert et al. 2015). Coral colonies grow together and alongside each other to form a reef, resulting in an even more significant reduction in wave energy and thus, a greater reduction in onshore flooding. The value of U.S. coral reefs for flood protection has been

quantitatively assessed at greater than \$1.8 billion annually for the direct benefits of avoided flood damages to property (Storlazzi et al. 2019; Reguero et al. 2021). The value of the coastal protection services provided by reefs can be retained or enhanced through active coral restoration, or CR4 (an NBS which seeks to meet conservation and hazard mitigation management goals). Potential reef restoration across Florida and Puerto Rico has been valued at \$232 million and \$40 million, respectively, in terms of the annual value for flood risk reduction (Storlazzi et al. 2021). The present value (PV) of potential large-scale reef restoration across Florida and Puerto Rico exceeds \$3.75 billion; when reef restoration is considered an infrastructure project with a 50-year project lifetime at a 7% discount rate, the guidelines suggested by FEMA for hazard mitigation projects.



Source: F. Ferrario, M.W. Beck, C.D. Storlazzi, F. Micheli, C.C. Shepard, and L. Airolidi, "The Effectiveness of Coral Reefs for Coastal Hazard Risk Reduction and Adaptation," *Nature Communications* (2014), doi: 10.1038/ncomms4794
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Figure 5. Coral reefs reduce wave energy by 97% on average. (Ferrario et al. 2014).

Current State of Coral Restoration

There are a rapidly growing number of coral reef restoration projects nationally and globally. Most of these efforts have focused on preserving reefs by reducing stressors (such as invasive

algae); growing juvenile corals in nurseries and planting them on reefs; or providing fish habitat. A smaller set of projects have used structural restoration of reefs, for example, to mitigate damage from ship groundings on reef crests (e.g., NOAA's Damage Assessment, Remediation, and Restoration Program). A small but growing number of projects have focused directly on reef restoration for coastal hazard risk reduction, or CR4 (Ferrario et al. 2014; Reguero et al. 2018). Habitat restoration projects designed to meet hazard mitigation objectives often use hybrid techniques that combine structural restoration using a gray infrastructure component (e.g., concrete) with a green infrastructure component (e.g., nursery-grown corals). Hybrid projects aim to meet conservation and hazard mitigation goals through the combination of gray and green infrastructure.

Recent reviews of coral restoration project goals, objectives, and techniques highlight the somewhat limited focus of most restoration efforts (Bayraktarov et al. 2019; Bostrom-Einarsson et al. 2020). Most projects reviewed were of small scale (<100 m²), with a short timeframe of implementation and monitoring (<18 months), focused mainly on fast-growing branching coral species, and utilized in-situ coral gardening methods (Bostrom-Einarsson et al. 2020). Techniques on the rise include ex-situ (land-based) nursery operations, microfragmentation, larval propagation, substrate stabilization, and the implementation of green-gray hybrid structures (Bostrom-Einarsson et al. 2020). The restoration techniques used in a specific project are usually based on a set of preselected, overarching goals or objectives for the restoration project but vary in scale and efficacy with the availability of resources and local capacity (Kaufman et al. 2021). Common goals or objectives include mitigating population decline and preserving biodiversity; recovering and sustaining fisheries production; re-establishing reef ecosystem structure and function; or responding to acute disturbances (Hein et al. 2021). There is a noticeable gap in restoration projects designed for the primary goal of reducing coastal hazard risks.

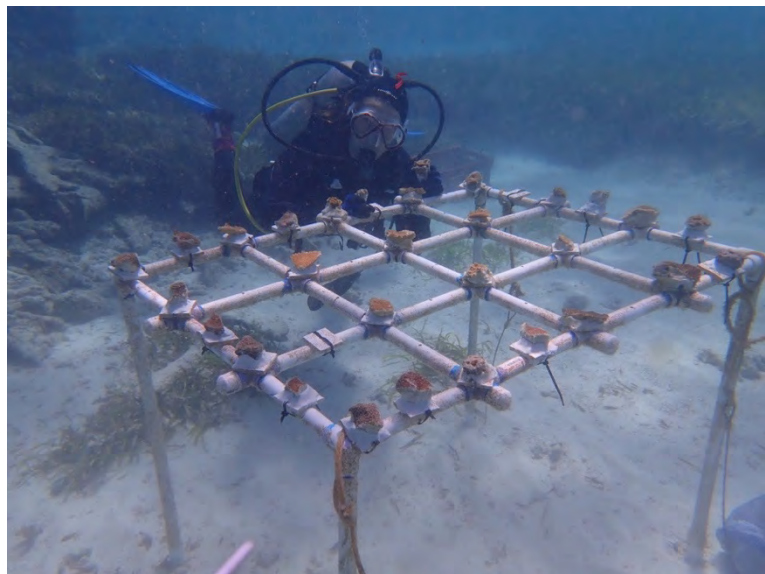


Figure 6. An in-situ table coral nursery structure with Elkhorn coral (*A. palmata*) fragments in the U.S. Virgin Islands. Photo credit: Austen Stovall.

Coral restoration operations in the U.S. jurisdictions with coral reef resources are led by local or national non-profit conservation organizations, state or territorial coral programs, local universities or academic organizations, or citizen-led initiatives, often through partnerships among these organizations. The diversity of partnerships within coral restoration operations strengthens the likelihood of developing integrative CR4 projects. Each U.S. coral jurisdiction has a dedicated coral program within its relevant local government agency to lead decision-making, access funding, and ensure alignment with NOAA's Coral Reef Conservation Program

(CRCP). NOAA CRCP supports U.S. coral jurisdictions technically and financially and leads the development of federal guidance on coral conservation priorities. In recent years, restoration has been added as a pillar to the coral reef management priorities at the federal level in the U.S. Thus, the funding for and facilitation of coral restoration operations throughout the coral jurisdictions is growing. Many states and territories have expressed interest in using reef restoration as a strategy for enhancing coastal resilience.



Figure 7. U.S. jurisdictions with coral reef resources. Credit: NOAA.

Coral Reefs and Climate Change

A great deal of concern has been raised about whether coral reefs, both natural and restored, can survive in the face of climate change. There are a few key points for consideration. While coral reefs have faced growing threats, there is evidence that areas of relatively high-functioning reef still exist around the world (Guest et al. 2018; Elahi et al. 2022). Despite the intense vulnerability of coral reefs to climate change, restoration is now one of the three accepted pillars necessary for the persistence of coral reef ecosystems: reduce global climate threats, improve local conditions, and invest in active restoration (Knowlton et al. 2021).

There is evidence that reefs can recover from large-scale stressors, such as bleaching from past El Niño events, and can be managed for recovery by reducing local stressors such as pollution, sedimentation, and destructive fishing (Pandolfi et al. 2011; Palumbi et al. 2014). A growing number of studies also show successful examples of coral reef restoration (Young et al. 2012; Bostrom-Einarsson et al. 2019). Further, select coral species have been observed to thrive in extreme



Figure 8. A coral reef in the Dominican Republic. Photo credit: Philip Hamilton, Ocean Image Bank.

conditions such as high elevated temperatures (Claar et al. 2020; Dandan et al. 2015) and low pH waters (Shamberger et al. 2014), suggesting that some coral populations still contain significant capacity to adapt to changing ocean conditions when adequately managed (Lowe et al., 2021). However, the rate of climate change is unprecedented, so increasingly innovative and significant interventions will be required for coral reef survival in the face of runaway climate change (NASEM 2019; Kleypas et al. 2021).

A common concern expressed about restoration is that it should not be attempted until all the issues that caused coral mortality (e.g., global climate change, invasive species, sedimentation) are addressed. However, experience shows that flagship restoration sites can create the community drive and political will to address problems, especially at the local scale, which will provide other side benefits (e.g., cleaner beaches, better-managed watersheds) that would not be resolved otherwise. While it is preferable to reduce (or find sites with reduced) stressors ahead of time, in many cases, the restoration project can provide the impetus for communities to address these issues. For example, in Kāneʻohe Bay, HI, the removal of invasive algae preceded active coral restoration interventions at this site (Bahr et al. 2015). In general, adaptive management is critical to the success of coral restoration projects.



Figure 9. An aerial view of a reef in Kaneʻohe Bay, Hawaiʻi. Photo credit: Toby Matthews, Ocean Image Bank.

Funding Mechanisms for Coral Reef Restoration for Risk Reduction

Current funding for active ecological coral restoration in the U.S. is divided among a handful of state, federal, and philanthropic sources, with an average amount of funding at \$2.4 million (Hein & Staub 2021). Most funds are granted to government agencies and non-governmental organizations (NGOs) for local-scale ecological coral restoration involving direct outplant methodologies. Funding is typically tied to measurements of outplanting effort (e.g., number of outplants or hectares restored) rather than specific long-term goals of restoration success (e.g., flood risk reduction goals, socioeconomic goals) (Hein & Staub 2021). Additionally, the average, relatively short timeline of available funding (3.3 years) does not allow for adequate measures of long-term restoration success nor the implementation of adaptive management and long-term monitoring of projects (Hein & Staub 2021).

There are a small but growing number of CR4 projects, mainly internationally (e.g., Reguero et al. 2018; Zepeda-Centeno et al. 2018). To date, no CR4 projects have been funded through any U.S. federal funding opportunity, though some are currently under consideration. There is the potential to apply for large-scale CR4 projects through the relevant hazard mitigation funding opportunities described below.



Figure 10. Mars coral restoration project involving the use of rebar dome structures and out-planted corals. Photo credit: Mars Coral Reef Restoration, www.buildingcoral.com.

Federal Emergency Management Agency

Currently, the majority of grant funding in the U.S. for both pre-and post-disaster mitigation comes from FEMA. Mitigation actions differ from many disaster preparedness, response, and recovery activities, in that they are inherently preemptive and have a long-term goal of reducing hazard risk. As disaster spending increases year after year, FEMA is investing more resources in natural hazards mitigation to save taxpayer dollars and build more resilience to current and future

disasters. In 2020, FEMA recognized the value of using NBS and considering ecosystem services in mitigation projects by eliminating the former benefit-cost ratio (BCR) requirement of 0.75, allowing for the consideration of ecosystem service benefits for eligible projects regardless of BCR value. This update allows for the easier inclusion of NBS into risk-based mitigation projects (see [Ecosystem Service Benefits in Benefit-Cost Analysis for FEMA's Mitigation Programs Policy](#)).

FEMA Hazard Mitigation Assistance (HMA)

FEMA administers several hazard mitigation grant programs, collectively referred to as Hazard Mitigation Assistance (HMA). HMA includes the Hazard Mitigation Grant Program (HMGP), the Flood Mitigation Assistance (FMA) Grant Program, and the Building Resilient Infrastructure and Communities (BRIC) Program (Figure 11). Eligible HMA applicants include states, federally recognized tribes, and territories, and the District of Columbia. Individuals cannot apply for HMA funding, but some NGOs may apply for HMGP funding. Applicants and sub-applicants to all programs must have a FEMA-approved hazard mitigation plan. Projects funded under HMA grants must align with the objectives and goals of the relevant hazard mitigation plan. Eligible mitigation activities differ for the various HMA programs. It is important to note that there is a cost-share responsibility for all HMA grants ranging from 75:25 to 90:10 federal:non-federal cost-share. In some cases, like under BRIC, Economically Disadvantaged Rural Communities (EDRCs) are eligible for reduced cost-share responsibility.

Hazard Mitigation Grant Program (HMGP)

HMGP funding is triggered by a major disaster declaration from the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), available on a sliding scale as a percentage of the estimated amount of total federal assistance for the disaster: up to 15% of the first \$2 billion, up to 10% for amounts between \$2 billion and \$10 billion, and up to 7.5% for amounts between \$10 billion and \$35 billion. HMGP funding is available for all types of hazard mitigation across the state, tribe, or territory in which the disaster is declared. HMGP funds are administered by the affected state, tribe, or territory, so local communities interested in obtaining funding must work directly with the state or territory.

Building Resilient Infrastructure and Communities (BRIC) Program

BRIC funding is a nationally competitive program with funding available annually as a set aside of the estimated amount of total federal assistance for disasters (similar to HMGP). BRIC funding is available for all types of hazard mitigation, with specific program priorities outlined each year. FEMA will decide on the annual available funding each year; more information is available in the [Notice of Funding Opportunity](#) (NOFO).

Flood Mitigation Assistance (FMA) Grant Program

FMA funding is available annually via congressional appropriation through a national competition. Funding is limited to flood-related mitigation that reduces the risk of properties that repetitively flood and lessens future insurance claims for the National Flood Insurance Program (NFIP); more information is available in the [NOFO](#).

FEMA Public Assistance (PA)

Additional hazard mitigation funding is also available as part of FEMA’s largest grant program, Public Assistance (PA). PA provides funding to states, tribes, and territories when authorized as part of a presidential disaster declaration under the Stafford Act. PA provides funding for long-term recovery assistance to state, local, tribal, and territorial governments. As part of the long-term recovery assistance, PA authorizes permanent work, which includes efforts to repair, reconstruct or replace disaster-damaged public and eligible nonprofit facilities. These facilities include roads and bridges, water control facilities, buildings and equipment, utilities, parks, recreational facilities, and other public facilities.

During this recovery process, funding for mitigation is also available, known as PA 406 Mitigation (after Section 406 of the Stafford Act). Unlike the HMA grants, PA 406 mitigation funding is not competitive and does not have a funding cap. Funding is based on the eligible disaster damage to the facility and the cost-effectiveness of the proposed project. Like HMA grants, PA 406 mitigation typically has a 75% federal cost-share, but the President has the authority to increase the cost-share for any PA-declared disaster. Some common mitigation measures include floodproofing, replacing or upgrading existing materials with stronger or more resilient materials, elevating facilities or important equipment, adding protective materials like riprap or green infrastructure for erosion control, or replacing structures like culverts or pipes with multiple or larger structures. The proposed mitigation action for a PA project will depend on the public facility being protected.

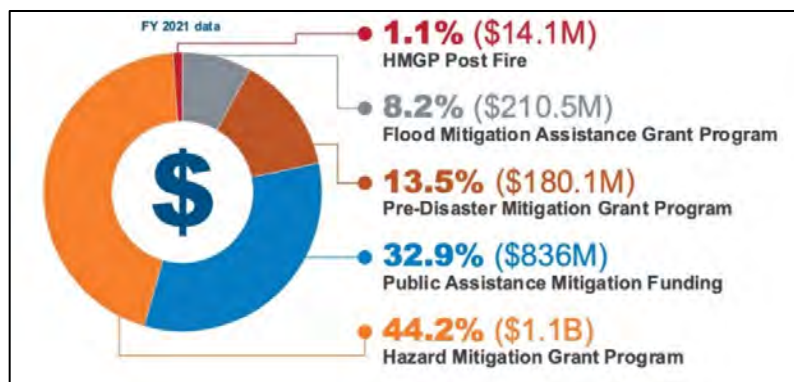


Figure 11. In FY2021 more than \$2.34B in Hazard Mitigation Assistance Grants and Public Assistance Mitigation funds were delivered to states, local communities, tribes, and territories resulting in mitigation actions that will reduce risk. Note: Missing on this graph is the Building Resilience Infrastructure and Communities (BRIC) Program which was funded at \$1B for FY2021.

United States Army Corps of Engineers

The United States Army Corps of Engineers (USACE) does not offer any federal grant programs for flood risk management projects. However, for larger flood risk reduction projects, the USACE can seek congressional authorization to evaluate flood risk and recommend specific flood mitigation project activities. For smaller projects, non-federal sponsors may request support from the USACE to evaluate potential flood risk reduction activities that might fit the Corps Continuing Authorities (CCA) program without congressional authorization. Since these potential funding avenues are not akin to a federal grant program, the process to include and propose a project is significantly different from most other grant application processes. However,

project components and considerations should align with the sections elucidated in this guide. Each of the 39 [Corps Districts](#) manages the CCA program to investigate and select relevant flood mitigation projects.

USACE Engineering with Nature

The USACE's Engineering with Nature (EWN) Program focuses on developing sustainable solutions for flood reduction using nature by considering social, environmental, and economic benefits. The EWN Program has technically and/or financially supported many NNBF and NBS projects over the past decade. Many NNBF projects have been highlighted in two Volumes of the EWN Atlases (Bridges et al. 2018, 2021), but at present, these have not included any CR4 projects. However, in 2022-2024 EWN will be supporting the assessment of CR4 projects developed as part of the Department of Defense DARPA [Reefense program](#).

USACE Corps Continuing Authorities Program

Without specific authorization from congress, CCA allows the USACE to plan, design, and construct smaller flood risk management projects that align with Federal interests as described in Sections 14, 205, and 208 of the Flood Control Act of 1946, 1948, and 1954, respectively.

Other Hazard Mitigation Funds

National Fish and Wildlife Foundation & National Oceanic Atmospheric Administration

National Coastal Resilience Fund

The National Coastal Resilience Fund (NCRF) supports the planning, implementation, and design of NNBF and NBS to help protect coastal communities from the impact of natural hazards and to increase resilience and ecosystem condition. The National Fish and Wildlife Foundation (NFWF) will invest in grants for projects in four priority areas: Community Capacity Building and Planning; Site Assessment and Preliminary Design; Final Design and Permitting; and Restoration and Monitoring.

National Fish and Wildlife Foundation America the Beautiful Challenge

The America the Beautiful Challenge (ATBC) is a grant program aimed at funding conservation and restoration projects across several focal areas, including improving ecosystem and community resilience to coastal flooding, drought, and other climate-related threats. ATBC funding is consolidated from several federal agencies and the private sector to support large-scale projects that meet shared conservation, resilience, and NBS priorities.

Department of the Interior Office of Insular Affairs Coral Reef and Natural Resources Initiative

The Coral Reef and Natural Resources (CRNR) Initiative provides grant funding for the management and protection of coral reefs and to combat invasive species in the U.S. insular areas. This includes the U.S. Territories of the U.S. Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and Freely Associated States: Republic of Palau, Republic of the Marshall Islands, and the Federated States of Micronesia. The CRNR Initiative aims to improve the health of coral reef ecosystems and other natural resources in the U.S. insular areas for their long-term economic and social benefit. Priority is given to projects

that help the insular areas address a variety of threats to coral reef ecosystems and for prevention, control, and eradication of aquatic and terrestrial plant, insect, and animal invasive species. Grants can be provided to insular area local governments and non-profit organizations whose projects benefit the insular areas. Annual grant funding from this program is approximately \$2.5 million. Examples of coral-related projects include, but are not limited to: decreasing land-based pollution that impacts coral reefs; mapping of coral reefs; coral restoration from Stony Coral Tissue Loss Disease; funding of specialized strike teams to identify, treat and remove evidence of disease; watershed management plans, restoration/monitoring in watershed areas; revegetation of deforested and eroded inland areas to decrease threat of erosion and sedimentation buildup on coral reef and inshore ecosystems; cleanup projects to protect the marine environment from sedimentation and runoff; and other outreach and education projects to protect coral reefs.

Reef Insurance

Some recent work has focused on the use of insurance to protect and restore coral reef ecosystems damaged by storms. This new funding pathway requires detailed scoping, intensive partnerships, and specific pre-existing conditions to be implemented (Secaira et al. 2019).

PART II: CR4 PROJECT ELEMENTS

Investigating, developing, and applying for funding for a CR4 project involves several distinct elements, steps, and methodologies. Below, we highlight the key considerations and provide step-by-step guidance for CR4 project realization.

Step 1. Pre-project Planning, Building Your Team, and Capacity Evaluation

Pre-project Planning

Before designing and measuring the costs and benefits of a CR4 project, it is essential to consider several baseline activities that will inform the application process. The following sections provide guidance on pre-project planning steps that will define a project's eligibility and streamline project development.

Meet with a Reef Resource Manager (if not already on your team)

The state or territorial agency responsible for managing coral reef ecosystems will differ for each jurisdiction but often reside within a coastal management and/or natural resource management agency. Consulting the relevant resource management entity should be one of the first steps in developing a CR4 project. Local resource managers will be able to provide critical information regarding permitting, extenuating reef ecosystem stressors, current and planned projects, relevant partners, and priority areas appropriate for a potential CR4 project. Further, contacting federal natural resource managers, such as NOAA, Environmental Protection Agency (EPA), or Department of the Interior (DOI), can help inform the application requirements and project timeline.

Application Timeline and Automatic Determinations of Ineligibility

State and federal application deadlines

State and federal application deadlines will vary based on the specific funding organization and program. For example, for the FEMA BRIC program, the application deadline for applicants (states, tribes, and territories) is set in the NOFOs each year. However, typically the application period opens in September and closes at the end of January. However, the application deadline for project submissions for sub-applicants (local/regional communities) will vary in each state, tribe, and territory. Those interested in submitting projects for BRIC funding should reach out to the State Hazard Mitigation Officer (SHMO) to identify localized deadlines and priorities.

FEMA HMA Project Ineligibilities

FEMA HMA mitigation grants have some specific ineligibility issues to consider when developing a potential coral reef restoration project. These ineligible project activities include:

- Projects that do not reduce the risk to people, structures, or infrastructure;
- Activities on federal lands or associated with facilities owned by another federal entity;
- Projects related to beach nourishment or re-nourishment;
- Projects that address, without an increase in the level of protection, the operation, deferred or future maintenance, rehabilitation, restoration, or replacement of existing structures, facilities, or infrastructure (e.g., dredging, debris removal, replacement of obsolete utility systems, or

bridges, maintenance/rehabilitation of facilities, including dams and other flood control structures).

For more information on project eligibility/ineligibility, please refer to the current FEMA [Hazard Mitigation Assistance Guidance](#).

Permitting

Acquiring the necessary permits for a CR4 project could be the most challenging aspect of project development. Getting a project ‘shovel-ready’ for implementation requires at least 18-24 months and potentially longer depending on permitting processes in the particular jurisdiction. Additionally, the monitoring requirements outlined in certain permits should be carefully considered in terms of the additional cost or time needed to implement a project successfully. It may be appropriate to consider a phased project approach if consultation work will be necessary to evaluate the impact on critical habitats or species, for example. A phased project application typically assumes that the sub-applicant knows the project and proposed solution(s) but needs extra time and guidance for permit consultations. A project application with the necessary permits obtained or in process will be more highly considered by FEMA (FEMA 2015).

Building Your Team

Multiagency collaboration will be essential throughout the CR4 project planning process. Establishing relationships with actors across permitting, natural resource, and hazard management agencies and securing buy-in from the local community affected by the proposed CR4 project will streamline the project development and application process. Below, we elaborate on the non-exhaustive list of key players to consider and contact early in the project planning process.

Determine Resource Stakeholders and Champions

Adjacent communities and businesses are often the first to observe coral reef declines and threats. Thus, the ideation of a CR4 project may often originate from a community champion who has felt or seen significant loss from natural hazard impacts. Seeing the local reef ecosystem actively decline and feeling heavier impacts from coastal hazards can serve as the nexus of CR4 project development.

As an emerging strategy for coastal risk reduction, the current limitations and future benefits of CR4 projects are not yet widely understood. Although CR4 projects have the potential to provide substantial risk reduction benefits to an array of beneficiaries, project proponents and champions should have a clear understanding of the overarching goals and objectives of a proposed project, as well as where and when a CR4 project is appropriate.

Identify Lead Applicant

The lead applicant, or the organization responsible for submitting the project proposal, will differ depending on the source of funding. For FEMA HMA grants, the eligible applicant is the state, federally recognized tribe, or territory (typically the emergency management agency). For FEMA BRIC funding, the eligible applicant will submit one grant application consisting of an unlimited number of sub-applications from throughout the state, territory, or tribe. Eligible sub-applicants for BRIC are local governments (including cities, towns, counties, special district governments, or other state agencies) who must



Figure 12. Shallow reef system in Turner Hole, St. Croix, USVI. Photo credit: Austen Stovall.

have a FEMA-approved hazard mitigation plan by the application deadline and at the time of grant funding obligation. While individuals and nonprofit organizations cannot be sub-applicants under BRIC, local governments can apply for funding on their behalf. Under FEMA’s HMGP, nonprofits can apply as sub-applicants for mitigation funding. Regardless, alignment with local hazard mitigation priorities and resource management plans is beneficial. Thus, in most cases, partnerships are essential. While project proponents or champions can include NGOs, homeowners, and business operators, the lead applicant or sub-applicant requirements may differ for each funding application. Before the project proposal is developed, establishing relationships with all relevant key partners is essential to enhance the likelihood of application submission success.

Contact Key Local Partners

Local Coral Resource Manager: Partnership with a local resource manager will allow project proponents to utilize existing grant development and management resources, access expert knowledge of coral reef resources and understand the permits required to implement a restoration project. The local agency within which the resource manager resides will differ for each jurisdiction, but guidance for the seven U.S. states and territories with coral reef resources is below.

U.S. Coral Jurisdiction	Coral Resource Management Department
American Samoa	Department of Marine and Wildlife Resources
Commonwealth of the Northern Mariana Islands	Bureau of Environmental and Coastal Quality
Florida	Department of Environmental Protection
Guam	Bureau of Statistics and Plans
Hawai’i	Department of Aquatic Resources
Puerto Rico	Department of Land and Natural Resources

U.S. Virgin Islands	Department of Planning and Natural Resources
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Local Emergency and Hazard Managers: For federal hazard mitigation funding opportunities, contact with the SHMO and/or local emergency management agency has the potential to strengthen a CR4 application. This partnership will allow the applicant to understand if and how CR4 projects fit into jurisdictional hazard mitigation priorities.

U.S. Coral Jurisdiction	Local Emergency Management Agency
American Samoa	American Samoa Territorial Emergency Management Coordination
Commonwealth of the Northern Mariana Islands	CNMI Homeland Security and Emergency Management
Florida	Division of Emergency Management
Guam	Guam Homeland Security Office of Civil Defense
Hawai'i	Hawai'i Emergency Management Agency
Puerto Rico	Puerto Rico Emergency Management Agency
U.S. Virgin Islands	Virgin Islands Territorial Emergency Management Agency

Local Coral Restoration Operator(s): Project proponents should also have established relationships with local coral restoration operators. Coral restoration operations can be led by NGOs, academic institutions, businesses and resource management agencies. Understanding the local coral restoration priorities and production capacity will influence the engineering design and lifespan of a CR4 project.

Federal, State and Local Permitting Entities: Permitting can often be a critical barrier to the development and implementation of CR4 projects. Obtaining the proper permits early in the project planning timeline helps improve project standardization and minimize impacts to sensitive resources. Establishing communication with the relevant permitting agencies is essential prior to project development and throughout the process. Local permit requirements will differ for each jurisdiction, but federal permit requirements may be triggered by legislation such as the Endangered Species Act, National Environmental Protection Act, or Coastal Zone Management Act and managed by agencies such as EPA or USACE.

Impacted Local Businesses: Local businesses impacted by flooding can potentially be critical stakeholders in the development of a CR4 project. The co-benefits of a CR4 project could be significant for these businesses, so their involvement, support, and even active contribution can increase the likelihood of project success.

Stakeholders & Community Buy-in

The inclusion of and support from local stakeholders, community members, indigenous peoples, and traditional owners is critical to successfully implementing any reef restoration project, but even more so for CR4 projects. Stakeholders provide local hazard knowledge, key site selection considerations, and input on potential barriers to success or areas of opportunity. Public participation and input during project design may be required to comply with certain environmental and historic preservation laws. The involvement of communities with environmental justice concerns during



Figure 13. Reef Restoration and Tourism: Explaining Reef Restoration Activities with Public Divers near Bali, Indonesia. Photo credit: MW Beck.

project development can help identify where those communities may be experiencing disproportionate impacts from natural hazards or a proposed project and support the development of equitable solutions. In many cases, community involvement can bolster a potential project's success through direct participation in project implementation (e.g., job creation) or instilling community pride and protection of a CR4 project. Overall, the beneficial outcomes of a CR4 project will be felt by impacted stakeholders, so their involvement from the beginning is key to gaining support for a successful project proposal.

Capacity Evaluation

The development of a CR4 project, from design to application to implementation to monitoring, could necessitate the involvement of a third-party contractor to complete all or part of the project requirements. A thorough evaluation of local capacity for reef restoration, elements of CR4 project design, large-scale project implementation and monitoring, and application development, management, and dissemination is necessary to determine if guidance is needed for any or all parts of a CR4 project. For example, environmental engineers could give input on structural design and installation for a hybrid approach, or environmental economic consultants could help ease the heavy lifting required for the completion of a rigorous benefit-cost analysis (BCA).

Coral Restoration Operations

It is important to assess local coral restoration capacity to determine the ability of local restoration practitioners to fulfill the requirements of a proposed CR4 project. Limitations of coral growth rates, coral species available that will thrive in the selected location, and restoration methodologies will impact the design and scale of a CR4 project. Additionally, project proponents should evaluate the coral stock needed to implement a CR4 project, which could potentially extend the realistic timeframe for implementing a CR4 project depending on the current production capacity of restoration operations. While regions with well-established coral restoration operations could likely design, apply for, and implement a CR4 project sooner, regions with rapidly developing coral restoration operations can prioritize CR4 project goals as

they design and develop local operations. For example, jurisdictions with less-established coral restoration operations could keep CR4 projects in mind when developing scalable restoration methodologies that are able to produce robust coral stock for restoration projects.

Grant Development and Management Capacity

Project proposal development is a challenge, especially for FEMA and USACE applications, as these processes are very demanding in terms of time, detail, and effort. Project proponents must determine whether internal capacity is sufficient to design and lead a project, compile and submit an application, and communicate with essential partners. Project proponents should consider bringing on an external independent contractor for projects that exceed internal grant application management capacity. Existing partnerships may be able to financially or technically support the development and completion of key application components. For example, FEMA Region IX has established a cooperative technical partnership with The Nature Conservancy and Earth Economics/Radbridge Inc. to support the BCA components of Region IX HMA applications.

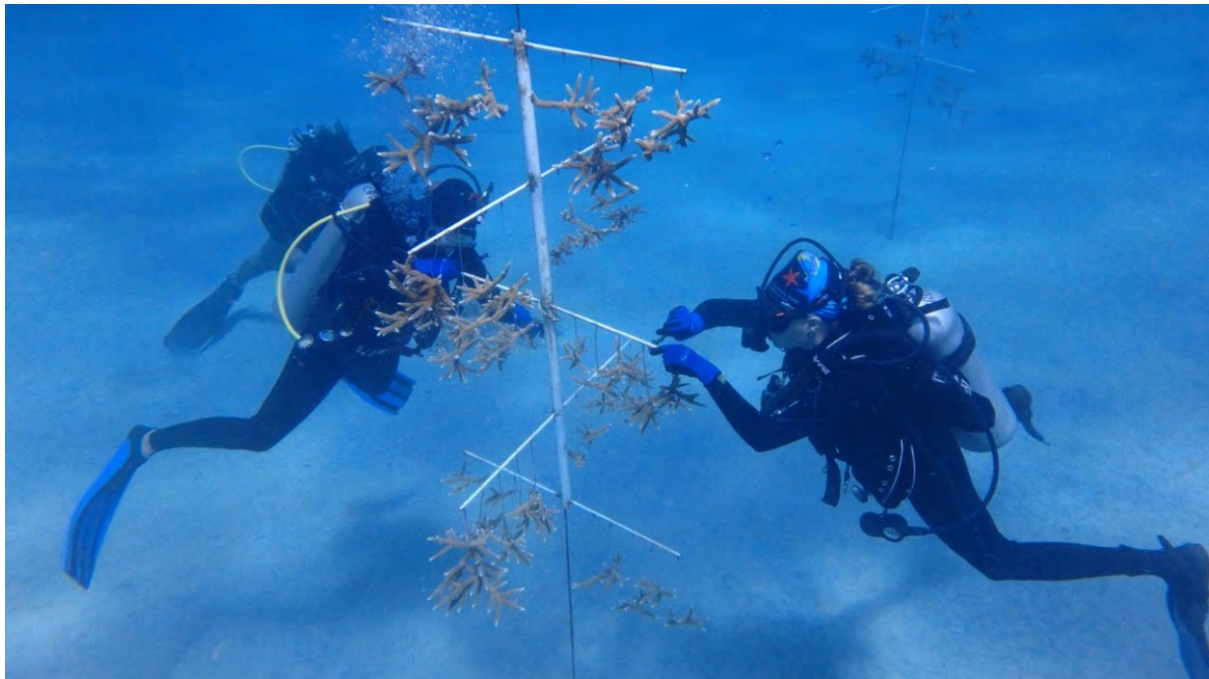


Figure 14. In-situ coral restoration nursery operation in the US Virgin Islands. Photo credit: Austen Stovall.

Step 2. Picking Your Site

For most projects, a critical step is initial site selection, which includes identifying where reef restoration is likely to yield significant risk reduction benefits relative to project costs and where stakeholders will have sufficient will and expertise to complete proposals and project development. It is essential to recognize that reef restoration designed for risk reduction will not be appropriate for every site where reef restoration may be desired. For projects designed to reduce flood risk, flooding and flood impacts must be focal components in measuring benefits and costs. Even though restored reefs can also have a significant impact on erosion reduction, these cannot be the primary benefit assessed for a flood risk reduction project.

To be eligible for federal hazard mitigation or recovery funding, project proponents must assess *where reef restoration will likely have sufficient benefits for flood risk reduction to justify costs*. Hazard managers and agencies will ultimately assess the capacity of a project to reduce risk to property and people first, with any ecosystem services (such as recreation, tourism, and aesthetic values) as potential co-benefits.

There are some key resources that can help project proponents identify sites where reefs are likely to provide significant benefits for flood risk reduction (e.g., Beck et al. 2018, 2022; Storlazzi et al. 2019; Reguero et al. 2021). The maps and databases from these sources, particularly those from USGS & UCSC, provide a strong basis for initial screening on where sites might offer sufficient risk reduction (e.g., Figure 16).

Additional site-specific factors for consideration include identification of the stressors that might impede restoration success; the level of documented degradation or reef loss; knowledge of the pre-degradation coral community and the level of reef development (i.e., data on carbonate build-up and reef thickness); the level of interest in reef restoration from environmental managers, hazard managers, and the local community; the likelihood of permitting success for a restoration site (i.e., is the site in a marine protected area, around endangered species, or in a navigable waterway); and the level of local capacity for coral restoration (e.g., coral nurseries). Reaching out to environmental and historic preservation authorities early in project design and throughout the process can help determine the potential benefits and limitations of a priority project site or design and identify proposed solutions.



Figure 15. An aerial view of Great Pond Bay on St. Croix in the USVI. Photo credit: Austen Stovall.



Figure 16. The highlighted reefs around O'ahu all provide greater than USD\$1 million in expected flood reduction benefits per kilometer per year. The values in the figure are the sum of the annual expected benefits for reef sections that are several kilometers long (modified from Storlazzi et al., 2019; Reguero, 2021).

Step 3. Benefit-Cost Analysis

What is the benefit-cost analysis and why is it important?

A BCA is a method to determine the future risk reduction benefits of a hazard mitigation project compared to its costs. Mitigation projects funded by FEMA HMA and PA Mitigation grants are required by law to be cost-effective.

Estimating Project Benefits

The approaches and data under 'Picking Your Site' above provide examples of how to broadly estimate the benefits of existing reefs. Below we go into more depth on the approaches widely used in the scientific community for estimating the benefits of specific projects, which are valid for all types of risk reduction projects (e.g., dikes, seawalls, low crested breakwaters, and reefs). It is important to reiterate that the following steps will require significant technical expertise (e.g., hydrodynamic modeling, economic analysis, reef design) which may require additional capacity in the form of consultants or outside experts. Ultimately for a reef restoration project, proponents will have to identify the specific characteristics of the proposed restoration (e.g., restoration height, width and offshore location, depth) and model those site-based benefits. Restoration benefits for several idealized restoration scenarios were developed for the coral reef-lined coasts of Florida and Puerto Rico (e.g., Figure 17; Storlazzi et al. 2021); project proponents would need to modify these scenarios for their site-specific considerations.

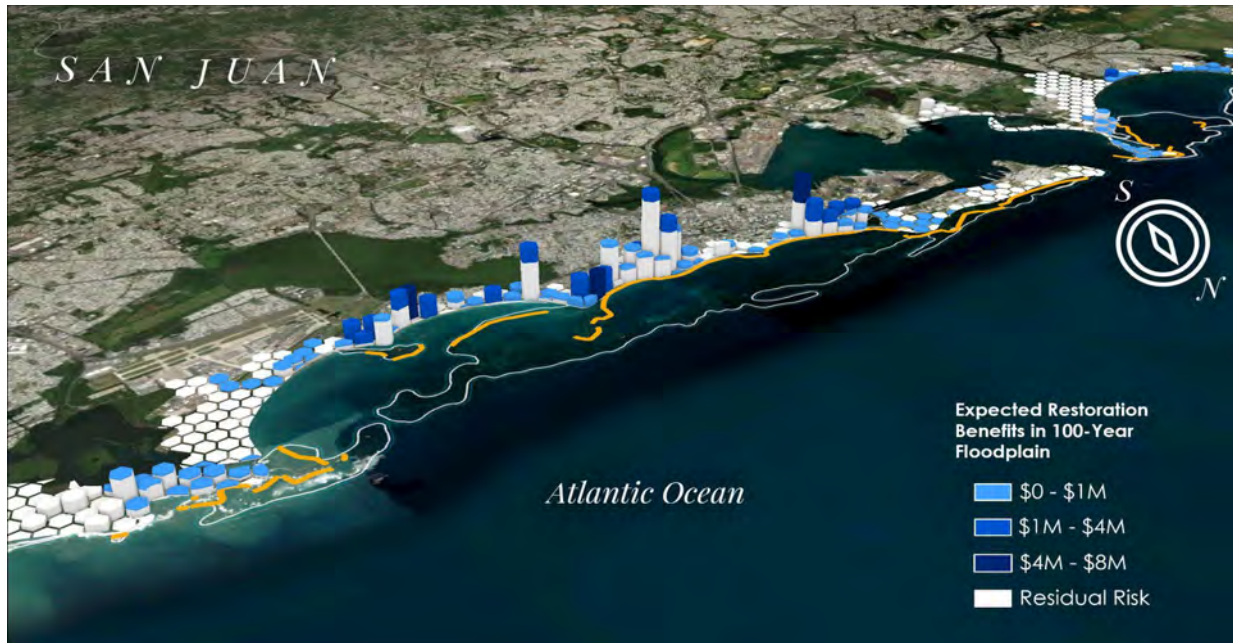


Figure 17. Risk reduction benefits of reef restoration around San Juan, Puerto Rico. The full height of the bars indicates current expected flood risk in the 100-year floodplain. The blue bar tops indicate the risk that could be reduced with reef restoration; their height and color represent the expected benefit from restoration per 50,000 m² (hexagon max width = 277 m). Residual risk remains even after reef restoration. The orange line offshore indicates the location of potential reef restoration. The offshore polygon outlined in white represents the extent of current reef habitats. Modified from Storlazzi et al. (2021).

Below we highlight some of the critical steps and data required for assessing the benefits of reef conservation and restoration. Versions of this approach are widely used in risk science and by the risk industry and are being adapted for use with NBS (Barbier 2015; World Bank 2016; Storlazzi et al. 2019, 2021; Bridges et al. 2021; FEMA 2022; Reguero et al. 2021; Beck et al. 2022). These methods combine oceanographic, coastal engineering, ecologic, geospatial, social, and economic data and tools to provide a quantitative valuation of coastal protection benefits provided by potential coral reef restoration. The goal at this stage is to identify how, where, and when coral reef restoration could increase the coastal flood reduction benefits socially and economically. The method follows a sequence of steps that integrate physics-based hydrodynamic modeling, quantitative geospatial modeling, and social and economic analyses to quantify the hazard, the role of coral reef restoration in decreasing coastal flooding, and the resulting economic and social consequences.

Projecting the Coastal Hazards. To define the flooding hazards, a long (multiple decades) record, either from wave buoys or numerical wave model hindcasts of wave heights and periods for the site, is helpful. If the buoy or hindcast model output location is close to the proposed restoration site, such information can be used to drive the coastal flood models to derive nearshore wave time series for the site. If they are not close to the proposed site, the waves need to be translated to the site via dynamical or statistical methods.

Evaluating the Role of Coral Reefs in Coastal Protection. The nearshore wave time series at the site can be fit to a General Extreme Value (GEV) distribution to obtain the wave heights and wave periods associated with the different return-period storm events, such as the 1-year, 10-year, 20-year, 50-year, and 100-year storm return periods. The corresponding storm-return period extreme water levels for a given location can be computed from water level data at the nearest tidal station, which should include the effects of tropical cyclones.

The return value wave heights, wave periods, and extreme water levels are then propagated over the coral reefs using a physics-based, numerical coastal hydrodynamics and flood model. These models should either be two-dimensional depth-integrated ('2DH') or fully three-dimensional to accurately model the reef benefits. Reef height (bathymetry) and roughness (friction) are the critical factors that influence the effects of reefs on flooding. Friction is usually parameterized based on its relationship with coral cover (Sheppard et al. 2005; Quataert et al. 2015).

Reef Restoration Scenarios. Project proponents should identify potential reef restoration project designs (i.e., scenarios) that consider: (i) the likelihood of delivering flood reduction benefits, (ii) existing coral restoration practices, and (iii) permitting factors such as depth for potential navigational hazards. The restoration scenario(s) will be represented in the model based on width (cross-shore), length (alongshore), and height, as well as friction or hydrodynamic roughness, to quantify the waves and water levels over the restoration and the resulting coastal flooding.

Evaluating the Role of Potential Coral Reef Restoration in Increasing Coastal Protection. The return period (e.g., 10-year, 50-year) wave heights and wave periods can then be propagated over the coral reefs and modified to account for scenarios with and

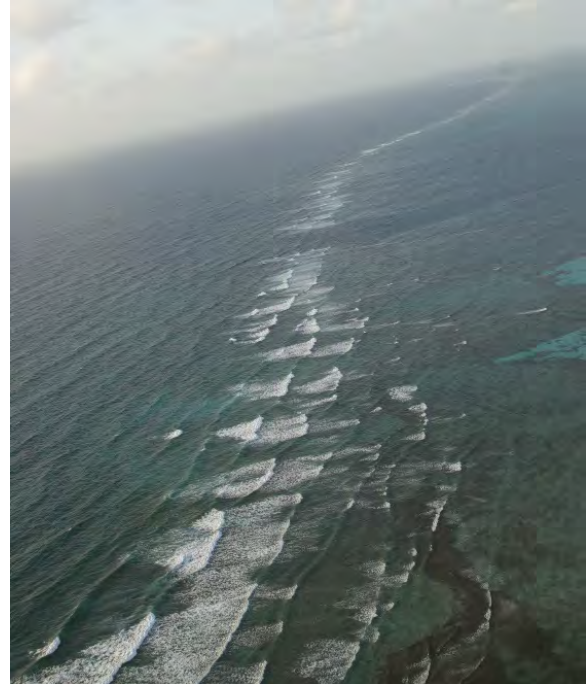


Figure 18. Waves breaking on the Mesoamerican Reef near Cancun, Mexico. Photo credit: MW Beck.

without coral reef restoration using the same physics-based, numerical coastal hydrodynamics, and flood models.

Quantifying the Social and Economic Benefits of Potential Coral Reef Restoration.

The differences with and without restoration in flood extent and depth are then used to quantify the avoided damages to people and property. The avoided damages to people are usually assessed based on census data, and the avoided damages to structures are based on data from granular, site-specific, local building data sources. Damages to the flooded structures are assessed by structure type (e.g., mobile homes) with flood-depth damage curves. The protection provided by reef restoration is ultimately assessed across three or more storm return intervals (e.g., 10-year, 50-year, 100-year, and 500-year storm return periods) to determine the annual expected protection provided by the coral reef restoration.

FEMA requires a 7% discount rate to be applied to future benefits, but the discount rate requirement for other agencies may vary. It is generally assumed that discount rates at this relatively high level will require that project benefits (i.e., flood reduction) be delivered early in a project (e.g., within the first year or two). Early delivery of flood reduction benefits likely means that reef restoration projects could not rely on planted coral fragments and growth alone and would need to pair structural (gray) and biological (green) restoration components for a hybrid approach. Still, there are scenarios where reef restoration could deliver significant returns on investment (i.e., B:C > 1) even if some of these benefits develop over time and with high discount rates (Beck et al. 2022).

FEMA BCA Toolkit

Most projects demonstrate cost-effectiveness using FEMA's BCA Toolkit software unless explicitly authorized by FEMA to use an alternate methodology. Cost-effective mitigation projects must have a BCR greater than or equal to 1.0 to demonstrate that the benefits outweigh the costs. FEMA's BCA toolkit requires specific data to be entered to evaluate the BCR, and documentation must be provided for any values entered unless they are a default within the tool. Projects are evaluated by property structure type, hazard type, mitigation action type, and the damage-frequency relationship (modeled damages, historic damages, professional expected damages). All projects require a project cost estimate, project useful life, and annual maintenance costs. Depending on the type of hazard, project, and damage-frequency relationship, different information about the damage history or avoided future damages is required. Additional benefits like ecosystem services can only be incorporated for some projects and hazard types. In 2022, FEMA released additional ecosystem service values, including for coral reefs and shellfish reefs. While the value for coral reefs includes some flood risk reduction benefits, the intent is that it can also be combined with other types of analysis to more fully quantify the risk reduction benefits that coral reefs provide. More information is available on FEMA's [BCA website](#), which includes the BCA Toolkit, policy and guidance updates, and training materials.

Economic Analyses

When deemed appropriate or for planning purposes, economic impacts and benefits can be assessed quickly using the FEMA Flood Assessment Structure Tool (FAST). FEMA's FAST is freely available under the [Hazus Open-Source Tools download](#). On its own, Hazus is currently

not acceptable to demonstrate cost-effectiveness. However, FAST can provide the economic losses with and without coral reef restoration by using flood risk reduction values from USGS/UCSC datasets showing flooding by storm return period in combination with other economic data of potential local benefits as described [here](#).

FAST rapidly analyzes building-level flood risk using the [Hazus flood model methodology](#). It was designed to make building-specific flood risk assessments quicker, simpler, and more resource-effective. Site-specific building data in a spreadsheet format are a required input that includes several attributes related to building vulnerability (e.g., building area, first-floor height, and foundation type). FAST includes a Help file that outlines the building data requirements, which is part of the FAST download. FEMA and USACE have developed national baseline inventories of structures that support this effort, including the National Structure Inventory (NSI). Several coral reef and mangrove test cases have been completed in Florida and Hawai'i using these data (Bergh et al. 2020; Stovall et al. 2022; Menendez et al. in press). Within FAST, Hazus provides a large library of damage functions that can be selected and assigned by the user. If not assigned by the user, defaults are provided as recommended by the expert panels and committees that developed these for Hazus. For user inputs, FAST requires hazard data in the form of depth grids with depth of water in feet. To estimate potential losses avoided as a result of the project, depth grids that represent the with and without project are required. FAST provides Average Annualized Losses (AAL) using two methods since AAL can better guide investment decisions over the life of the project. The first is a standard AAL method that requires a minimum of three return periods ranging anywhere between 10 and 1,000 years. The second is an exceedance probability function (PELV) AAL method (based on the actuarial curves developed by USACE and the FEMA NFIP) and requires only the 100-year return period. USGS has developed [FAST-ready depth data](#) for almost 2,000 miles of coral reef habitat based on the potential loss of the upper 1 meter of the reef system (Storlazzi et al. 2019). This compilation of information provides the framework to estimate the overall benefits of the coral reef system in reducing losses.

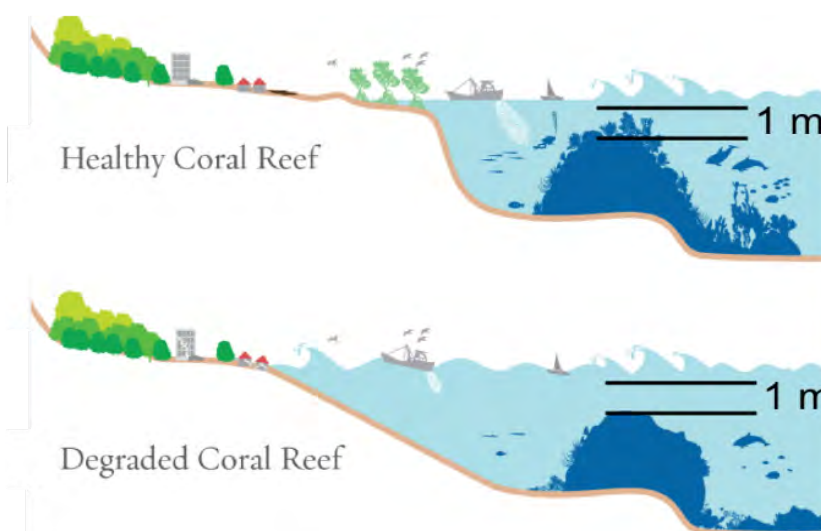


Figure 19. The loss of the top 1 m of reef has the potential to result in significantly increased flooding onshore. Credit: TNC.

Estimating Project Costs

Currently, few studies estimate project cost data for a CR4 project (Beck et al. 2022; Braithwaite et al. 2022), but many entities (e.g., engineering firms) can develop cost estimates based on analogous projects such as low-crested submerged breakwaters. Several studies review the costs

of coral outplanting from nurseries, also referred to as coral gardening (Bayraktarov et al. 2019). In most instances, nursery plantings will be at least one part of CR4 costs.

In 2014, Ferrario et al. (2014) reviewed the published cost of structural restoration projects and identified a median structural reef restoration cost of \$1290 per meter. A more recent pilot project in Grenada was estimated to cost \$3600 per meter (Reguero et al. 2018, 2019); this project involved structural restoration with sections higher than the 1-m considered by Ferrario et al. (2014). The project proponents noted that initial costs for this 30-m Grenada pilot project were likely significantly greater than expected final project costs as larger implementation would offer some economies of scale (Reguero et al. 2018).

Project proponents can work with local coral restoration practitioners and environmental/coastal engineers to get specific cost estimates for the region in which they plan to implement their project. Local environmental/coastal engineers can provide approximate costs for a submerged breakwater structure that might be used in a hybrid approach where corals are attached to a structural restoration component. For nursery-grown coral restoration, most cost estimates are typically for smaller-scale restoration projects.

However, local coral restoration practitioners can provide local cost estimates for nursery-grown or other coral fragmentation methodologies. Then, the project proponent can use those local costs as the basis for the cost approximation for FEMA's BCA. Long-term maintenance and monitoring cost estimates are also limited for large-scale coral restoration projects and CR4 projects in particular. The largest comprehensive estimate of coral restoration costs, including maintenance and monitoring, to date is from the Florida Keys [Mission Iconic Reefs project](#). However, the monitoring and maintenance costs associated with the Mission Iconic Reefs project are for monitoring ecological outcomes, not risk reduction. Thus, it is more appropriate to estimate monitoring and maintenance costs for a CR4 project based on the local monitoring and maintenance costs for a subtidal submerged breakwater rather than an ecological coral restoration project.



Figure 20. A hybrid CR4 structure installed in Grenada to reduce wave energy. Photo credit: TNC.

Step 4. Developing a Project Proposal

The process of developing and submitting a CR4 project proposal takes time and engagement from a broad array of stakeholders and experts. FEMA BRIC capability and capacity building (C&CB) funds can be used to support the facilitation and coordination of the team's effort for project scoping, regardless of the ultimate CR4 project funding source. Note that the state or territory manages all FEMA HMA funding, so it is vital to get in touch with the local emergency management agency or SHMO early to establish cross-sector project interest and prioritization. The SHMO will also help guide the application creation and submission process. Specific project proposal requirements, priorities, and contact information will be available in the FEMA, or other federal agency, grant program NOFO(s). For non-grant funding, the appropriate program manager in the local/regional agency office can be contacted to learn more.

Conclusion

There is promising interdisciplinary interest in the use of NBS for coastal flood risk reduction, particularly as NBS are identified in federal hazard mitigation funding opportunities such as FEMA BRIC. CR4 projects will rely on multiagency collaboration throughout the process of obtaining data, designing a project to reduce flooding, developing BCAs, and gaining support and permits from management agencies. There is growing evidence that coral reef restoration could be a technically and financially effective approach for coastal protection with supporting interest from stakeholders in local communities, territorial and state agencies, and businesses ranging from engineering contractors to insurance. However, challenges remain as there are only a few CR4 demonstration projects on which to inform the design and proposal development. Cooperative parties are actively working to overcome these barriers. The potential to integrate CR4 projects into the suite of hazard mitigation strategies for coastal communities will continue to grow as critical questions are answered, and interagency partners work together to advance CR4 as an attainable NBS.

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MEMORANDUM

AGENDA ITEM # 8

DATE: FEBRUARY 17, 2023

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: MARINE RESEARCH HUB: CONNECTING THE DOTS OF FLORIDA'S BLUE ECONOMY

Please welcome Katherine O'Fallon, Executive Director of the Marine Research Hub for a presentation.

Headquartered in South Florida, the mission of the Marine Research Hub is to raise the visibility, reputation, and prestige of South Florida's oceanographic research institutions and facilitate the transfer of technology into marketable goods and services, resulting in talent attraction and retention and job creation to build our Blue Economy.

Recommendation:

Information Only.



MEMORANDUM

AGENDA ITEM # 9

DATE: FEBRUARY 17, 2023

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: AFFORDABLE HOUSING LEGISLATION INCLUDING AN OVERVIEW OF FLORIDA SENATE PRESIDENT PASSIDOMO'S PRIORITY LEGISLATION: SENATE BILL 102

Please welcome Kody Glazer, Esq., Legal & Policy Director of the Florida Housing Coalition for a presentation. The Coalition provides professional consultation services through training and technical assistance on housing and related issues; supports community-based partnerships in leveraging resources; and advocates for policies, programs and use of funding resources that maximize the availability and improve the quality of housing in Florida. The Coalition carries out this mission recognizing that housing that's affordable is an integral part of community revitalization and economic development.

SB 102: Housing

GENERAL BILL by [Calatayud](#) ; (CO-INTRODUCERS) [Rouson](#) ; [Hooper](#)

Housing; Citing this act as the "Live Local Act"; deleting the authority of local governments to adopt or maintain laws, ordinances, rules, or other measures that would have the effect of imposing controls on rents; providing an exemption from ad valorem taxation for land that meets certain criteria; authorizing local governments to adopt ordinances to provide an ad valorem tax exemption for portions of property used to provide affordable housing meeting certain requirements; suspending, for a specified period, the General Revenue Fund service charge on documentary stamp tax collections; authorizing the Governor, under the Florida Job Growth Grant Fund, to approve state or local public infrastructure projects to facilitate the development or construction of affordable housing, etc. APPROPRIATION: \$711,000,000

The following materials are provided for your review and reference:

- a. SB 102 One-Pager of Senate Bill 102 (Senator Calatayud) as introduced January 26, 2023
- b. SB 102 FHC Complete Summary
- c. [SB 102 Post Meeting Senate Community Affairs](#) (Passed unanimously as introduced with no amendments)
- d. [SB 102 Legislation as introduced](#)

Recommendation:

Information Only.



Senate Bill 102 (Calatayud) – Housing

One-Pager of the Original Filed Bill – January 26, 2023

Contact: Kody Glazer, Legal & Policy Director, glazer@flhousing.org

Here are the main policies in the original filed version of Senate Bill 102 organized by policy topic. This bill is the vehicle for a number of housing policies and is a main priority of Senate President Kathleen Passidomo.

Funding & Tax Credits

- Proposes a record \$711 million for affordable housing programs including: \$252 million for SHIP, \$259 million for SAIL, \$100 million for the Florida Hometown Hero Housing Program, \$100 million for a CHIRP-like program
- Redirects up to an additional \$150 million/year for 10 years for the State Housing Trust Fund to be used on defined projects
- Creates a new Live Local Corporate Tax Donation program allowing taxpayers to donate funds directly to FHFC for the SAIL program in return for tax credits against corporate and insurance liability tax
- Codifies the Florida Hometown Hero program in state law
- Increases the Community Contribution Tax Credit (CCTC) and expands the Job Growth Grant Fund for affordable housing-related infrastructure expenses

Affordable housing tax exemptions

- Creates a new affordable housing property tax exemption for non-FHFC multifamily developments of over 70 units
- Authorizes cities and counties to provide property tax incentives for developments that serve households at 50% AMI or below
- Creates a new sales tax refund for certain affordable developments

Zoning, land use, and role of local government

- Preempts local governments on zoning, density, and height for certain multi-family affordable housing developments in commercial areas
- Amends land use tool for affordable housing at ss. 125.01055(6) and 166.04151(6) to exclude “residential” zones and removes prohibition on SAIL-funded projects
- Requires cities and counties to post inventory of lands appropriate for affordable housing on its website and encourages local governments to adopt best practices
- Prohibits local governments from enacting rent control
- Requires local governments to post expedited permitting procedures online

State Housing Strategy

- Makes substantial amendments to the state’s housing strategy at s. 420.0003.

Florida Housing Finance Corporation & Technical Assistance

- Changes board makeup of FHFC, makes changes to FHFC budget request process, and makes amendments to the Qualified Contracts
- Allows FHFC to contract with Catalyst Program provider to provide training on using publicly owned land for affordable housing



Senate Bill 102 (Calatayud) – Housing

Summary of the Original Filed Bill – January 26, 2023

Contact: Kody Glazer, Legal & Policy Director, glazer@flhousing.org

This document summarizes the policies in the original filed version of Senate Bill 102 organized by policy topic. This bill is the vehicle for a number of housing policies and is a main priority of Senate President Kathleen Passidomo.

Policies included in the bill:

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I. Funding & Tax Credits

Additional funding for the State Housing Trust Fund

- Redirects up to \$150 million annually of the General Revenue service charge on doc stamp revenues to the State Housing Trust Fund over 10 years (up to \$1.5 billion new funding for SAIL over 10 years) (lines 1018-1028 and lines 1111-1117)
- Additional funds must be used as follows: (lines 2204-2242)
 - At least 70% of additional funds must be used for competitive requests for projects that:
 - Both redevelop an existing affordable housing development and provide for the construction of new development within close proximity to the development to be rehabilitated
 - Address urban infill, including conversions of vacant, dilapidated, or functionally obsolete buildings
 - Provide for mixed-use housing
 - Provide housing near military installations
 - Remainder of funds can be used for projects that:
 - Propose using or leasing public lands
 - Address the needs of young adults who age out of foster care
 - Meet the needs of elderly persons
 - Provide housing to meet the needs in areas of rural opportunity

New Live Local Corporate Tax Donation Program

- Creates a new tax donation program to allow taxpayers to direct payments to FHFC for use as SAIL funds in exchange for tax credits against corporate or insurance premium tax liability. Cap of \$100 million in each state fiscal year (lines 2314-2391)
- Projects funded through this donation program must be used to fund:
 - 100% through the SAIL program
 - Up to \$25 million can be used to provide loans for the construction of large-scale projects of significant regional impact. Projects must provide a number of multifamily rental units which exceeds the number of units in the largest multifamily project within 30 miles by 50 percent (lines 2287-2306)

Codifies Florida Hometown Hero Program

- Codifies the Hometown Hero program in state statute
- Provides a minimum of \$10,000 and up to 5 percent of the first mortgage, not exceeding \$35,000, in down payment assistance (lines 2449-2490)
 - Assistance is a 0% interest loan due at sale, refinancing, rental of property



- Can serve households up to 150% of state median income or local median income, whichever is greater
- Must be first-time homebuyer and employed full-time (35 hours or more per week) by a Florida based employer
 - **Note**, an eligible homebuyer does not need to be in a specific industry

Affordable housing funding

- Provides \$100 million from General Revenue for the Florida Hometown Hero Housing Program (lines 2629-2633)
- Provides \$252 million from LGHTF the SHIP program (lines 2634-2639)
- Provides \$259 million in total for the SAIL program - \$150 million from GR service charge and \$109 million from SHTF (lines 2640-2647)
- Provides \$100 million from GR for a competitive loan program for new construction projects in the development pipeline that have not commenced construction and are experiencing verifiable cost increases due to market inflation (lines 2648-2670)

Community Contribution Tax Credit

- Increases CCTC to \$25 million from \$14.4 million (lines 2589-2597)

Florida Job Growth Grant Fund

- Expands Job Growth Grant Fund for “state or local public infrastructure projects to facilitate the development of affordable housing.” (lines 1880-1891)

II. Affordable housing tax exemptions

New affordable housing property tax exemption in s. 196.1978.

- **Background:** F.S. 196.1978 is the state’s affordable housing property tax exemption statute. Under this statute, there are two property tax exemptions available for affordable units: 1) the “Affordable Housing Property Exemption”; and 2) the “Multifamily Property Exemption.” The “Affordable Housing Property Exemption” is for property owned by nonprofit organizations that serves households up to 120% AMI and the “Multifamily Property Exemption” is for properties of more than 70 units that have a Land Use Restriction Agreement with the Florida Housing Finance Corporation (FHFC) and serve households up to 80% AMI.
- **Bill actions:**
 - Clarifies that land owned entirely by a nonprofit entity and is leased for a minimum of 99 years for the purpose of, and is predominately used for, providing affordable housing is exempt from property taxation (lines 633-646)
 - Adds a third affordable housing property tax exemption in s. 196.1978 for newly constructed multifamily projects of more than 70 units that serve up to 120% AMI



and do not have a Land Use Restriction Agreement with FHFC; exemption only applies to the affordable housing units (lines 647-789)

- Different levels of tax exemptions: (lines 701-708)
 - Units that serve 80-120% AMI = 75% property tax exemption
 - Units that serve up to 80% AMI = 100% property tax exemption
- Affordable units must be rented at an amount not to exceed HUD Fair Market Rents or 90 percent of the fair market value rent as determined by a rental market study (lines 688-693 and lines 773-785)

New optional local property tax exemption (50% AMI and below)

- Authorizes city and county commissions to adopt an ordinance to provide property tax exemptions to certain affordable housing units that serve households up to 50% AMI (lines 794-803)
- Eligible developments must have at least 50 units and dedicate at least 20% of its units for affordable housing (lines 804-807)
- Affordable units must be rented at an amount not to exceed HUD Fair Market Rents or 90 percent of the fair market value rent as determined by a rental market study (lines 808-813)
- Different levels of tax exemption options (lines 832-842):
 - Developments that are 100% affordable = Up to 100% property tax exemption
 - Developments that are less than 100% affordable = Up to 75% property tax exemption
- Local government may provide this tax exemption only to units serving VLI, ELI, or both (lines 843-848)
- Local government must post a list of certified properties on its website (lines 909-911)
- An ordinance adopted under this section must expire before the fourth January 1 after adoption but may be renewed through a new ordinance (Lines 925-936)

New sales tax refund for affordable housing construction

- Affordable housing developments subject to an agreement with FHFC serving up to low-income households are eligible for a sales tax refund on building materials for affordable units (lines 1365-1478)
- Up to \$5,000 or 97.5% of sales tax paid as a refund for each eligible residential unit (lines 1459-1466)

III. Zoning, land use, and role of local government

Preempting local governments on zoning for certain multi-family affordable housing developments in commercial areas.

- Requires cities and counties to allow multifamily and mixed-use residential as allowable uses in any area zoned for commercial or mixed-use if at least 40 percent of the units are affordable to income-eligible households for at least 30 years. An application for a development may not require a zoning or comprehensive plan amendment. For mixed-use residential projects, at



least 65 percent of total square footage must be used for residential purposes. (lines 318-328 and lines 420-430)

- Local government may not restrict the density of a development under this preemption below the highest allows density in the jurisdiction where residential development is allowed (lines 329-332 and lines 431-434)
- Local government may not restrict the height of a development under this preemption below the highest currently allowed height for a commercial or residential development in the jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher (lines 333-337 and lines 435-439)
- Application under this section must be administratively approved and does not require further action by the city or county commission if it satisfies the jurisdictions land development regulations for multifamily developments (lines 338-344 and lines 440-446)
- Local government must consider reducing parking requirements to the greatest extent possible for developments approved under this section if development located within ½ mile of a transit stop (lines 345-349 and lines 447-451)
- This preemption lasts for 10 years (line 353 and line 455)

Land use tool to allow affordable housing on parcels zoned residential, commercial, and industrial.

- **Background:** House Bill 1339 (2020), which was amended slightly by Senate Bill 962 (2022), gave local governments the flexibility to allow affordable housing developments on any parcel zoned residential, commercial, or industrial notwithstanding any other law to the contrary. In effect, the tool allows local government to override its own zoning code and comprehensive plan to approve an affordable housing development.
- **Bill actions:**
 - Removes the use of the land use tool on parcels zoned for residential use (line 307 for counties and line 410 for municipalities)
 - Removes the prohibition on using the tool for developments that apply for or receive SAIL funding (line 312-313 for counties and lines 415-416 for municipalities)

Amendments to Florida’s surplus land statute

- **Background:** Florida’s “surplus land laws” at ss. 125.379 and 166.0451 for counties and cities respectively, require local governments every 3 years to create an inventory of all lands it owns that are “appropriate for use as affordable housing.” Although parcels do not have to be placed on this inventory for a local government to use its land for affordable housing purposes, parcels placed on the inventory can be used for affordable housing according to guidance in the statute.
- **Bill actions:**
 - Requires every local government to prepare a new list by October 1, 2023 (line 358 and line 549)
 - Expands inventory requirement to independent special districts within local governments (lines 360-361 and lines 552-553)



- Requires every local government to make the inventory list publicly available on its website to encourage potential development (lines 370-371 and lines 561-563)
- Clarifies that land placed on the inventory can be used for affordable housing “through a long-term land lease” (lines 372-376 and lines 564-568)
- Adds new subsection encouraging local governments to adopt best practices for surplus land programs (lines 387-397 and lines 580-590)

Rent Control Prohibited

- **Background:** Under current law, local governments are allowed to enact temporary rent control measures upon a finding that such controls are “necessary and proper to eliminate an existing housing emergency which is so grave as to constitute a serious menace to the public” and after a vote via public referendum.
- **Bill action:**
 - Repeals the language at ss. 125.0103 and 166.043 allowing local governments to enact temporary rent control measures. (lines 208-295 and lines 458-544)
- **Effect:**
 - Local governments would be preempted from enacting rent control measures.

Posting expedited permitting procedures online

- Requires local governments to maintain on its website a policy containing procedures and expedited processing of building permits and development orders required by law to be expedited (lines 2568-2571)

Using State-Owned lands for affordable housing

- Requires each manager of conservation lands to include in its land management plan “whether nonconservation lands would be more appropriately transferred to the county or municipality in which the land is located for the purpose of providing affordable multifamily rental housing.” (lines 1697-1701)

IV. State Housing Strategy

Substantial amendments to the State housing strategy in s. 420.0003

- Substantially amends the state housing strategy at 420.0003 (lines 1908-2082)
- Directs Shimberg Center for Housing Studies to “develop and maintain statewide data on housing needs and production, provide technical assistance relating to real estate development and finance, operate an information clearinghouse on housing programs, and coordinate state housing initiatives with local government and federal programs” (lines 2014-2020) and to “perform functions related to the research and planning for affordable housing” (lines 2026-2039)
- Directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate affordable housing issues (lines 2040-2075)



V. Florida Housing Finance Corporation

FHFC Board Makeup

- Adds one member appointed by the President of the Senate and one member appointed by the Speaker of the House (lines 2103-2114)

Qualified Contracts

- Changes timeframe for when FHFC shall deem a bona fide contract to be a qualified contract to at the time the “bona fide contract is present to the owner and the initial deposit is deposit in escrow” (lines 2092-2098)

FHFC Budget Requests

- Directs FHFC to include the amount of state funds necessary to use all federal housing funds anticipated to be received by, or allocated to, the state in order to maximize the produce of new, affordable multifamily housing units (lines 2149-2154)

VI. Technical Assistance

Affordable Housing Catalyst Program

- Allows FHFC to contract with the Catalyst Program provider to provide technical assistance to local governments to establish selection criteria and related provisions for RFPs or other competitive solicitations for use or lease of government-owned land for affordable housing (lines 2483-2493)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 102

INTRODUCER: Senators Calatayud and Rouson

SUBJECT: Housing

DATE: February 7, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Favorable
2.			AP	

I. Summary:

SB 102 makes various changes and additions to affordable housing related programs and policies at both the state and local level.

Much of the bill involves the Florida Housing Finance Corporation (FHFC), a public-private entity that administers the two largest statewide affordable housing programs: the State Apartment Incentive Loan (SAIL) program and the State Housing Initiatives Partnership (SHIP) program. With regards to FHFC, the bill:

- Provides up to \$150 million annually to the SAIL program for certain specified uses such as infill and projects near military installations. These funds are to be redirected from the General Revenue service charge, and this provision sunsets 2033.
- Provides up to a \$5,000 refund for sales tax paid on building materials used to construct an affordable housing unit funded through the FHFC.
- Creates a new tax donation program to allow corporate taxpayers to direct certain tax payments to FHFC, up to \$100 million annually, to fund the SAIL program.
- Codifies the Florida Hometown Hero down payment assistance program, retaining the structure as it exists while increasing the monetary limit per loan and the scope of eligibility.
- Adds two members to the FHFC Board of Directors, one appointed by the leader of each chamber of the Legislature.
- Broadens the ability for FHFC to invest in affordable housing developments for those in or aging out of foster care.
- Adds a requirement to its annual legislative budget request.
- Makes a technical amendment to the qualified contracts process.

With regards to other state-level resources, the bill:

- Revises the State Housing Strategy to align with current best practices and goals.
- Requires nonconservation land managers to analyze whether such lands would be more appropriately transferred to a local government for affordable housing related purposes.

- Clarifies current law to ensure all local government requests for surplus lands are expedited.
- Expands Job Growth Grant Fund eligibility to specifically authorize public infrastructure projects that support affordable housing.
- Raises tax credits available through the Community Contribution Tax Credit Program for affordable housing from \$14.5 to \$25 million.

With regards to local governments, the bill:

- Preempts local governments' requirements regarding zoning, density, and height to allow for streamlined development of affordable housing in commercial and mixed-use zoned areas under certain circumstances. Developments which meet the requirements may not require a zoning change or comprehensive plan amendment.
- Removes a local government's ability to approve affordable housing on residential parcels by bypassing state and local laws that may otherwise preclude such development, while retaining such right for commercial and industrial parcels.
- Removes provision in current law allowing local governments to impose rent control under certain circumstances, preempting rent control ordinances entirely.
- Requires counties and cities to update and electronically publish the inventory of publicly-owned properties, for counties including property owned by a dependent special district, which may be appropriate for affordable housing development.
- Authorizes FHFC, through contract with the Florida Housing Coalition, to provide technical assistance to local governments to facilitate the use or lease of county or municipal property for affordable housing purposes.
- Requires local governments to maintain a public written policy outlining procedures for expediting building permits and development orders for affordable housing projects.

The bill also introduces three ad valorem property tax exemptions:

- An ad valorem tax exemption for land owned by a nonprofit entity that is leased for a minimum of 99 years for the purpose of providing affordable housing.
- An ad valorem tax exemption that applies to rent-restricted units within newly constructed or substantially rehabilitated developments setting aside at least 70 units for affordable housing for low- and moderate-income families.
- Authorizes counties and municipalities to offer, through ordinance, an ad valorem tax exemption to property owners who dedicate units for affordable housing at extremely-low income, very-low income, or both.

The bill contains the following appropriations to FHFC:

- \$100 million in non-recurring funds from the General Revenue Fund to implement the Florida Hometown Hero Program;
- \$252 million in non-recurring funds from the Local Government Housing Trust Fund for the SHIP program;
- \$150 million in recurring funds from the State Housing Trust Fund for SAIL projects funded by the General Revenue service charge redirect in the bill.
- \$109 million in non-recurring funds from the State Housing Trust Fund for the SAIL program; and

- \$100 million in non-recurring funds from the General Revenue Fund to implement a competitive loan program to alleviate inflation-related cost increases for FHFC-approved multifamily projects that have not yet commenced construction.

See Section V., Fiscal Impact Statement, for Revenue Estimating Conference analysis on individual components of the bill.

Except as otherwise provided, the bill takes effect July 1, 2023.

II. Present Situation:

The present situation for each issue is described below in Section III, Effect of Effect of Proposed Changes.

III. Effect of Proposed Changes:

Present Situation:

Affordable Housing

One major goal at all levels of government is to ensure that citizens have access to affordable housing. Housing is considered affordable when it costs less than 30 percent of a family's gross income. A family paying more than 30 percent of its income for housing is considered "cost burdened," while those paying more than 50 percent are considered "extremely cost burdened." Severely cost burdened households are more likely to sacrifice other necessities such as healthy food and healthcare to pay for housing, and to experience unstable housing situations such as eviction.

Affordable housing is defined in terms of household income. Resident eligibility for Florida's state and federally funded housing programs is typically governed by area median income (AMI) levels. These levels are published annually by the U.S. Department of Housing and Urban Development (HUD) for every county and metropolitan area. The following are standard household income level definitions and their relationship to the 2022 Florida state AMI of \$ 78,300 for a family of four (as family size increases or decreases, the income range also increases or decreases):¹

- Extremely low income – earning up to 30% AMI (at or below \$ 23,500);²
- Very low income – earning from 30.01 to 50% AMI (\$23,501 to \$39,150);³
- Low income – earning from 50.01 to 80% AMI (\$39,151 to \$62,650);⁴ and
- Moderate income – earning from 80.01 to 120% of AMI (\$62,651 to \$94,000).⁵

¹ U.S. Department of Housing and Urban Development, *Income Limits, Access Individual Income Limits Areas – Click Here for FY 2022 IL Documentation*, available at <https://www.huduser.gov/portal/datasets/il.html#2022> (last visited January 25, 2023).

² Section 420.0004(9), F.S.

³ Section 420.0004(17), F.S.

⁴ Section 420.0004(11), F.S.

⁵ Section 420.0004(12), F.S.

To illustrate, below are example income thresholds from various counties in Florida:

AMI % Single Income	30%	60%	80%	120%	150%
Miami-Dade	20,490	40,980	54,640	81,960	102,450
Collier	19,830	39,660	52,880	79,320	99,150
Leon	17,070	34,140	45,520	68,280	85,350
Bradford ⁶	12,750	25,500	34,000	51,000	63,750

AMI % Family of 4	30%	60%	80%	120%	150%
Miami-Dade	29,250	58,500	78,000	117,000	146,250
Collier	28,290	56,580	75,440	113,160	141,450
Leon	24,360	48,720	64,960	97,440	121,800
Bradford ⁷	18,210	36,420	48,560	72,840	91,050

Housing costs reflect what people are willing to pay to live in an area, which may make it difficult for the workforce, elders, and people with disabilities to find affordable homes and apartments. The government helps make housing affordable through decreased monthly rent or mortgage payments so that income eligible families are able to pay less for housing than it would otherwise cost at “market rate.” Lower monthly payments or down payment assistance is a result of affordable housing financing.

Florida Housing Finance Corporation

The 1997 Legislature created the Florida Housing Finance Corporation (FHFC) as a public-private entity to assist in providing a range of affordable housing opportunities for Floridians.⁸ The FHFC is a corporation held by the state and housed within the Department of Economic Opportunity (DEO). The FHFC is a separate budget entity and its operations, including those relating to personnel, purchasing, transactions involving real or personal property, and budgetary matters, are not subject to control, supervision, or direction by the DEO.⁹

The goal of the FHFC is to increase the supply of safe, affordable housing for individuals and families with very low to moderate incomes by stimulating investment of private capital and encouraging public and private sector housing partnerships. As a financial institution, the FHFC administers federal and state resources to finance the development and preservation of affordable rental housing and assist homebuyers with financing and down payment assistance.

⁶ This threshold applies to 18 counties: Bradford, DeSoto, Dixie, Glades, Hamilton, Hardee, Hendry, Holmes, Jackson, Levy, Liberty, Madison, Okeechobee, Putnam, Suwanee, Taylor, Union, and Washington.

⁷ *Id.*

⁸ Chapter 97-167, Laws of Fla. From 1980 through 1997, the former Florida Housing Finance Agency, placed within the former Department of Community Affairs, performed similar duties.

⁹ Section 420.504(1), F.S.

Funding for Affordable Housing

FHFC draws and administers funds from federal programs through federal tax credits and the HUD,¹⁰ from the state through the State Housing Trust Fund and Local Government Housing Trust Fund,¹¹ both funded by documentary stamp taxes, as well as ad hoc individual legislative appropriations, and through program income, which consists primarily of funds from successful loan repayment that is recycled into the program it came from.

Documentary Stamp Tax

The documentary stamp tax imposes an excise tax on deeds or other documents that convey an interest in Florida real property. The tax comprises two taxes imposed on different bases at different tax rates. The first tax rate is 70 cents on each \$100 of consideration for deeds, instruments, or writings whereby lands, tenements, or other real property or interests that are granted, assigned, transferred, conveyed or vested in a purchaser.¹² The second tax rate is 35 cents per each \$100 of consideration for certificates of indebtedness, promissory notes, wage assignments, and retail charge account agreements.¹³ Revenue collected from the documentary stamp tax is divided between the General Revenue Fund and various trust funds¹⁴ according to the statutory formula in ch. 201, F.S.

Housing Trust Funds

The State Housing Trust Fund, administered by the FHFC,¹⁵ is “to be used for new construction and substantial rehabilitation of housing, to improve the state’s ability to serve first-time homebuyers, and to increase the affordability and availability of the housing stock in the State of Florida.”¹⁶ The 1992 Sadowski Act increased documentary stamp tax rates and provided for a certain proportion of documentary stamp tax revenues to be distributed to the State Housing Trust Fund. A large portion of these funds are utilized in the State Apartment Incentive Loan (SAIL) Program.

The Local Government Housing Trust Fund, administered by the FHFC,¹⁷ is used to fund the State Housing Initiatives Partnership (SHIP) Program, which was created “for the purpose of providing funds to local governments as an incentive for the creation of partnerships to produce and preserve affordable housing.”¹⁸ A certain proportion of documentary stamp tax revenues are distributed to the Local Government Housing Trust Fund.

¹⁰ See ss. 420.507(33) and 159.608, F.S.

¹¹ Section 201.15, F.S.

¹² Section 201.02(1), F.S.

¹³ Sections 201.07 and 201.08, F.S.

¹⁴ The Land Acquisition Trust Fund, the State Transportation Trust Fund, the State Economic Enhancement and Development Trust Fund, the General Inspection Trust Fund, the Water Protection and Sustainability Program Trust Fund, the Resilient Florida Trust Fund, the State Housing Trust Fund, and the Local Government Housing Trust Fund.

¹⁵ Chapter 92-317, ss. 1-35, Laws of Fla; Section 420.0005, F.S.

¹⁶ Chapter 88-376, s. 2, Laws of Fla.; s. 420.003(5), F.S. (1988).

¹⁷ Section 420.9079, F.S.

¹⁸ Chapter 92-317, s. 32, Laws of Fla.; s. 420.9072, F.S. (1992).

State Apartment Incentive Loan (SAIL) Program

The SAIL Program is administered by FHFC and provides low-interest loans on a competitive basis to multifamily affordable housing developers.¹⁹ These funds often serve to bridge the gap between the development's primary financing and the total cost of the development. SAIL dollars are available for developers proposing to construct or substantially rehabilitate multifamily rental housing.²⁰

At a minimum, developments financed by SAIL must set aside 20 percent of units for households at or below 50 percent of AMI, or if the development also receives Low Income Housing Tax Credits²¹ (LIHTC), 40 percent of units for households up to 60 percent of AMI.²² Loan interest rates are set at zero percent for those developments that maintain 80 percent of their occupancy for farmworkers, commercial fishing workers or homeless people. The interest rates are set at one percent for all other developments. Generally, loans are issued for 15 years and cover approximately 25 to 35 percent of the total development cost.

Development Funding Selection Process

SAIL funding is distributed by FHFC through a competitive solicitation process.²³ Each year FHFC issues several requests for application, formal offers of funding that require hopeful developers to give FHFC detailed information related to the development. These requests for application vary by geography and needs of the community, based on a statewide market study.²⁴ Applications are then reviewed and scored by FHFC based on a number of criteria, and awards are made from the highest scoring applications.²⁵

To illustrate, in 2022 one request for application was entitled "SAIL Financing for the Construction of Workforce Housing in Monroe County."²⁶ This request stated that up to \$5.52 million in SAIL financing would be awarded for a Monroe County based development serving workforce income households (up to 120% AMI), in addition to \$1.8 million of LIHTC financing available for award to developments serving low income households (up to 60% AMI). Applicants filed detailed information, including developer experience, development characteristics, proposed location, set-aside commitments, and existing financing. Applications

¹⁹ Section 420.5087, F.S.

²⁰ See Florida Housing Finance Corporation, *State Apartment Incentive Loan*, available at <https://floridahousing.org/programs/developers-multifamily-programs/state-apartment-incentive-loan> (last visited February 3, 2022).

²¹ Low Income Housing Tax Credits are a financial instrument administered by the Department of Housing and Urban Development that provide financing for low income housing developments. Credits are allocated to states on a per capita basis and state-level administration is performed by FHFC. Eligible developments are income-limited similarly to SAIL requirements.

²² Section 420.5087(2), F.S.

²³ Section 420.5087(1), F.S.

²⁴ *Id.*, see also Fla. Admin. Code R. Ch 67-60.

²⁵ For the full list of statutory criteria, see s. 420.5087(6)(c), F.S. Additional criteria and scoring mechanics can be set by FHFC.

²⁶ Florida Housing Finance Corporation, *Request for Applications 2022-208*, March 7, 2022, available at https://www.floridahousing.org/docs/default-source/programs/competitive/2022/2022-208/3-7-22-final-2022-208-workforce_bookmarked08e499c2fb0d6fb69bf3ff00004a6e0f.pdf?sfvrsn=ce9f67b_0 (last visited December 29, 2022).

were reviewed and ultimately one was awarded the full amount available. The resulting development following award will have 98 units, with each unit set aside as follows:

- 10 percent of the units will serve households at or below 25% AMI;
- 40 percent of the units will serve households at or below 60% AMI; and
- 50 percent of the units will serve households between 60% and 120% AMI.²⁷

These set-asides for affordable housing set two limits on an apartment: the rent is limited to make the apartment affordable to someone at the target income, and potential renters must submit proof of income beneath the target before becoming eligible renters. Set-asides are generally governed by a Land Use Restrictive Agreement (LURA), which is recorded by the county clerk's office and runs with the land. A LURA can also include a time period associated with restriction compliance enforced by the IRS, HUD, or other housing authority.²⁸ Both FHFC and local governments utilize LURAs to enforce requirements that developers receiving funding indeed go on to provide affordable housing.

The same competitive solicitation process is used to distribute many different types of funding routed through FHFC. FHFC is the state's administrator for all federal affordable housing programs, which include LIHTC, HOME investment partnerships and the National Housing Trust Fund program via the HUD, and Multifamily Mortgage Revenue Bonds. The process is also used for other state programs such as the Elderly Housing Community Loan Program.²⁹ Certain funding sources can also be paired to ensure a greater number of projects are funded.

External Funding for SAIL Projects

SAIL funding operates as gap financing, which means it provides the last amount needed to secure a development's future. There are several sources of funding that an affordable housing development will take advantage of:

- FHFC Loans and Grants, which result from state appropriations;
- Traditional financing through bank loans and bond issuance;
- Local government investment;
- Private funds directly raised or put forth by the developer; and
- LIHTC.

Housing credits are a financial instrument, tax credits, issued through the Low-Income Housing Tax Credit (LIHTC) program.³⁰ After being allocated a certain amount of tax credits by the federal government based on population and need, FHFC allocates the funding to affordable housing developers. There are two types of credits:

²⁷ See Lofts at Bahama Village, Application Package for RFA 2022-208, Application Number 2022-265CS, available at <https://www.floridahousing.org/programs/developers-multifamily-programs/competitive/submitted-rfas?RFA=2022208> (last visited December 29, 2022).

²⁸ Commercial Real Estate Finance Company of America, *Multifamily Housing – Land Use Restrictive Agreement (LURA) LIHTC*, available at <https://www.crefcoa.com/land-use-restrictive-agreement.html> (last visited February 4, 2023).

²⁹ SB 102's focus, as it relates to multifamily development loans, is SAIL funding. For more on the programs referred to in this paragraph, see generally Florida Housing Finance Corporation, *2021 Annual Report*, January 30, 2022, available at https://issuu.com/fhfc/docs/2021_annual_report (last visited December 29, 2022).

³⁰ Florida Housing Finance Corporation, *Housing Credits*, available at <https://www.floridahousing.org/programs/developers-multifamily-programs/low-income-housing-tax-credits> (last visited January 5, 2023).

- 9 percent credits, which are more valuable and limited. These are competitively bid for and can typically fund two-thirds of a development's total cost; and
- 4 percent credits, which are not limited and considered "non-competitive." These typically fund one third of a development's total cost.

General Revenue Service Charge Redirect for SAIL Program

Section 201.15, F.S., prescribes the distribution of revenues from the excise tax on documents. After payments on certain outstanding bonds and a distribution to the Land Acquisition Trust Fund, eight percent of total collections is deducted as the General Revenue service charge required by s. 215.20(1), F.S. This charge is intended to represent a share of the cost of general government. The remaining revenues from the excise tax on documents are distributed to various trust funds, including the State Housing and Local Government Housing Trust Funds, pursuant to s. 201.15, F.S.

Effect of Proposed Changes:

The bill provides for \$150 million to be redirected from the General Revenue service charge to the State Housing Trust Fund for use in the SAIL program, with certain priorities and goals attached. These goals include projects focused on infill and maximizing existing infrastructure, the use and lease of public lands, projects near military installations, and projects meeting the needs of certain groups such as the elderly and those aging out of foster care. This funding is annually recurring, and will be repealed on July 1, 2033. A section-level breakdown follows.

Section 10 amends s. 201.15, F.S., to provide that, after documentary stamp tax revenue distributions to the Land Acquisition Trust Fund and before any other distributions, the lesser of 8 percent of the remainder or \$150 million is paid to the credit of the State Housing Trust Fund to be utilized pursuant to s. 420.50871, F.S., created by section 30. The remainder of the 8percent shall be paid into the General Revenue Fund, constituting the General Revenue service charge. The section removes other references to the General Revenue service charge.

Section 11 provides that the amendments made by section 10 expire on July 1, 2033, and the text of that section shall revert to that in existence before the bill's passage but for unrelated amendments by other later legislation.

Section 13 creates s. 215.212, F.S., to exempt documentary stamp taxes from the General Revenue service charge, in accordance with the amendments made by Section 10 which provide the same 8percent charge in another form. This section is also repealed July 1, 2023.

Section 14 amends s. 215.22, F.S., to make a technical conforming change. **Section 15** likewise provides that the amendments made by section 14 expire on July 1, 2033, and the text of that section shall revert to that in existence before the bill's passage but for unrelated amendments by other later legislation.

Section 30 creates s. 420.50871, F.S., which provides the allocation of revenues derived by the amendments made by section 10. The \$150,000,000 allocated to the State Housing Trust Fund

by section 10 are to be used by FHFC under the SAIL program, with specific requirements as follows:

70 percent of the funds must be used to issue competitive requests for application to finance projects which:

- Both redevelop an existing affordable housing development and provide for the construction of a new development within close proximity to the existing development to be rehabilitated. This mechanism involves building a new affordable housing development first, relocating the tenants of the existing development to the new development, and then demolishing the existing development for reconstruction of an affordable housing development with more overall and affordable units.
- Address urban infill, including conversions of vacant, dilapidated, or functionally obsolete buildings or the use of underused commercial property.
- Provide for mixed use of the location, incorporating nonresidential uses, such as retail, office, institutional, or other appropriate commercial or nonresidential uses.
- Provide housing near military installations in this state.

The remaining 30 percent must be used to finance any of the following projects which:

- Propose using or leasing public lands. Projects that propose to use or lease public lands must include a resolution or other agreement with the unit of government owning the land to use the land for affordable housing purposes.
- Address needs of young adults who age out of the foster care system.
- Meet the needs of elderly persons.
- Provide housing to meet the needs in areas of rural opportunity, designated pursuant to s. 288.0656, F.S.

One project need not meet all of the goals listed for each allocation group, but each goal must be targeted for development. The bill instructs FHFC to coordinate with the appropriate state department or agency for each goal, and to prioritize projects providing mixed-income developments. Funds allocated under this section must remain within the requirements of this section, but FHFC may allocate outside funds (e.g. from the wider SAIL program) to supplement these funds.

This section is repealed on June 30, 2033.

Section 31 directs the Division of Law Revision to make technical amendments to Section 30 when published into law.

Present Situation:

Florida Sales Tax Refund for SAIL Developments

Florida levies a 6 percent sales and use tax on the sale or rental of most tangible personal property,³¹ admissions,³² transient rentals,³³ and a limited number of services. Chapter 212, F.S.,

³¹ Section 212.05(1)(a)1.a., F.S.

³² Section 212.04(1)(b), F.S.

³³ Section 212.03(1)(a), F.S.

contains provisions authorizing the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain sales. Sales tax is added to the sales price of the taxable good or service and collected from the purchaser at the time of sale.³⁴

Counties are authorized to impose local discretionary sales surtaxes in addition to the state sales tax.³⁵ A surtax applies to "all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rentals, admissions, and other transactions by [ch. 212, F.S.], and communications services as defined in ch. 202."³⁶ The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold or delivered. Discretionary sales surtax may be levied in a range of 0.5 to 2.5 percent.³⁷

Effect of Proposed Changes:

Section 12 (in part) amends s. 212.08(5)(v), F.S., to provide up to a \$5,000 refund for sales tax paid on building materials used to construct an affordable housing unit funded through the FHFC.

The bill provides that building materials used in eligible residential units are exempt from sales tax under certain circumstances. The exemption takes the form of a post-construction refund to the owner, and may not exceed the lesser of \$5,000 or 97.5 percent of the Florida sales or use tax paid on the cost of building materials per unit. A refund will not be granted unless it exceeds \$500. This refund does not apply to affordable housing developments for which construction began prior to July 1, 2023.

In order to receive the refund, the owner of the applicable residential units must submit a review request to the Department of Revenue (DOR) within six months of the units' completion including the following:

- The applicant's name and address;
- An address and parcel number of the improved real property;
- A description of the eligible residential units;
- A copy of the units' building permit;
- A sworn statement from the general contractor or owner specifying the building materials, their cost and sales tax; and
- A certification by the building code inspector that the unit is substantially completed.
- A copy of the LURA with FHFC for the eligible units.

The exemption may also be claimed by a local government, agency, or nonprofit community-based organization if the building materials are paid for from the funds of a grant or loan program similar to SHIP. In this instance, the local government, agency, or organization would submit the same request as above.

The DOR may adopt rules to implement the directives of this section.

³⁴ Section 212.07(2), F.S.

³⁵ Section 212.055, F.S.

³⁶ Section 212.054(2)(a), F.S.

³⁷ Office of Economic and Demographic Research, *Florida Tax Handbook*, 227-228 (2021), available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2021.pdf> (last visited Dec. 06, 2021).

The DOR will additionally move 10 percent of the value of the refund from the Local Government Half-Cent Sales Tax Clearing Trust Fund to the General Revenue Fund in order to reflect the sales tax refund.

Present Situation:

“Live Local Program” - Tax Credit Program benefiting SAIL Program

The Florida Tax Credit Scholarship Program (FTC) was created in 2001³⁸ and allows taxpayers to make private, voluntary contributions to scholarship-funding organizations (SFOs) that can then be awarded as scholarships to eligible low-income students for private school tuition and fees. Taxpayers can receive a tax credit for use against their liability for corporate income tax, insurance premium tax, oil and gas production tax, use tax under a direct pay permit or alcoholic beverage taxes on beer, wine, and spirits.³⁹ The tax credit is equal to 100 percent of the eligible contributions made.⁴⁰ To receive a tax credit the taxpayer must submit an application to the DOR and specify each tax for which the taxpayer requests a credit and the applicable taxable or state fiscal year for the credit.⁴¹ Taxpayers can rescind tax credits, which will become available to another eligible taxpayer in that fiscal year.⁴²

Described below are select taxes imposed by Florida on certain businesses and products within the state.

- **Corporate Income Tax:** Florida imposes a 5.5 percent tax on the taxable income of certain corporations and financial institutions doing business in Florida.⁴³ Corporate income tax is remitted to the DOR and distributed to the General Revenue Fund.
- **Insurance Premium Tax:** Florida imposes a 1.75 percent tax on most Florida insurance premiums.⁴⁴ Insurance premium taxes are paid by insurance companies under ch. 624, F.S., and are remitted to the DOR. These revenues are distributed to the General Revenue Fund with additional distributions to the Insurance Regulatory Trust Fund, the Police & Firefighters Premium Tax Trust Fund, and the Emergency Management Preparedness & Assistance Trust Fund.

Effect of Proposed Changes:

Section 32 creates s. 420.50872, F.S., to establish the “Live Local Program,” a tax credit program benefiting the SAIL program.

Under the Live Local Program, businesses that make monetary donations to FHFC to fund the SAIL program may receive a dollar-for-dollar credit against either corporate income or insurance

³⁸ Section 1002.395, F.S.

³⁹ Section 1002.395(1) and (5), F.S.

⁴⁰ Sections 220.1875 and 1002.395(5), F.S.

⁴¹ Section 1002.395(5)(b), F.S.

⁴² Section 1002.395(5)(e), F.S.

⁴³ Sections 220.11(2) and 220.63(2), F.S.

⁴⁴ Section 624.509, F.S. (Different tax rates apply to wet marine and transportation insurance, self-insurance, and annuity premiums.)

premium taxes. New sections are created in each of the applicable tax chapters to create the credit. The annual tax credit cap for all credits under the program is \$100 million.

FHFC must expend all of the contributions received under the Live Local Program for the SAIL program. From the amount received, FHFC may use up to \$25 million to provide loans for the construction of large-scale projects of significant regional impact. These projects must include a substantial civic, educational, or health care component, and may incorporate commercial use. Such a project must provide a number of multifamily rental units which exceeds by 50 percent the number of units in the largest multifamily project within 30 miles.

Such a loan must be made in accordance with the practices and policies of the SAIL program, through a competitive application process, and must not exceed 25 percent of the development's total costs. The FHFC must find that such a loan provides a unique opportunity for investment alongside local government participation that enables the creation of a significant amount of affordable and workforce housing.

Application and Approval of Tax Credits by the DOR

Taxpayers that wish to participate in the program by making a donation to the initiative must apply to the DOR beginning October 1, 2023, for an allocation of tax credit. The taxpayer must specify in the application each tax for which the taxpayer requests a credit, the applicable taxable year for a credit under ss. 220.1878 (regarding corporate income tax and created by **section 20**) or 624.51058, F.S. (regarding insurance premium taxes and created by **section 39**). The DOR is required to approve the tax credits on a first-come, first-served basis.

Any unused credit may be carried forward up to ten years. The bill generally does not allow a taxpayer to convey, transfer, or assign the credit to another entity unless all of the assets of the taxpayer are conveyed, transferred, or assigned in the same transaction. Upon approval of the DOR, transfers may be made between members of an affiliated group of corporations if the credit transferred will be taken against the same type of tax.

A taxpayer may apply to the DOR to rescind all or part of an approved tax credit. The amount rescinded becomes available for that state fiscal year to another eligible taxpayer as approved by the DOR if the taxpayer receives notice that the rescindment has been accepted.

The bill allows the DOR and FHFC to develop a cooperative agreement to assist in the administration of the program and the DOR is authorized to adopt rules. Additionally, the bill requires the DOR, by August 15, 2023, and each year thereafter, to determine the 500 taxpayers with the greatest total corporate income or franchise tax liability and notify those taxpayers of the existence of the Live Local Program and the process to participate.

Present Situation:

SAIL Developments for Those In or Aging Out of Foster Care

Current law provides that FHFC may prioritize a portion of SAIL funding set aside for persons with special needs to provide funding for the development of newly constructed permanent rental housing *on a campus* that provides housing for persons in foster care or persons aging out of

foster care.⁴⁵ This housing must promote and facilitate access to community-based supportive, educational, and employment services and resources that assist persons aging out of foster care to successfully transition to independent living and adulthood.

Effect of Proposed Changes:

Section 29 amends s. 420.5087(10), F.S., to remove the requirement that the prioritized developments for persons in foster care or aging out of foster care be “on a campus” that provides housing for such persons, in order to add flexibility to the types of developments FHFC can fund.

Present Situation:

State Housing Initiatives Partnership (SHIP) Program

The SHIP Program was created in 1992⁴⁶ to provide funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The SHIP program provides funds to all 67 counties and 52 Community Development Block Grant⁴⁷ entitlement cities on a population-based formula to finance and preserve affordable housing based on locally adopted housing plans.⁴⁸ The program was designed to serve very-low, low-, and moderate-income families and is administered by FHFC. SHIP funds may be used to pay for emergency repairs, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buydowns, acquisition of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling.⁴⁹

Funds are expended per each local government’s adopted Local Housing Assistance Plan (LHAP), which details the housing strategies it will use.⁵⁰ Local governments submit their LHAPs to the FHFC for review to ensure that they meet the broad statutory guidelines and the requirements of the program rules. The FHFC must approve an LHAP before a local government may receive the SHIP funding.

Certain statutory requirements restrict a local government’s use of funds made available under the SHIP program (excluding amounts set aside for administrative costs):

- At least 75 percent of SHIP funds must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing;⁵¹ and
- Up to 25 percent of SHIP funds may be reserved for allowed rental services.⁵²

⁴⁵ Section 420.5087(10), F.S.

⁴⁶ Chapter 92-317, Laws of Fla.

⁴⁷ The CDBG program is a federal program created in 1974 that provides funding for housing and community development activities.

⁴⁸ See ss. 420.907-420.9089, F.S.

⁴⁹ Section 420.072(7), F.S.

⁵⁰ Section 420.9075, F.S. Section 420.9075(3), F.S., outlines a list of strategies LHAPs are encouraged to employ, such as helping those affected by mobile home park closures, encouraging innovative housing design to reduce long-term housing costs, preserving assisted housing, and reducing homelessness.

⁵¹ Section 420.9075(5)(c), F.S.

⁵² Section 420.9075(5)(b), F.S. However, a local government may not expend money distributed to it to provide ongoing rent subsidies, except for: security and utility deposit assistance; eviction prevention not to exceed six months’ rent; or a rent

Within those distributions by local governments, additional requirements must be met:

- At least 65 percent of SHIP funds must be reserved for home ownership for eligible persons;⁵³
- At least 20 percent of SHIP funds must serve persons with special needs;⁵⁴
- Up to 20 percent of SHIP funds may be used for manufactured housing;⁵⁵ and
- At least 30 percent of SHIP funds must be used for awards to very-low-income persons or eligible sponsors serving very-low-income persons, and another 30 percent must be used for awards for low-income-persons or eligible sponsors serving low-income persons.⁵⁶

FHFC Homeownership Programs

FHFC's primary function is administering a variety of programs to assist in the development and rehabilitation of affordable housing stock, provide low interest loans for first-time homebuyers, provide down payment assistance and reduce closing costs, and assist in the housing side of disaster recovery. The following programs focus primarily on aiding first-time homebuyers into stable homeownership by reducing mortgage payments and onerous one-time costs associated with purchasing a home.

Homebuyer Loan Programs

FHFC's homebuyer loan programs offer 30-year fixed-rate first mortgage loans originated by a network of participating lenders throughout Florida. The programs are offered to eligible first time homebuyers⁵⁷ who meet income, purchase price and other program criteria; can qualify for a loan; and successfully complete a homebuyer education course.⁵⁸ Borrowers who qualify for a first mortgage program may access one of FHFC's down payment assistance (DPA) programs.⁵⁹

Down Payment Assistance

FHFC administers multiple DPA programs available to first time homebuyers utilizing a FHFC first mortgage loan product. DPA is typically offered as a low- or zero-rate loan, in the form of a second mortgage,⁶⁰ to secure funding for down payments, closing costs, mortgage insurance

subsidy program for very-low-income households with at least one adult who is a person with special needs or is homeless, not to exceed 12 months' rental assistance.

⁵³ Section 420.9075(5)(a), F.S. "Eligible person" or "eligible household" means one or more natural persons or a family determined by the county or eligible municipality to be of very low income, low income, or moderate income based upon the annual gross income of the household.

⁵⁴ Section 420.9075(5)(d), F.S.

⁵⁵ Section 420.9075(5)(e), F.S.

⁵⁶ Section 420.9075(5)(g)2., F.S.

⁵⁷ The IRS definition of "first-time homebuyer," generally accepted by Florida agencies and corporations, is a person who has not owned and occupied their primary residence for the past three years. *See Homebuyer Overview*, FHFC, available at <https://www.floridahousing.org/programs/homebuyer-overview-page> (last visited December 15, 2021).

⁵⁸ FHFC funds homebuyer loans through various transaction types, including (a) the specified pool market, (2) tax-exempt bonds, and (3) forward delivery/To Be Announced (TBA) market.

⁵⁹ *See Florida Housing Finance Corporation, 2020 Annual Report*, p. 13, available at <https://www.floridahousing.org/data-docs-reports/annual-reports> (last visited November 30, 2021).

⁶⁰ A second mortgage is a subordinate mortgage made while the original is still in effect.

premiums, or principal reduction to the first mortgage.⁶¹ FHFC DPA programs are funded from a mix of sources including documentary stamp tax revenue, special legislative appropriation, and FHFC program income, which is primarily returned loan money. The various programs differ in terms of eligibility, ranging up to 120 percent AMI, requirements, such as also having been approved for a first mortgage through FHFC, and terms, some including forgivable loans.

Hometown Heroes Program

In 2022, pursuant to the 2022 General Appropriations Act,⁶² FHFC created the Hometown Heroes Program, a new homeownership assistance program.⁶³ Under the program, eligible purchasers have access to 0-interest rate loans to reduce the amount of down payment and closing costs from \$10,000 to a maximum of 5 percent or \$25,000, whichever is less. Loans must be repaid when the property is sold, refinanced, rented, or transferred unless otherwise approved by FHFC.

Such loans are available to those first-time homebuyers seeking first mortgages whose family incomes do not exceed 150 percent of the state or local AMI, whichever is greater, and are employed in certain necessary professions such as law enforcement officers, educators, healthcare professionals, and active military or veterans (combining the previous Salute our Soldiers Program).⁶⁴ The requirement to be a first-time homebuyer does not apply to those qualifying as servicemembers or veterans.

FHFC was appropriated \$100 million in 2022 to establish the Hometown Heroes Program.⁶⁵ As of January 16, 2023, the program has provided over \$49 million in assistance in 3,363 loans.

Effect of Proposed Changes:

Section 33 creates s. 420.5096, F.S., to codify the Florida Hometown Hero Program. The program created by the bill will operate as the current Hometown Heroes program with the following differences:

- Eligibility remains based on income being at or below 150 percent AMI and one's ability to qualify for a first mortgage, however the occupation qualifiers that currently apply to the Hometown Heroes program are omitted. A prospective borrower must be a Florida resident and employed full-time (35 hours or more per week) by a Florida-based employer.
- The maximum amount available per loan is raised from \$25,000 to \$35,000, while the cap of 5 percent of purchase price is maintained.
- The bill specifies that loans made under this program may be used for the purchase of manufactured homes, as defined by s. 320.01(2)(b), that were constructed after August 1, 1994.

⁶¹ Only one FHFC DPA program can be used by a borrower.

⁶² HB 5001, specific appropriation 2289 (2022 Reg. Session)

⁶³ Florida Housing Finance Corporation, *Florida Hometown Heroes Housing Program*, available at <https://www.floridahousing.org/programs/homebuyer-overview-page/hometown-heroes> (last visited January 10, 2023).

⁶⁴ See Eligible Occupations for FL Hometown Heroes Loan Program, available at https://www.floridahousing.org/docs/default-source/programs/homebuyers/hometown-heroes/eligible-occupations.pdf?sfvrsn=238ff57b_6 (last visited February 4, 2023).

⁶⁵ Supra note 62.

Present Situation:

Additional Provisions Related to the Florida Housing Finance Corporation

Legislative Budget Request

As SAIL funding can be used in several ways (for example new unit production, rehabilitation, and maintenance of affordable units), and is often utilized to draw down federal funding from tax credits and grant funds, the effects of SAIL funding are variable on a per-dollar basis. The amount of funding needed annually to maximize state and local funding toward the production of new affordable units is calculable by analyzing the various sources and matching state funding with federal funding.

FHFC prepares and submits an annual legislative budget request to the Secretary of DEO containing a request for operational expenditures and a separate request for other authorized corporation programs.⁶⁶

Effect of Proposed Changes:

Section 27 amends s. 420.507(30), F.S., to require that FHFC legislative budget requests include, for informational purposes, the amount of state funds necessary to fully utilize all federal housing funds in the fiscal year to maximize the production of new, affordable multifamily housing units.

Section 28 provides that this provision expires July 1, 2033, unless otherwise acted upon by the Legislature.

Present Situation:

Qualified Contracts

Of the affordable housing financing options provided by the federal government, Low Income Housing Tax Credits (LIHTC)⁶⁷ are among the most commonly used. When a property is financed using LIHTC the federal government typically requires the property be utilized for affordable housing for at least 30 years.⁶⁸ This time period is divided into the first 15 years, the “initial compliance period,” and the rest, an “extended use period.”

After 14 years the owner of an affordable housing development may request that FHFC seek a purchaser who will continue to operate the affordable portions of the development as affordable housing, what’s referred to as the “qualified contract process.” Many developments, particularly those who receive the most lucrative LIHTC, waive the right to enter this process, and must remain affordable housing for the duration of the agreed upon time. After a developer requests a qualified contract, if FHFC is unable to present a buyer during the subsequent 1-year period the

⁶⁶ Section 420.507(30), F.S.

⁶⁷ Low Income Housing Tax Credits are provided by the federal government to rental housing developers in exchange for a commitment to provide affordable rents and are usually sold to investors to raise project equity. The LIHTC program is governed by the U.S. Department of Treasury and Florida’s allocation is administered by Florida Housing. Under the LIHTC program, successful applicants are provided with a dollar-for-dollar reduction in federal tax liability in exchange for the development or rehabilitation of units to be occupied by very low- and low-income households.

⁶⁸ Internal Revenue Code Section 42(h)(6)(A).

extended use period of the property as affordable housing will end, and the property can be utilized for market-rate housing.⁶⁹

This “qualified contract process” relies on FHFC marketing the property and returning to the owner with a “bona fide contract,” showing that they have found a buyer in order to maintain the affordable housing requirement. The price for the affordable housing portion of the sale is set according to a formula designed to give the owner an inflation adjusted return on its original equity contribution.⁷⁰ The bona fide contract, as provided by administrative rule is:

a contract for sale signed by the purchaser, which states that acceptance of the contract is contingent upon approval by the Corporation, and must provide for an initial earnest money deposit (the initial deposit) from the purchaser in the minimum amount of \$50,000 and obligate the purchaser to make a second earnest money deposit (the second deposit) (the initial and second deposits shall be refundable in the event of the seller’s failure to deliver insurable title or in the event of seller’s default, otherwise the deposits shall be non-refundable) equal to three (3) percent of the qualified contract price ...⁷¹

If FHFC is able to procure a purchaser and present the owner with such a bona fide contract within the one year period, regardless of whether the owner accepts, rejects, or fails to act upon the contract, the property will continue to be subject to its extended use agreement as affordable housing.⁷² If the owner accepts the offer, the property will be sold to the purchaser. If the owner rejects the offer or fails to act upon the offer, the owner will continue to be subject to the extended use agreement and cannot submit another qualified contract request for the development.

In 2022, the Legislature codified certain definitions and procedures related to the qualified contract process. In doing so, the moment when a bona fide contract becomes a qualified contract shifted from when the purchaser makes the first deposit to when the second earnest money deposit is made.⁷³ However, under the scenario where the seller refuses to sell after being presented a bona fide offer the second deposit will never be made, making this definition unworkable.

Effect of Proposed Changes:

Section 25 amends s. 420.503(36), F.S., to provide that FHFC shall deem a bona fide contract to be a qualified contract at the time the bona fide contract is presented to the owner and the initial earnest money deposit is deposited in escrow, as opposed to when the second deposit is made.

⁶⁹ Internal Revenue Code Section 42(h)(6)(E)(i)(II).

⁷⁰ Internal Revenue Code Section 42(h)(6)(F).

⁷¹ Fla. Admin. Code R. 67-48.031.

⁷² Fla. Admin. Code R. 67-48.031(11).

⁷³ Chapter 2022-194, s. 1, Laws of Fla.

*Present Situation:****FHFC Structure and Board of Directors***

FHFC is a public corporation created within DEO, and a separate budget entity not subject to control, supervision, or direction by DEO.⁷⁴ FHFC consists of a board of directors composed of the Secretary of the DEO as an ex officio and voting member, or a senior-level agency employee designated by the secretary, and eight members appointed by the Governor subject to confirmation by the Senate from the following:

- (a) One citizen actively engaged in the residential home building industry.
- (b) One citizen actively engaged in the banking or mortgage banking industry.
- (c) One citizen who is a representative of those areas of labor engaged in home building.
- (d) One citizen with experience in housing development who is an advocate for low-income persons.
- (e) One citizen actively engaged in the commercial building industry.
- (f) One citizen who is a former local government elected official.
- (g) Two citizens of the state who are not principally employed as members or representatives of any of the groups specified in paragraphs (a)-(f).⁷⁵

Members are appointed for 4 year terms and vacancies are filled for the unexpired term.⁷⁶ The Governor may suspend a member for cause, including failure to attend 3 meetings in a 12-month period, and suspended members are subject to removal or reinstatement by the Senate.⁷⁷ Members receive no compensation for services, are entitled to necessary expenses, and must file full and public disclosure of financial interests.⁷⁸

Effect of Proposed Changes:

Section 26 amends s. 420.504, F.S., to provide that the board will include two additional members, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives. Additionally, vacancies shall be filled by the party who made the original member's appointment.

*Present Situation:***State Housing Strategy Act**

The State Housing Strategy Act, located in Part I, of ch. 420, F.S., was created by the Legislature in 1992 to guarantee adequate affordable housing for Florida residents.⁷⁹ The State Housing Strategy posits the goal of assuring that by the year 2010 each Floridian shall have decent and affordable housing. "Policies," guidelines for state agencies and programs to follow, are divided into sections: housing need, public-private partnerships, preservation of housing stock, public

⁷⁴ Section 420.504, F.S.

⁷⁵ Section 420.504(3), F.S.

⁷⁶ Section 420.504(4), F.S.

⁷⁷ *Id.*

⁷⁸ Section 420.504(6), (7), F.S.

⁷⁹ Section 420.0003, F.S.

housing, and housing production or rehabilitation programs. This forward-looking and optimistic set of ideas and strategies has not been amended in 30 years.

The State Housing Strategy Act also includes certain provisions implementing state programs in the pursuit of goals outlined. For example, the DEO and the FHFC annually coordinate with the Shimberg Center for Housing Studies at the University of Florida⁸⁰ to develop and maintain statewide data on affordable housing needs for specific populations.⁸¹ These studies are then used to review and evaluate existing affordable housing accommodations to ensure that they are consistent with current need assessments and to recommend any improvements or plan modifications.⁸²

Effect of Proposed Changes:

Section 24 amends s. 420.003, F.S., to substantially revise and reword the State Housing Strategy, maintaining the goal of assuring that each Floridian has safe, decent, and affordable housing. The bill retains strategies requiring local buy-in to state-funded developments, interlocal coordination, and cost-effective public-private partnerships, while adding language emphasizing the need to avoid sprawl to minimize separation of housing and employment as well as ecological impact.

The State Housing Strategy is separated into the following three categories:

Legislative Intent

This section states that it is the intent of the act to articulate a strategy to carry the state toward assuring that each Floridian has safe, decent, and affordable housing. The strategy must involve state and local governments working in partnership with communities and the private sector, and must encompass both financial and regulatory commitment.

Policies

- *Housing Production and Rehabilitation Programs*, which enumerates state programs; emphasizes the need to leverage state funds efficiently; and highlights innovative solutions such as utilizing publically held land, community-led planning such as urban infill; maximizing efficiency through promotion of high-density and mixed-use developments; and modern housing concepts such as manufactured or 3D-printed homes.
- *Public Private Partnerships*, which emphasizes the need for cost effective, data driven cooperative efforts.
- *Preservation of Housing Stock*, which calls for the preservation of existing stock through rehabilitation programs and neighborhood revitalization efforts.

⁸⁰ The Shimberg Center for Housing Studies was established at the University of Florida in 1988 to “facilitate safe, decent and affordable housing throughout the state of Florida” and was named after Jim Shimberg Sr., a Tampa homebuilder dedicated to affordable housing. The Center’s Florida Housing Data Clearinghouse provides public information on Florida housing needs, programs and demographics. For more information visit: <http://www.shimberg.ufl.edu/aboutUs2.html> (last visited on March 11, 2010).

⁸¹ Section 420.0003(4)(c), F.S.

⁸²*Id.*

- *Unique Housing Needs*, which covers the wide range of need for safe, decent, and affordable housing among the various groups of citizens most in need, including those with disabilities and the elderly.

Implementation

This section, largely maintained from the original State Housing Strategy, incorporates FHFC and the Shimberg Center for Housing Studies into the state housing strategy. Further, the bill adds a series of studies required to be conducted by OPPAGA. The reports will be conducted on a rotating basis and include studying:

- Innovative affordable housing strategies implemented by other states, their effectiveness, and the potential for implementation in Florida;
- Affordable housing policies enacted by local governments, including interlocal cooperation; and
- Existing state-level housing rehabilitation, production, preservation, and finance programs to determine their consistency with the goals of the state housing strategy, and recommendations for improved program linkages.

Present Situation:

State-Owned Lands

Land Use Plans

All lands held by the Board of Trustees of the Internal Improvement Trust Fund⁸³ (board) are required to be held in trust for the use and benefit of the people of the state.⁸⁴ Each manager of nonconservation lands⁸⁵ is required to submit to the division a land use plan at least every 10 years in a form and manner prescribed by rule by the board.⁸⁶ All land use plans, whether for single-use or multiple-use properties, must include an analysis of the property to determine the potential use of private land managers to facilitate the restoration or management of these lands.⁸⁷

Effect of Proposed Changes:

Section 21 amends s. 253.034(5), F.S., to provide that a land use plan submitted for nonconservation lands must include an analysis of whether such lands would be more appropriately transferred to a local government for affordable housing related purposes.

⁸³ Consisting of the Governor, as the chair, the Chief Financial Officer, the Attorney General, and the Commissioner of Agriculture. FLA. CONST. art. IV, s. 4.

⁸⁴ Section 253.001, F.S.

⁸⁵ “Conservation lands” include those held for conservation, recreation, historic preservation, and other uses. Section 253.034(2)(c), F.S. All other lands held by the state, such as those used for government functions, are nonconservation lands.

⁸⁶ Section 253.034(5), F.S.

⁸⁷ *Id.*

*Present Situation:****Surplus Lands***

The board determines which lands it holds title to may be surplus. ⁸⁸ Conservation lands may only be surplus if the board, by an affirmative vote of at least two-thirds, determines that the lands are no longer needed for conservation purposes. ⁸⁹ The board may dispose of all other lands if the board, by an affirmative vote of at least three members, determines whether the lands are no longer needed. ⁹⁰

If the board determines that nonconservation lands are no longer needed, it made dispose of such surplus lands by vote. ⁹¹ Requests for surplus lands may be made by any public or private entity or person. ⁹² County or local government requests for surplus lands through purchase or exchange are expedited throughout the surplus process. ⁹³ The board is required to consider such requests within 90 days of the board's receipt of the request. ⁹⁴ Surplus lands conveyed to a local government for affordable housing must be disposed of by the local government pursuant to ss. 125.379 or 166.0451, F.S., discussed in further detail below.

Effect of Proposed Changes:

Section 22 amends s. 253.0341(1), F.S., to clarify that local government requests for surplus lands are expedited throughout the process regardless of the means of transfer, to include donation.

*Present Situation:***Job Growth Grant Fund**

The Florida Job Growth Grant Fund, created by the legislature in 2017, is an economic development program within the DEO designed to promote public infrastructure and workforce training across the state. ⁹⁵ Eligible projects include state or local public infrastructure projects to promote economic recovery, rehabilitation of the Herbert Hoover Dike, and workforce training grants that support college and technical center workforce skills programs. Proposals are reviewed by DEO, the Department of Transportation, and Enterprise Florida, Inc., and chosen by the Governor to meet the demand for workforce or infrastructure needs in the community they are awarded to. ⁹⁶ Contracts for projects approved by the Governor and funded pursuant to this program must be administered by the DEO. ⁹⁷

⁸⁸ Section 253.0341, F.S.

⁸⁹ FLA. CONST. art. X, s. 18.

⁹⁰ Section 253.0341, F.S.

⁹¹ Section 253.0341(1), F.S.

⁹² Section 253.0341(11), F.S.

⁹³ Section 253.0341(1), F.S.

⁹⁴ Section 253.0341(10), F.S.

⁹⁵ Section 288.101, F.S.

⁹⁶ Section 288.101(2), F.S.

⁹⁷ Section 288.101(4), F.S.

Effect of Proposed Changes:

Section 23 amends s. 288.101(2), F.S., to provide that public infrastructure projects that support affordable housing are an authorized use of Job Growth Grant Fund funding. This provision sunsets 2033.

*Present Situation:***Community Contribution Tax Credit Program**

In 1980, the Legislature established the Community Contribution Tax Credit Program (CCTCP) to encourage private sector participation in community revitalization and housing projects.⁹⁸ Broadly, the CCTCP offers tax credits to businesses or persons (“taxpayers”) anywhere in Florida that contribute⁹⁹ to certain projects undertaken by approved CCTCP sponsors.¹⁰⁰ Eligible projects include activities undertaken by an eligible sponsor that are designed to accomplish one of the following purposes:

- To construct, improve, or substantially rehabilitate housing that is affordable to low-income households or very-low-income households as those terms are defined in s. 420.9071;
- To provide commercial, industrial, or public resources and facilities; or
- To improve entrepreneurial and job-development opportunities for low-income persons.¹⁰¹

The DEO administers the CCTCP, and its responsibilities include reviewing sponsor project proposals and tax credit applications, periodically monitoring projects, and marketing the CCTCP in consultation with the FHFC and other statewide and regional housing and financial intermediaries.¹⁰² Once approved by the DEO, the taxpayer must claim the community contribution tax credit from the DOR.

The credit is calculated as 50 percent of the taxpayer’s annual contribution, but a taxpayer may not receive more than \$200,000 in credits in any one year.¹⁰³ The taxpayer may use the credit against corporate income tax, insurance premiums tax, or as a refund against sales tax.¹⁰⁴ Unused credits against corporate income taxes and insurance premium taxes may be carried forward for five years.¹⁰⁵ Unused credits against sales taxes may be carried forward for three years.¹⁰⁶

DOR may approve \$14.5 million in annual funding for projects that provide homeownership opportunities for low-income and very-low-income households or housing opportunities for persons with special needs and \$4.5 million for all other projects. “Persons with special needs” is defined in current statute to include adults requiring independent living services, young adults

⁹⁸ Chapter 80-249, Laws of Fla. The CCTCP is one of the state incentives available under the Florida Enterprise Zone Act, which was partially repealed on December 31, 2015.

⁹⁹ Sections 212.08(5)(p)2.a., 220.183(2)(a), and 624.5105(5)(a), F.S., require community contributions to be in the form of cash or other liquid assets, real property, goods or inventory, or other physical resources.

¹⁰⁰ Sections 212.08(5)(p); 220.183; and 624.5105, F.S.

¹⁰¹ Sections 212.08(5)(p)2.b.; 220.183(2)(d); 624.5105(2)(b); and 220.03(1)(t), F.S.

¹⁰² Sections 212.08(5)(p)4.; 220.183(4); and 624.5105(4), F.S.

¹⁰³ Sections 212.08(5)(p)1.; 220.183 (1)(a) and (b); and 624.5105(1), F.S.

¹⁰⁴ Sections 212.08(5)(p); 220.183; and 624.5105, F.S.

¹⁰⁵ Sections 220.183(1)(e) and (g); and 624.5105, F.S.

¹⁰⁶ Sections 212.08(5)(p)1.b. and f., F.S.

formerly in foster care, survivors of domestic violence, and people receiving Social Security Disability Insurance, Supplemental Security Income, or veterans' disability benefits.¹⁰⁷ The Legislature extended the CCTCP in 1984, 1994, 2005, 2014, and 2015,¹⁰⁸ and made the program permanent in 2017.¹⁰⁹ It has also amended the annual tax credit allocation of the CCTCP on numerous occasions.¹¹⁰ Each time the allocation has been increased, the number of projects has increased to match the larger allocation.

Effect of Proposed Changes:

Sections 12 and 18 amend ss. 212.08 and 220.183, F.S., respectively, to provide that for the 2023-2024 fiscal year \$25 million, rather than \$14.5 million, is the total amount of tax credits which may be granted for projects that provide homeownership opportunities for low- and very-low income households or housing opportunities for persons with special needs.

Present Situation:

Local Governments and Affordable Housing Development

Consistency with Comprehensive Plans

All development, both public and private, and all development orders¹¹¹ approved by local governments must be consistent with the local government's comprehensive plan.¹¹² The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.¹¹³ A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.¹¹⁴ Most relevant among them as it pertains to the bill are the Future Land Use Element and the Housing Element.

- The Future Land Use Element designates proposed future general distribution, location, and extent of the uses of land. Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities.¹¹⁵

¹⁰⁷ Section 420.0004(13), F.S.

¹⁰⁸ Chapters 84-356, 94-136, 2005-282, 2014-38, and 2015-221, Laws of Fla.

¹⁰⁹ Chapter 2017-36, Laws of Fla.

¹¹⁰ Chapters 94-136, 98-219, 99-265, 2005-282, 2006-78, 2008-153, 2015-221, and 2017-36, Laws of Fla.

¹¹¹ "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.

¹¹² Section 163.3194(3), F.S.

¹¹³ Section 163.3167(2), F.S.

¹¹⁴ Section 163.3177(6), F.S. The 10 required elements include capital improvements; future land use plan; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Throughout statutes exist plans and programs that may be added as optional elements.

¹¹⁵ Section 163.3177(6)(a), F.S.

The approximate acreage and the general range of density or intensity of use must be provided for each land use category.¹¹⁶

- The Housing Element sets forth guidelines and strategies for the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, provision of adequate sites for future housing, and distribution of housing for a range of incomes and types.¹¹⁷

A comprehensive plan is implemented through the adoption of land development regulations¹¹⁸ that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.¹¹⁹ Such regulations must, among other prescriptions, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.¹²⁰ Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.¹²¹

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.¹²² Following the hearings they must transmit the plan to several statutorily identified reviewing agencies, including the DEO for review.¹²³ Most plan amendments are placed into the Expedited State Review Process, while plan amendments relating to large-scale developments are placed into the State Coordinated Review Process.¹²⁴

Zoning Regulations

A comprehensive plan's Future Land Use Element establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.¹²⁵

¹¹⁶ Section 163.3177(6)(a), F.S.

¹¹⁷ Section 163.3177(6)(f), F.S.

¹¹⁸ "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. [163.3213](#). See s. 163.3164(26), F.S.

¹¹⁹ Section 163.3202, F.S.

¹²⁰ *Id.*

¹²¹ Section 163.3213, F.S.

¹²² Sections 163.3174(4)(a) and 163.3184, F.S.

¹²³ Section 163.3184, F.S.

¹²⁴ See ss. 163.3184 and 380.06, F.S. In the Expedited State Review Process, DEO reviews and approves or amends the proposed comprehensive plan amendment. This process can take 4 to 6 months. The State Coordinated Review Process is a more thorough, complex, multi-phase process. For more information, see Florida Department of Economic Opportunity, *Amendments that Must Follow the State Coordinated Review Process; Procedures and Timeframes*, available at <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/amendments-that-must-follow-the-state-coordinated-review-process-procedures-and-timeframes> (last visited Dec. 27, 2022).

¹²⁵ Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).

Zoning maps and zoning districts are adopted by a local government for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.¹²⁶ Common regulations within the zoning map districts include density,¹²⁷ height and bulk of buildings, setbacks, and parking requirements.¹²⁸ Regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb, for instance.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a rezoning through a rezoning application which is reviewed by the local government and voted on by the governing body.¹²⁹ If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.¹³⁰ However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category or ordinances or resolutions initiated by the local government that change the actual zoning map designation of a parcel or parcels of land must follow additional enhanced notice requirements.¹³¹

- If the area affected is less than 10 acres, the local government is required to notify by mail each property owner and hold a public meeting to discuss the ordinance or resolution before passage.¹³²
- If the area affected is 10 acres or greater the local government must hold two separate meetings at which to discuss the changes, and notice the public through either mail to each property owner or to the public generally by newspaper.¹³³

Effect of Proposed Changes:

Section 3, in part, amends s. 125.01055, F.S., to preempt counties on zoning, density, and height for certain multi-family rental developments in commercial and mixed-use areas. Specifically, a county must authorize multifamily and mixed-use residential¹³⁴ as allowable uses in any area zoned for commercial or mixed-use if at least 40percent of the units will be affordable for at least

¹²⁶ Indian River County, General Zoning Questions, available at <https://www.irccgov.com/communitydevelopment/planning/FAQ.htm#zoning1> (last visited Jan. 20, 2023)

¹²⁷ "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. See s. 163.3164(12), F.S.

¹²⁸ Supra note 126.

¹²⁹ City of Tallahassee, Application For Rezoning Review, available at <https://www.talgov.com/Uploads/Public/Documents/place/zoning/cityrezinfsh.pdf> (last visited Jan. 20, 2023)

¹³⁰ City of Tallahassee, Variance and Appeals, available at https://www.talgov.com/Uploads/Public/Documents/growth/forms/boaa_variance.pdf (last visited Jan. 20, 2023) and Seminole County, Variance Processes available at <https://www.seminolecountyfl.gov/departments-services/development-services/planning-development/boards/board-of-adjustment/variance-process-requirements.stml> (last visited Jan. 20, 2023)

¹³¹ See sections 125.66(4) and 166.041(3), F.S.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ At least 65 percent of the total square footage must be used for residential purposes.

30 years and serve incomes up to 120% AMI. A county may not require a zoning, land use change, or a comprehensive plan amendment for such development.

A county may not restrict the density of such development below the highest allowed density on any unincorporated land in the county where residential development is allowed. Additionally, a county may not restrict the height of such development below the highest allowed height for a commercial or residential development in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

An application for such development must be administratively approved and may not require further action from the board of county commissioners if the development satisfies the county's land development regulations for multifamily in areas zoned for such use. A county must consider reducing parking requirements for these developments if they are located within one-half mile of a major transit stop.

These provisions expire on October 1, 2033.

The bill also makes a technical change, correcting an internal cross-reference in subsection (5).

Section 5 amends s. 166.04151, F.S. to make identical changes to section 3, as applied to municipalities.

Present Situation:

Expedited Development Projects for Affordable Housing

In 2019, the Legislature enacted a provision to authorize counties and municipalities to approve the development of housing that is affordable on any parcel zoned for residential, commercial, or industrial use, regardless of any state or local law or regulation that would otherwise preclude such development.¹³⁵ At least 10 percent of the units in a project on a commercial or industrial parcel must be affordable and the developer of the project must agree to not seek funding from FHFC's SAIL program.¹³⁶

This provision allows local governments to expedite the development of affordable housing by allowing locals to bypass state law and their comprehensive plans and zoning regulations that would otherwise preclude or delay such development.

Effect of Proposed Changes:

Section 3, in part, amends s. 125.01055(6), F.S., to remove a county's ability to approve affordable housing on *residential* parcels by bypassing state and local laws that may otherwise preclude such development. The bill also removes the SAIL restriction to allow SAIL developments to utilize this expedited approval process on commercial and industrial parcels.

¹³⁵ Sections 125.01055(6) and 166.04151(6), F.S.

¹³⁶ *Id.*

Section 5 amends s. 166.04151, F.S. to make identical changes to section 3, as applied to municipalities.

Present Situation:

Local Government-owned Property

Since 2006 counties and cities have been required to prepare an inventory of publically owned real property that would be appropriate for use as affordable housing, and update the inventory every three years.¹³⁷ The list must include the address and legal description of each such real property, specifying whether it is vacant or improved. The list must be reviewed and adopted by resolution at public hearing.

Properties identified as appropriate for use as affordable housing may be:

- Sold and the proceeds used to purchase land for the development of affordable housing;
- Sold with a restriction that requires the development of permanent affordable housing on the land;
- Donated to a nonprofit housing organization for the construction of permanent affordable housing; or
- Be otherwise made available for the use for the production and preservation of permanent affordable housing.¹³⁸

Effect of Proposed Changes:

Sections 4 and 7 amend ss. 125.379 and 166.0451, F.S., respectively, to provide that counties and cities must produce their real property inventory lists referenced above by October 1, 2023, and every three years thereafter, and make such list available on the county or city website. Counties and cities must also include real property owned by dependent special districts within their boundaries.

The bill further adds that acceptable uses of property identified as appropriate for affordable housing include utilization through a long-term land lease requiring the development and maintenance of affordable housing.

The bill includes certain best practices counties and cities are encouraged to adopt in creating surplus land programs, including:

- Establishing eligibility criteria for the receipt or purchase of surplus land by developers;
- Making the process for requesting surplus lands publicly available; and
- Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would otherwise be sold or offered at market rate.

Additionally, **Section 34** amends s. 420.531, F.S., to expressly authorize FHFC to contract with the Florida Housing Coalition, Florida's provider for statewide training and technical assistance funded by the Catalyst Program,¹³⁹ to provide assistance to local governments related to surplus

¹³⁷ Sections 125.379 and 166.0451, F.S.

¹³⁸ *Id.*

¹³⁹ Section 420.531, F.S.

lands programs and executing contracts related to bidding for affordable housing projects and land-lease developments.

Present Situation:

Expedited Building Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.¹⁴⁰

Every local government must enforce the Florida Building Code and issue building permits.¹⁴¹ It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.¹⁴²

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the building code. The building code requires certain building, electrical, plumbing, mechanical, and gas inspections.¹⁴³ Construction work may not be done beyond a certain point until it passes an inspection.

Current law provides a set of deadlines for ordinary processing of a building permit, chief among them that a local government must approve, approve with conditions, or deny an application for a building permit within 120 days following receipt of a completed application.¹⁴⁴ Various laws require or encourage local governments to further expedite the permitting process in certain situations, including for those developments utilizing SAIL funding.¹⁴⁵ These statutes largely leave the nature of such expediting to the local governments, resulting in varied experiences throughout the state.

Effect of Proposed Changes:

Section 36 amends s. 553.792, F.S., to require that a local government maintain on its website a policy containing procedures and expectations for expedited processing of those building permits and development orders required by law to be expedited.

Present Situation:

Rent Control

Counties and municipalities are permitted to pass rent control ordinances under strict circumstances.¹⁴⁶ Florida law provides that local governments may not impose price controls on

¹⁴⁰ Section 553.72, F.S.

¹⁴¹ Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

¹⁴² Sections 125.56(4)(a), 553.79(1), F.S.

¹⁴³ Section 110 Seventh edition of the Florida Building Code (Building).

¹⁴⁴ Section 553.792(1)(a), F.S.

¹⁴⁵ See sections 403.973(3), 420.5087(6)(c)8., and 553.80(6)(b)1., F.S.

¹⁴⁶ Sections 125.0103 and 166.043, F.S.

rent unless the entity finds that such a price control would “eliminate an existing housing emergency which is so grave as to constitute a serious menace to the general public.”¹⁴⁷ The measure enacting rent control, in addition to normal requirements for passing an ordinance, must expire in one year and must be approved by the voters in the locality.¹⁴⁸

Effect of Proposed Changes: **Sections 2 and 6** amend ss. 125.0103 and 166.0451, F.S., respectively, to preempt local governments from enacting ordinances controlling the price of rent under any circumstances.

Present Situation:

Ad Valorem Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹⁴⁹ The property appraiser annually determines the “just value”¹⁵⁰ of property within the taxing jurisdiction and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”¹⁵¹ Tax bills are mailed in November of each year based on the previous January 1 valuation, and payment is due by March 31 of the following year.

The Florida Constitution prohibits the state from levying ad valorem taxes,¹⁵² and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.¹⁵³

The just valuation standard generally requires the property appraiser to consider the highest and best use of property,¹⁵⁴ however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often results in lower assessments. Properties that receive classified use treatment in Florida include agricultural land, land producing high water recharge to Florida’s aquifers, and land used exclusively for noncommercial recreational purposes;¹⁵⁵ land used for conservation purposes;¹⁵⁶ historic

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

¹⁵⁰ Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

¹⁵¹ *See* s. 192.001(2) and (16), F.S.

¹⁵² FLA. CONST. art. VII, s. 1(a).

¹⁵³ *See* FLA. CONST. art. VII, s. 4.

¹⁵⁴ Section 193.011(2), F.S.

¹⁵⁵ FLA. CONST. art. VII, s. 4(a).

¹⁵⁶ FLA. CONST. art. VII, s. 4(b).

properties when authorized by the county or municipality;¹⁵⁷ and certain working waterfront property.¹⁵⁸

Ad Valorem Exemption for Literary, Scientific, Religious, or Charitable Organizations

The Florida Constitution allows the Legislature to exempt from ad valorem taxation portions of property that are used predominantly for educational, literary, scientific, religious or charitable purposes.¹⁵⁹ The Legislature has implemented these exemptions and set forth criteria to determine whether property is entitled to an exemption.¹⁶⁰

To determine whether a property's use qualifies for an education, literary, scientific, religious, or charitable exemption, the property appraiser must consider the nature and extent of the qualifying activity compared to other activities or other uses of the property.¹⁶¹

Incidental use of property for an exempt purpose will not qualify the property for an exemption nor will the incidental use of the property for a non-exempt purpose impair an exemption.^{162, 163, 164}

Property claimed as exempt which is used for profitmaking purposes is not exempt and is subject to ad valorem taxation; however, the Legislature has allowed certain property to remain exempt even when used for profitmaking purposes when the use of the property does not require a business or occupational license and the revenue derived from the profitmaking activity is used wholly for exempt purposes.¹⁶⁵

Ad Valorem Exemption for Charitable Purposes and Affordable Housing

In 1999, the Legislature authorized a charitable use property tax exemption for property owned by a nonprofit corporation that provides affordable housing.^{166, 167} The exemption is limited to only those portions of the property that house persons or families whose income does not exceed

¹⁵⁷ FLA. CONST. art. VII, s. 4(e).

¹⁵⁸ FLA. CONST. art. VII, s. 4(j).

¹⁵⁹ FLA. CONST. art. VII, s. 3(a).

¹⁶⁰ Section 196.196, F.S.

¹⁶¹ Section 196.196(1), F.S.

¹⁶² Section 196.196(2), F.S.

¹⁶³ *Underhill v. Edwards*, 400 So.2d 129, 132 (Fla. 5th DCA 1981). The district court found that trustees of a private not-for-profit hospital were not entitled to an exemption on the new wing's first floor, which was used for a private purpose and not for a charitable purpose or other exempt purpose, despite the fact that the portion of the hospital used for a non-exempt purpose represented only a very small percentage of the otherwise exempt property.

¹⁶⁴ *Central Baptist Church of Miami, Florida Incorporated v. Dade County, Florida, et. al.*, 216 So.2d 4, 6 (Fla 1968). The Supreme Court found that "limited part time rental of a portion of the church lot for commercial parking on weekday business hours is reasonably incidental to the primary use of the church property as a whole for church or religious purposes and is not a sufficiently divergent commercial use that eliminates the exemption as to the commercial parking lot portion of the property." at 6.

¹⁶⁵ See section 196.196(4), F.S.

¹⁶⁶ Chapter 99-378, s. 15, Laws of Fla. (creating s. 196.1978, F.S, effective July 1, 1999).

¹⁶⁷ The not-for-profit corporation must qualify as charitable under s. 501(c)(3) of the Internal Revenue Code and other federal regulations. See 26 U.S.C. § 501(c)(3) ("charitable purposes" include relief of the poor, the distressed or the underprivileged, the advancement of religion, and lessening the burdens of government).

120 percent of the median income of the state, the metropolitan area, or the county where the person lives, whichever is greater.

In 2017, the Legislature authorized a charitable use property tax discount for property with an agreement with the FHFC where more than 70 of the units provide affordable housing. The discount is limited to only those portions of the property that house persons or families whose income does not exceed 80 percent of the median income of the state, the metropolitan area, or the county where the person lives, whichever is greater. The tax discount amounted to 50 percent of the taxable value of eligible units and was applicable to taxes assessed after the 15th completed year of an agreement with the FHFC.¹⁶⁸ In 2021, the Legislature increased the 50 percent discount to a full exemption.¹⁶⁹

Effect of Proposed Changes:

The bill includes three new property tax exemptions:

Nonprofit Land Lease Exemption

Section 8, in part, amends s. 196.1978(1), F.S., to provide that land owned entirely by a nonprofit entity which is leased for at least 99 years for the purpose of and is in fact used for providing affordable housing for extremely-low-, very-low-, low-, or moderate-income persons or families is exempt from ad valorem taxation.

In order to receive this exemption the improvements on the land being used for affordable housing purposes must encompass more than half the square footage of all improvements on the land. This exemption first applies to the 2024 tax roll and is repealed on December 31, 2059.

Exemption for Newly Constructed Units Providing Affordable Housing

Section 8, in part, amends s. 196.1978(3), F.S., to provide a new ad valorem tax exemption for certain property used to provide affordable housing. This exemption applies throughout the state without further action by local governments.

Eligible property includes units in a newly constructed multifamily project containing more than 70 units dedicated to housing natural persons or families below certain income thresholds.

“Newly constructed” is defined as an improvement substantially completed within 5 years before the property owner’s first application for this exemption. The units must be occupied by such persons or families and rent limited so as to provide affordable housing at either the 80 or 120 percent AMI threshold. Rent for such units also may not exceed 90 percent of the fair market value rent as determined by a rental market study.

Qualified property used to provide affordable housing at the 80 to 120 percent AMI threshold receives an exemption of 75 percent of the assessed value of the units, while such property providing affordable housing at the 80 percent AMI threshold receives a complete ad valorem tax exemption.

¹⁶⁸ Section 196.1978(2)(a), F.S. (2018) and ch. 2017-36, s. 6, Laws of Fla.

¹⁶⁹ See ch. 2021-31, s. 10, Laws of Fla.

If an occupied unit qualifies for this exemption and the following year is vacant on January 1, the vacant unit is eligible for the exemption provided it meets the other requirements and a reasonable effort is made to lease the unit to eligible persons or families.

To receive this exemption, a property owner must submit an application by March 1 to the property appraiser, accompanied by a certification notice from FHFC. To receive a FHFC certification a property appraiser must submit a request on a form including the most recent market study, which must have been conducted by an independent certified general appraiser in the preceding 3 years; a list of units for which the exemption is sought; the rent amount received for each unit, and a sworn statement restricting the property for a period of not less than 3 years to provide affordable housing.

The certification process will be administered within FHFC. Their responsibilities include publishing the deadline for submission, reviewing each request, sending certification notices to both the successful property owner and appropriate property appraiser, notifying unsuccessful property owners with reasons for denial.

If the property appraiser determines that such an exemption has been improperly granted within the last 10 years, the property appraiser must serve the owner with a notice of intent to record a tax lien. Such property will be subject to the taxes improperly exempted, plus a penalty of 50 percent and 15 percent annual interest. Penalty and interest amounts do not apply to exemptions erroneously granted due to clerical mistake or omission by the property appraiser.

Units subject to a recorded agreement with FHFC under ch. 420, F.S., to provide affordable housing, and property receiving an exemption under s. 196.1979, F.S., as created by the following section of the bill, are not eligible to receive this exemption.

The bill provides FHFC rulemaking authority to implement this section.

This section first applies to the 2024 tax roll and is repealed December 31, 2059.

Local Option Affordable Housing Exemption

Section 9 creates s. 196.1979, F.S., which provides that the governing body of a county or municipality may adopt by ordinance an ad valorem tax exemption for certain property used for providing affordable housing.

Portions of property eligible for such an exemption must be utilized to house persons or families meeting the extremely-low- or very-low-income limits specified in s. 420.0004, F.S, be contained in a multifamily project of at least 50 units where at least 20 percent are reserved for affordable housing, and have rent set such that it provides affordable housing to people in the target income bracket, or no higher than 90 percent of the fair market rent value as determined by a rental market study, whichever is less.

In adopting this exemption, a local government may choose to offer either or both an exemption for extremely-low-income (up to 30 percent AMI) and for very-low-income (30 to 50 percent

AMI) targets. The value of the exemption is up to 75 percent of the assessed value of each unit if less than 100 percent of the multifamily project's units are used to provide affordable housing, or up to 100 percent of the assessed value if 100 percent of the project's units are used to provide affordable housing.

An ordinance enacting such an exemption must:

- Be adopted under normal non-emergency procedures;
- Designate the local entity under the supervision of the governing body which must develop, receive, and review applications for certification and develop notices of determination of eligibility;
- Require the property owner to apply for certification on a form including the most recent market study, which must have been conducted by an independent certified general appraiser in the preceding three years; a list of units for which the exemption is sought; and the rent amount received for each unit;
- Require the designated entity to verify and certify property as having met the requirements for the exemption, and to notify unsuccessful applicants with the reasons for denial;
- Set out the requirements for each unit discussed above;
- Require the property owner to submit an application for exemption accompanied by certification to the property appraiser by March 1;
- Specify that such exemption only applies to taxes levied by the unit of government granting the exemption;
- Specify that the property may not receive such an exemption after the expiration of the ordinance granting the exemption;
- Identify the percentage of assessed value to be exempted, and whether such exemption applies to very-low-income, extremely-low-income, or both; and
- Require that the deadline to submit an application and a list of certified properties be published on the government's website.

Such an ordinance must expire before the fourth January 1 after adoption, however the governing body may adopt a new ordinance renewing the exemption.

If the property appraiser determines that such an exemption has been improperly granted within the last 10 years, the property appraiser must serve the owner with a notice of intent to record a tax lien. Such property will be subject to the taxes improperly exempted, plus a penalty of 50 percent and 15 percent annual interest. Penalty and interest amounts do not apply to exemptions erroneously granted due to clerical mistake or omission by the property appraiser.

This section first applies to the 2024 tax roll.

Miscellaneous Effect of Proposed Changes

Sections 16, 17, and 19 amend ss. 220.02, 220.13, and 220.186, F.S., respectively, to make conforming changes with regards to Section 20.

Section 35 amends s. 420.6075, F.S., to make technical changes.

Section 37 amends s. 624.509, F.S., to make technical changes.

Section 38 amends s. 624.5105, F.S., to make technical changes.

Section 40 expressly grants the DOR emergency rulemaking authority as it relates to administering the Live Local Program created by the bill. This authority is repealed July 1, 2026.

Section 45 provides that the Legislature finds and declares that this act fulfills an important state interest.

Section 46 provides that, except as otherwise provided, the bill will take effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill counties and municipalities may be required to spend funds related to publishing certain policies and documents online, administering new tax exemptions, and updating inventories of publicly owned land.

Article VII, Section 18(b) of the Florida Constitution provides that, except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The portions of the bill alleviating ad valorem taxes under certain circumstances for properties providing affordable housing reduce taxing authority.

If the bill does qualify as a mandate, in order to be binding upon cities and counties the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

The amount directed to the State Housing Trust Fund from Documentary Stamp Tax collections does not affect the amount received by the Land Acquisition Trust Fund, as required by Article X, section 28(a) of the Florida Constitution.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The REC made the following estimates for the specified bill provisions:

- The sales tax refund for building materials will reduce General Revenue Fund receipts by \$31.9 beginning in Fiscal Year 2023-2024, and will reduce local government revenues by \$8.9 million beginning in Fiscal Year 2023-2024.
- Increasing the Community Contribution Tax Credit cap will reduce General Revenue Fund receipts by \$8.4 million beginning in Fiscal Year 2023-2024, and will reduce local government revenues by \$2.1 million beginning in Fiscal Year 2023-2024.
- The Live Local Program will reduce General Revenue receipts by \$50 million in Fiscal Year 2023-2024 and by \$100 million in future years.
- The property tax exemption for certain lands leased for affordable housing will reduce local property tax revenues by \$8.5 million beginning in Fiscal Year 2023-2024.
- The local option affordable housing property tax exemption will have an indeterminate reduction to local property tax revenue.
- The General Revenue service charge redirect will reduce General Revenue Fund receipts by \$150 million beginning in Fiscal Year 2023-2024 and will increase State Housing Trust Fund receipts by \$150 million beginning in Fiscal Year 2023-2024.

The REC has not yet estimated the impact of the property tax exemption for newly constructed or substantially renovated multi-family rental units used to provide affordable housing.

B. Private Sector Impact:

Developers of multifamily housing should see a reduction in bureaucracy, and an increase in the amount of property available, for residential development relating to housing projects which qualify for the density, height, and zoning preemptions. Developers will also benefit from tax exemption portions of the legislation, and increased funding to FHFC.

Individuals may benefit from a resulting increase in income-limited units, overall housing production increases, and downpayment assistance eligibility.

C. Government Sector Impact:

Local governments may incur expenditures and lost revenues in implementing the bill with regards to updating inventory lists of publicly owned land, publishing certain procedures and regulations electronically, and administering new ad valorem tax exemptions. Local governments may benefit from the expansion of the Community Contribution Tax Credit Program, the locally held land leasing provisions, and SHIP funding.

Certain components of the bill, specifically the General Revenue service charge redirection and Live Local program, have the neutral effect of reducing general revenue while increasing funding to FHFC programs.

The DOR and FHFC will face costs related to administration of various provisions of the bill.

The bill makes the following appropriations to the FHFC:

- \$100 million in non-recurring funds from the General Revenue Fund to implement the Florida Hometown Hero Program;
- \$252 million in non-recurring funds from the Local Government Housing Trust Fund for the SHIP program;
- \$150 million in recurring funds from the State Housing Trust Fund for the purpose of implementing section 30 of the bill, related to SAIL project funding derived from a redirected General Revenue service charge;
- \$109 million in non-recurring funds from the State Housing Trust Fund for the SAIL program; and
- \$100 million in non-recurring funds from the General Revenue Fund to implement a competitive loan program to alleviate inflation-related cost increases for FHFC-approved multifamily projects that have not yet commenced construction.¹⁷⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends or creates the following sections of the Florida Statutes: 125.0103, 125.01055, 125.379, 166.04151, 166.043, 166.0451, 196.1978, 196.1979, 201.15, 212.08,

¹⁷⁰ FHFC currently maintains such an effort through a program called the Construction Housing Inflation Response Program (CHIRP), which sets aside funding for projects that were previously awarded SAIL funding but risk failure due to acutely rising construction costs. See FHFC, *Construction Housing Inflation Response Program (CHIRP)*, April 29, 2022, available at [https://www.floridahousing.org/docs/default-source/programs/competitive/2022/2022--chirp/4-29-22-board-presentation-re-chirp-\(1\).pdf?sfvrsn=c94cf57b_0](https://www.floridahousing.org/docs/default-source/programs/competitive/2022/2022--chirp/4-29-22-board-presentation-re-chirp-(1).pdf?sfvrsn=c94cf57b_0) (last visited January 19, 2023). This provision takes effect upon the bill becoming a law.

215.212, 215.22, 220.02, 220.13, 220.183, 220.186, 220.1878, 253.034, 253.0341, 288.101, 420.0003, 420.503, 420.504, 420.507, 420.5087, 420.50871, 420.50872, 420.5096, 420.531, 420.6075, 553.792, 624.509, 624.5105, and 624.51058.

This bill creates undesignated sections of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

MEMORANDUM

AGENDA ITEM # 10

DATE: FEBRUARY 17, 2023

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: CONNECTING SOUTHEAST FLORIDA'S RESTORATION & FLOOD CONTROL PLANNING STUDIES, PROJECTS, AND TIMELINES

Please welcome our guests Drew Bartlett, SFWMD Executive Director; Carolina Marán P.E., Ph.D., SFWMD Resiliency Officer; and Timothy Gysan, P.E., PMP, U.S. Army Corps of Engineers Resilience Senior Project Manager with the Ecosystem Programs and Project Division in Jacksonville, for a high level look at how Southeast Florida's Restoration and Flood Control Planning Studies and Projects fit together along with their relevant timelines.

The South Florida Water Management District and the U.S. Army Corps of Engineers are partnering to advance the **Central and Southern Florida Flood Resiliency Study under Section 216 of the Flood Control Act of 1970**. This study analyzes the current Central and Southern Florida Project (C&SF Project), that laid the groundwork for the series of flood protection canals that exist today.

In Southeast Florida, the District is also coordinating with the U.S. Army Corps of Engineers on several resiliency planning initiatives, including the [South Atlantic Coastal Study](#), the [Miami-Dade Back Bay Coastal Storm Risk Management Feasibility Study](#), and the [Florida Keys Coastal Storm Risk Management Feasibility Study](#).

ECOSYSTEM RESTORATION

1. Comprehensive Everglades Restoration Plan (CERP)
2. Biscayne Bay and Southeastern Everglades Ecosystem Restoration (BBSEER)

FLOOD RISK / COASTAL STORM RISK

1. Central and Southern Florida (C&SF) System Section 216 Flood Resiliency Study
2. Miami-Dade Back Bay Coastal Storm Risk Management Feasibility Study
3. Florida Keys Coastal Storm Risk Management Feasibility Study
4. South Atlantic Coastal Study

ECOSYSTEM RESTORATION

Comprehensive Everglades Restoration Plan (CERP)

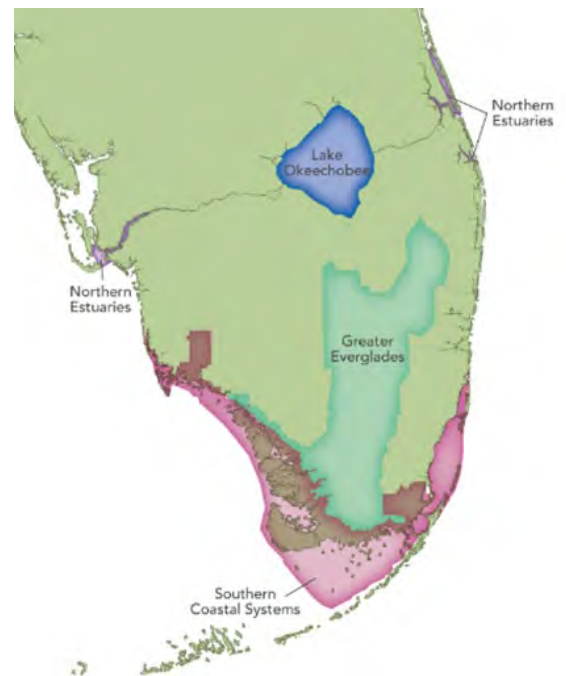
A series of planning studies is underway to develop the next generation of ecosystem restoration projects as part of the Comprehensive Everglades Restoration Plan (CERP). Once each study is complete, a finalized plan with a suite of recommended projects will be delivered to the U.S. Congress for federal authorization and appropriations. The U.S. Army Corps of Engineers is leading these planning efforts in partnership with the South Florida Water Management District, which is providing technical support.

Integrated Delivery Schedule¹

The IDS provides the roadmap for sequencing of planning, design, construction, and operations of both federal and state projects related to Everglades restoration.

The Integrated Delivery Schedule (IDS) is a forward-looking snapshot of upcoming design and construction schedules and programmatic costs at a “top” line level for the South Florida Ecosystem Restoration (SFER) Program. It includes Modified Water Deliveries to Everglades National Park, Critical Projects, Kissimmee River Restoration, non-Comprehensive Everglades Restoration Plan (CERP) Central and Southern Flood (C&SF), and CERP projects. The Comprehensive Everglades Restoration Plan (CERP) focuses on “getting the water right.” CERP—the largest aquatic ecosystem restoration effort in the nation, spanning over 18,000 square miles—is designed to improve the health of more than 2.4 million acres.

The IDS reflects the sequencing strategy for planning, design, and construction and does not include costs for completed work or land acquisition. The IDS does not require an agency action and is not a decision document. It is a tool that provides information to decision-makers—a living document that is updated as needed to reflect progress and/or program changes. The IDS synchronizes program and project priorities with the State of Florida and achieves the CERP restoration objectives at the earliest practicable time, consistent with annual funding updates and the interdependencies between project components. All Everglades restoration-related projects upon which the CERP is dependent—such as the Herbert Hoover Dike, the Modified Water Deliveries to Everglades National Park, Tamiami Trail Next Steps bridging, and the Restoration Strategies projects—are reflected in the IDS schedule but are not included in the funding scenario. These projects are funded through other program



¹ <https://www.saj.usace.army.mil/Missions/Environmental/Ecosystem-Restoration/Integrated-Delivery-Schedule/>

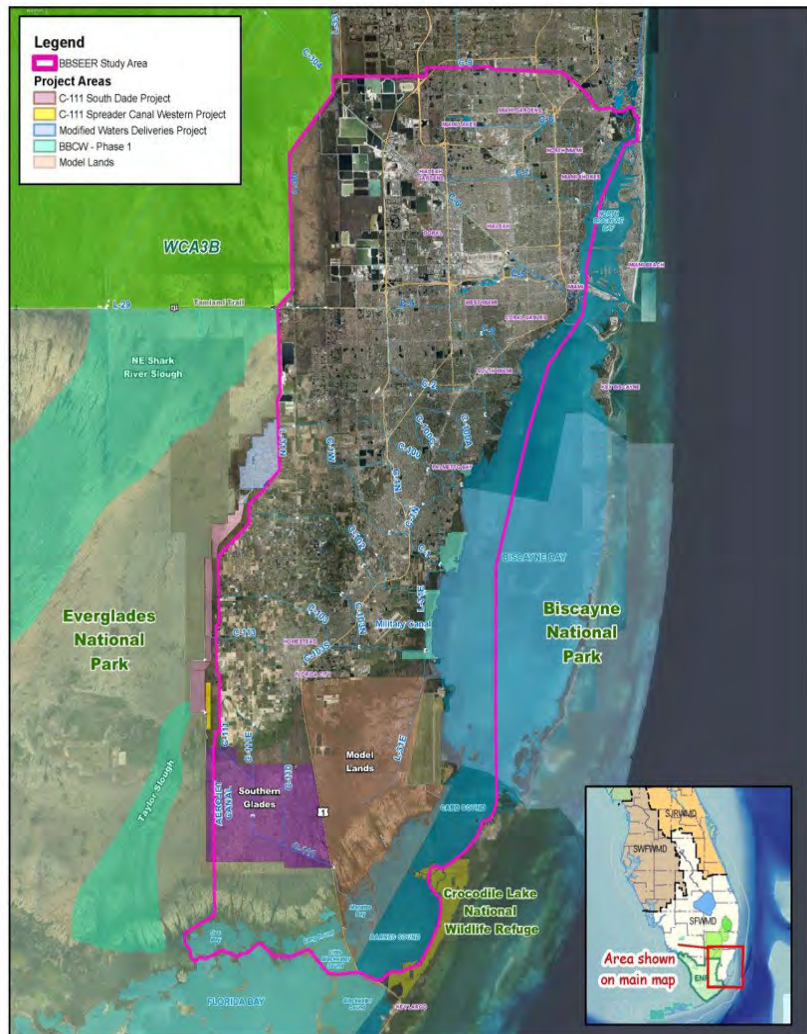
authorities or by other entities. Restoration projects by others are also not included but are considered during planning.

Biscayne Bay and Southeastern Everglades Ecosystem Restoration (BBSEER)

<https://www.saj.usace.army.mil/Media/News-Releases/Article/3275577/usace-announces-virtual-bbseer-project-delivery-team-meeting-on-february-1/>

The U.S. Army Corps of Engineers (USACE) is in the planning phase for the Biscayne Bay and Southeastern Everglades Ecosystem Restoration (BBSEER) Project, an important part of the Comprehensive Everglades Restoration Plan (CERP). The South Florida Water Management District (SFWMD) is the USACE's as the non-federal sponsor for this project.

The BBSEER Study is focused on formulating plans to restore parts of the south Florida ecosystem in freshwater wetlands of the Southern Glades and Model Lands, the coastal wetlands and subtidal areas, including mangrove and seagrass areas, of Biscayne Bay, Biscayne National Park, Manatee Bay, Card Sound and Barnes Sound. These areas have been affected by over-drainage and by large-volume freshwater releases from canals, such as the C-111 Canal. As part of the study, the USACE will publish information in a Draft Integrated Project Implementation Report (PIR) and National Environmental Policy Act (NEPA) document.



To meet BBSEER objectives, this study will identify, consider, and assess a comprehensive list of features and operational changes. The features and operational changes may include, but are not limited to, canal plugs and backfilling, structure removal, conveyance features, stormwater treatment areas, reservoir and storage areas, seepage capture, treated wastewater, new levees or berms and controlled burns. During the study, additional measures may be added, and project locations and dimensions will be specified in the draft integrated PIR/NEPA document.

Similar to other CERP studies where multiple components are combined into one planning effort and Project Implementation Report, the BBSEER Study will also include more than one CERP component. The BBSEER Study will begin with six CERP components identified in the 1999 study known as the “Restudy” or “Yellow Book.” These components include:

- Biscayne Bay Coastal Wetlands
- Biscayne Bay Coastal Canals
- C-111N Canal Project
- South Miami Dade County Reuse
- West Miami Dade Reuse
- North Lake Belt

For additional information regarding the project, please visit the project webpage www.saj.usace.army.mil/BBSEER

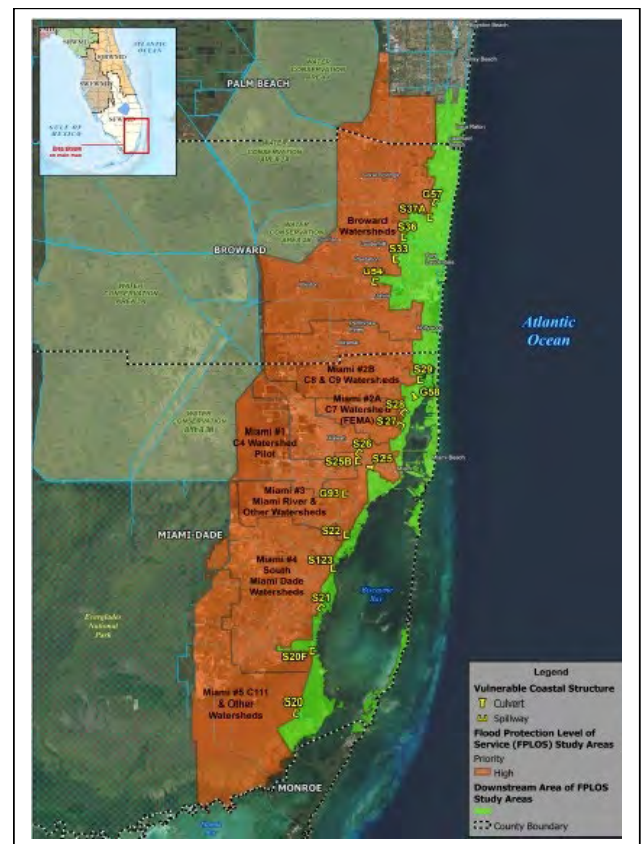
FLOOD AND COASTAL STORM RISK

Central and Southern Florida (C&SF) System Section 216 Flood Resiliency Study²

The Jacksonville District and its non-federal sponsor partner at the [South Florida Water Management District](http://www.saj.usace.army.mil/BBSEER) began a flood risk management (FRM) study initiated under the authority of Section 216 of the Flood Control Act of 1970 within the Central and Southern Florida (C&SF) Project.

The purpose of the study is to identify the need to provide continued flood risk management to reduce the most immediate risk to the C&SF Project due to changing conditions including climate change, sea level change, land development, and population growth in the lower east coast of Florida in Palm Beach, Broward, and Miami-Dade counties. FRM measures to be evaluated may include a combination of structural, non-structural, natural, and nature-based features.

The C&SF Project is a large, multipurpose water resources project initially authorized by the Flood Control Act of 1948 for the purposes of flood protection for urban and agricultural areas, water supply for agricultural, municipal, industrial, and ecosystem uses and to prevent saltwater intrusion risks to the coastal water supply.



² <https://www.saj.usace.army.mil/CSFFRS>

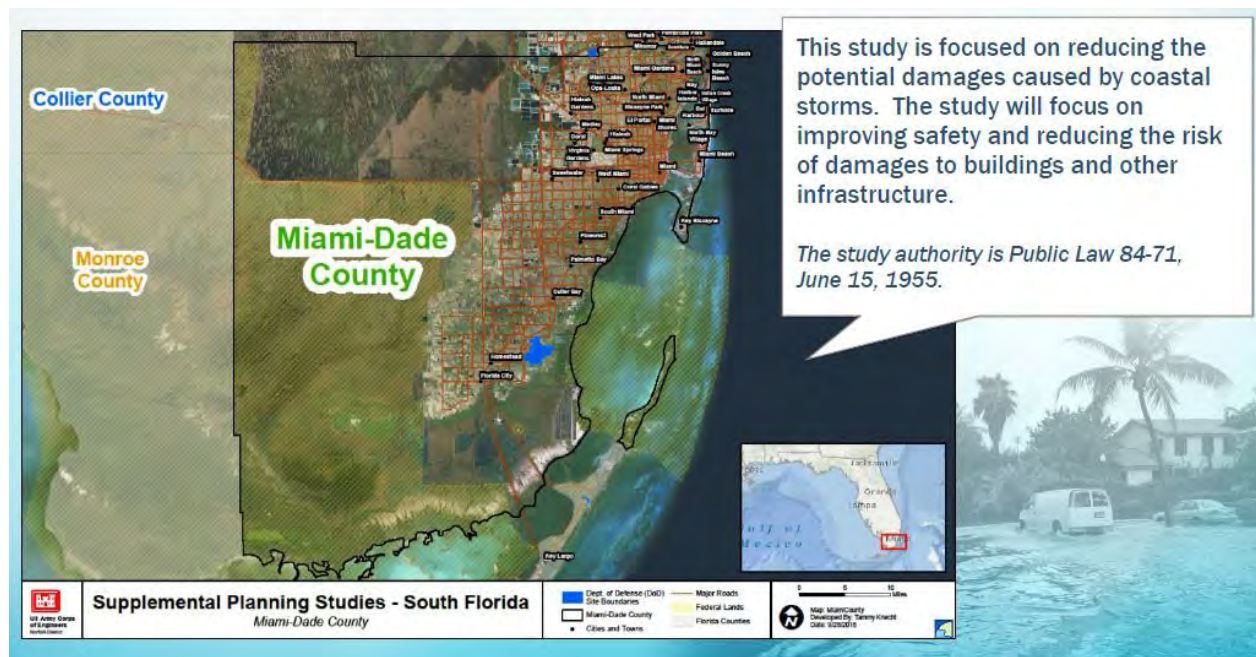
The key infrastructure of the system includes approximately 2,200 miles of canals, 2,100 miles of levees/berms, 84 pump stations, and 778 water control structures and this regional system serves a population of approximately nine million residents.

The need for this flood risk management study is driven by increased development of land and associated population growth, extreme rainfall events, and sea level rise trends that have substantially decreased the performance of the C&SF Project as initially authorized and designed over 70 years ago.

The study focus will include reducing flood risk and increasing flood resiliency in high-risk urban watersheds in southeast Florida (Figure 1), while looking to enhance the overall benefits of the multipurpose C&SF Project.

Miami-Dade Back Bay Coastal Storm Risk Management Feasibility Study³

The study authority for the Miami-Dade Back Bay Coastal Storm Risk Management Feasibility Study is Public Law 84-71, June 15, 1955 which authorizes an examination and survey of the coastal and tidal areas of the eastern and southern United States, with particular reference to areas where severe damages have occurred from hurricane winds and tides. The purpose of the project is to reduce potential damages caused by coastal storms and improve human safety and coastal resiliency in the Miami-Dade County Back Bay. The Tentatively Selected Plan (TSP) includes a combination of structural (such as surge barriers and floodwalls), nonstructural (such as flood proofing, relocation, and elevation of structures) and natural and nature-based features (such as mangrove plantings). The Local Sponsor is Miami-Dade County.



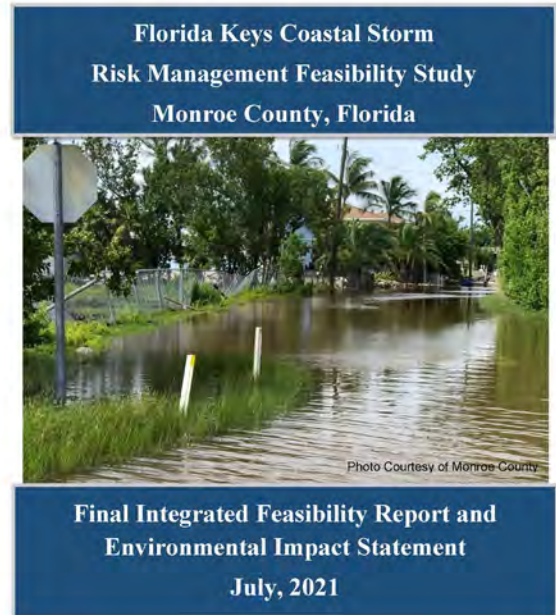
³ <https://www.saj.usace.army.mil/About/Congressional-Fact-Sheets-2022/Miami-Back-Bay-Feasibility-Study-I/>

Florida Keys Coastal Storm Risk Management Feasibility Study⁴

The Florida Keys Coastal Storm Risk Management Feasibility Study began in October 2018 and addressed critical infrastructure, evacuation route protection, and structure damage reduction in response to coastal storm risks and considering sea level change. CSRM studies analyze and assess the economic, environmental, and social effects and formulate plans to address a local or regional issue with a goal to select, refine and present an optimal alternative that will be authorized and implemented on a cost shared basis with the non-federal sponsor.

The recommended plan includes the following measures to reduce coastal storm risk and damage throughout the Florida Keys:

- Shoreline stabilization in six different locations along U.S. Route 1 (Overseas Highway) that were identified as having risk of damage due to erosion and/or wave energy during a storm event. These six rock revetment structures range in height from four to ten feet NAVD88 and were designed to reduce damage to a total of approximately 5,500 linear feet of roadway by stabilizing the shoreline and reducing the risk of washout.
- Dry floodproofing 53 critical infrastructure buildings that were identified at risk to damage from coastal storms. Dry floodproofing will reduce the damage caused by storm surge during storm events so that emergency and critical services can resume more quickly after a storm event.
- Nonstructural measures to reduce coastal storm damage by elevating 4,698 residential structures and dry floodproofing 1,052 nonresidential structures at risk throughout the Keys. Nonstructural measures are applied to a structure to reduce damage from storm surge flooding. Participation is voluntary for the recommended nonstructural measures (elevation and floodproofing).



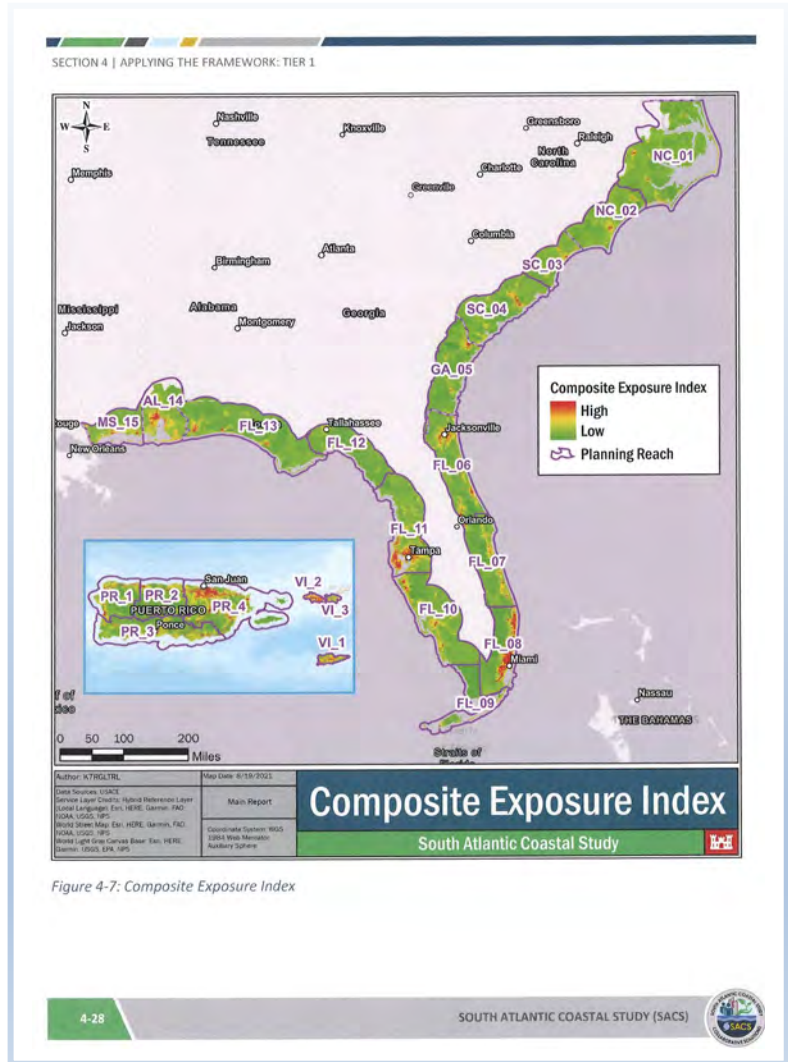
⁴ <https://www.saj.usace.army.mil/FloridaKeysCSRMFeasibilityStudy/>

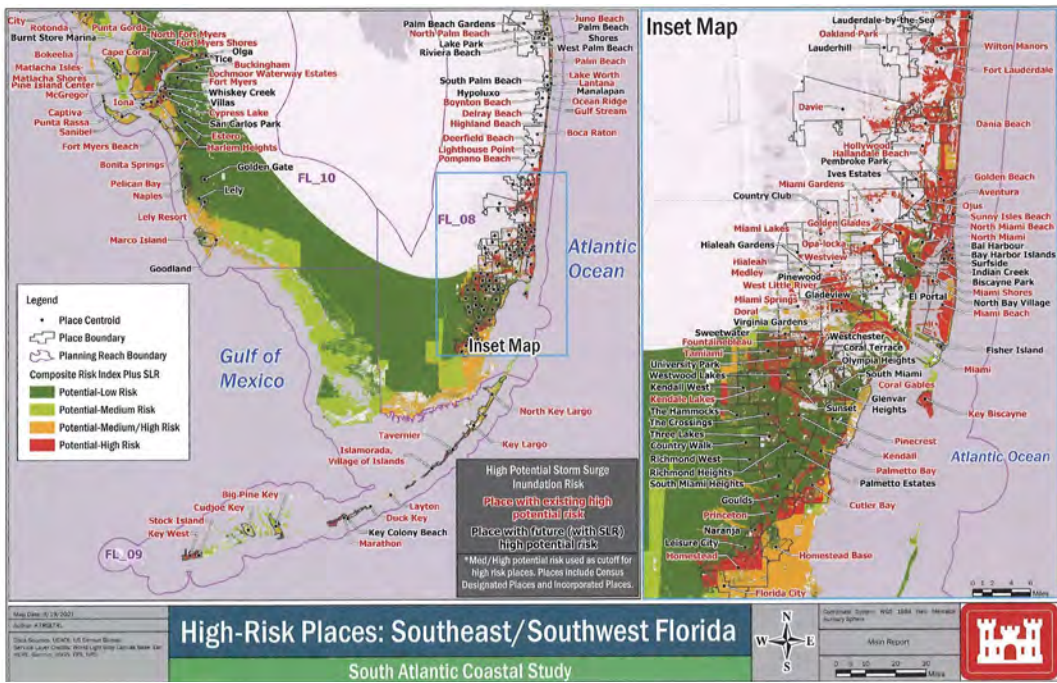
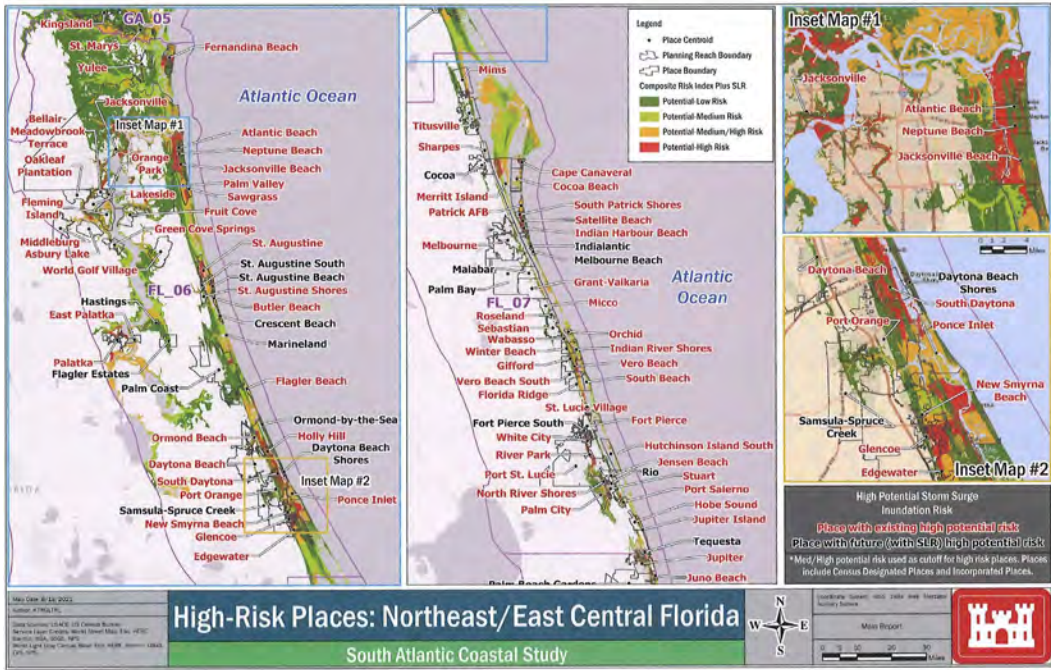
South Atlantic Coast Study (SACS)

[FINAL REPORT AUGUST 2022](#)

The South Atlantic Coastal Study (SACS) vision is to provide a common understanding of risk from coastal storms and sea level rise to support resilient communities and habitats. This collaborative effort will leverage stakeholders' actions to plan and implement cohesive coastal storm risk management strategies along the South Atlantic and Gulf Coast shorelines, including the territories of Puerto Rico and the U.S. Virgin Islands.

Completed in August 2022, the four-year, \$18.4 million, comprehensive regional study was designed to identify the risks and vulnerabilities of tidally influenced areas to increased hurricane and storm damage as a result of sea level rise. The study area included the entire Gulf of Mexico and Atlantic Ocean coasts from Mississippi to North Carolina as well as Puerto Rico and the Virgin Islands. The 65,000 miles of tidally influenced shoreline, including back bays, within these states and territories remains highly vulnerable to coastal storms and the associated effects of sea level rise.







MEMORANDUM

AGENDA ITEM # 11

DATE: FEBRUARY 17, 2023

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: STATEWIDE WATER INFRASTRUCTURE: CHALLENGES AND OPPORTUNITIES

Please welcome Frank Bernardino, Founding Partner of Anfield Consulting, for a presentation on water infrastructure challenges and opportunities as we look to the 2023 State Legislative Session.

In addition, please find herewith Resolution # 23-01 related to Water Resources Investments. This resolution was unanimously approved by the Florida Regional Councils Association Policy Board at their January 13, 2023 Board Meeting.

The South Florida and Treasure Coast Regional Planning Councils were early leaders on these issues as evidenced by the unanimous adoption of Joint Resolution TCSF 20-02 at their March 19, 2021 meeting.

Recommendation:

Information Only.

RESOLUTION #23-01

A RESOLUTION OF THE FLORIDA REGIONAL COUNCILS ASSOCIATION SUPPORTING CREATION OF A STATEWIDE COORDINATED PLANNING AND PRIORITIZATION APPROACH FOR WATER RESOURCE INVESTMENTS MODELLED ON THE FLORIDA TRANSPORTATION COMMISSION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Regional Councils Association is a multi-purpose association of regional planning councils with policy responsibility in the areas of economic development, emergency preparedness, transportation, and resiliency; and

WHEREAS, the Florida Regional Councils Association includes membership by the Apalachee, Central Florida, East Central Florida, Emerald Coast, North Central Florida, Northeast Florida, South Florida, Tampa Bay and Treasure Coast Regional Planning Councils; and

WHEREAS, a significant roadblock to effectively addressing the water challenges facing Florida is the fractured nature of responsibility for water and the uncoordinated investment of funds to meet our needs; and

WHEREAS, funding at the state level has been subject to shifting legislative priorities and local perspectives rather than a strategic approach, leading to inefficiencies and a growing backlog of needed infrastructure; and

WHEREAS, recognizing this situation, the Water and Environmental Sustainability Committee of the Florida Association of Counties recently proposed modeling state water resource investment on the Florida Transportation Commission and Florida Transportation Plan approach for planning, prioritization, a predictable multi-year capital construction program, and oversight which reliably delivers transportation improvements; and

WHEREAS, coordinated and efficient investment of sufficient state funding for regional systems in concert with local funding of local systems is needed in order to meet water needs and protect water resources and the environment now and into the future.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA REGIONAL COUNCIL ASSOCIATION THAT:

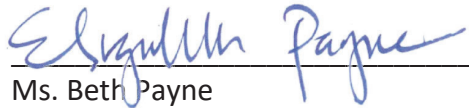
Section 1. The above recitals are declared to be true and correct and are hereby made a part of this Resolution.

Section 2. The Association expresses its support for statutory changes that will lead to coordinated and strategic investment of state funds for water resources using a structure modelled on the Florida Transportation Commission.

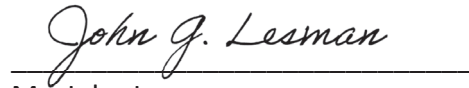
Section 3. A copy of this Resolution shall be transmitted to the Governor, the President of the Florida Senate, the Speaker of the Florida House of Representatives, the Florida Association of Counties, the Florida League of Cities, and all Regional Planning Councils in Florida.

DULY ADOPTED by the Florida Regional Councils Association this 13th day of January 2023.

Attest:



Ms. Beth Payne
Chair, EDAC



Mr. John Lesman
President



MEMORANDUM

AGENDA ITEM # 12

DATE: FEBRUARY 17, 2023

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: SFRPC/TCRPC Legislative Priorities Conversation

Background:

Since October of 2017, the Treasure Coast Regional Planning Council (TCRPC) and South Florida Regional Planning Council (SFRPC) have met as a joint board at least once per year to learn about, discuss, and reach consensus on issues of shared concern for both regions. Typically, the outcome of the meetings has been joint resolutions expressing support for, or opposition to, certain actions contemplated by governments within the regions as well as the Florida Legislature and the Federal government. Beginning in 2020 (interrupted by the Coronavirus Pandemic), the Councils sought to meet twice per year. Two virtual meetings were held in 2021 and two in-person meetings were held in 2022.

The South Florida and Treasure Coast Regional Planning Councils' seven-county geographical area consists of Broward, Indian River, Martin, Miami-Dade, Monroe, Palm Beach, and St. Lucie counties and 122 municipalities, which contain over 6.8 million residents or nearly one-third of the State's population, responsible for generating over one-third of the State's gross domestic product. With coordinated planning and prioritization of issues, these two RPCs have a strong voice in Tallahassee.

Analysis

A review of adopted legislative priorities for each of the seven counties reveals the following list of common legislative priorities within the seven-county TCRPC & SFRPC region:

Home Rule and Unfunded Mandates

- Oppose preemption of local governments' ability to:
 - regulate vacation rentals
 - Issue occupational licenses
 - Keep existing living wage ordinances (Palm Beach, Broward, and Monroe)
- Support increase in technology recording fees distributed to counties
- Oppose the use of local revenue sources to fund the state's judicial responsibilities
- Oppose any state legislation that would preempt or prevent local governments from accomplishing growth management and planning objectives

Economic Development

- Support efforts and investment in:
 - Visit Florida
 - Enterprise Florida
 - Florida Job Growth Grant Fund
 - Department of State's Arts and Cultural Grants
 - Qualified Targeted Industries Tax Refund Program
 - Film, Television, and Digital Media Program
- Oppose policies that mandate local tourist development funds be diverted away from local communities, or impair a County's use of the funds for local tourist development

Environment and Natural Resources

- Support investments that protect and further natural resources, including the Indian River Lagoon, St. Lucie River, Loxahatchee River, Lake Worth Lagoon, Biscayne Bay, Florida's Coral Reef and etc.
- Encourage legislation that protects inlets and promotes beach restoration and renourishment
- Encourage continued State funding for Everglades Restoration projects under the Comprehensive Everglades Restoration Plan (CERP)
- Support resilience initiatives against the impacts of sea level rise and flooding, and natural disasters (e.g., hurricanes, wind storms)
- Support programs for septic to sewer conversions
- Encourage funding and planning for the operations and maintenance of stormwater systems
- Support the creation of a statewide coordinated planning and prioritization approach for water resource investments
- Support the removal of derelict vessels and anchorage restriction on overnight vessels

Public Infrastructure

- Support public infrastructure projects and programs including:
 - Florida's Transportation Five-Year Work Plan
 - Programs for the Transportation Disadvantaged
 - Expansion and funding of broadband
 - Expansion of public access trail networks (greenways and blueways, parks and recreation)
- Support public safety investments for:
 - School safety and school resource officers
 - Emergency Operations Centers/County Bases
- Support funding for mental health and substance abuse treatment
- Support initiatives for homelessness the provision of increased affordable housing opportunities, such as:
 - Allow increased flexibility in spending of State Housing Initiative Partnership (SHIP) program funds by local government in addressing affordable housing needs
 - Increase funding to the State Apartment Incentive Loan (SAIL) program
 - Oppose diversion of Sadowski Trust Fund for purposes unrelated to affordable housing projects
- Support funding for public libraries
- Support the local agriculture industry

An item of note from Palm Beach County that directly speaks to regional planning councils is the County will: “support full funding of regional planning councils. Palm Beach County **OPPOSES** legislation prohibiting or restricting the ability of a regional planning council to provide planning and technical service to its local governments.”

Recommendation:

Council members are invited to share their thoughts and discuss potential legislative priorities that can be supported by both Councils.