

1                                   A bill to be entitled  
 2           An act relating to public financing of construction  
 3           projects; creating s. 161.551, F.S.; defining terms;  
 4           prohibiting state-financed constructors from  
 5           commencing construction of certain structures in  
 6           coastal areas without first conducting a sea level  
 7           impact projection study and having such study  
 8           published and approved by the Department of  
 9           Environmental Protection; requiring the department to  
 10          develop by rule standards for such studies; providing  
 11          for enforcement; requiring the department to publish  
 12          such studies on its website, subject to certain  
 13          conditions; requiring the department to enforce  
 14          certain requirements and to adopt rules; providing an  
 15          effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

18  
 19           Section 1.   Section 161.551, Florida Statutes, is created  
 20           to read:

21           161.551 Public financing of construction projects within  
 22           the coastal building zone.-

23           (1) As used in this section, the term:

24           (a) "Coastal structure" means a major structure or  
 25           nonhabitable major structure within the coastal building zone.

26 (b) "SLIP study" means a sea level impact projection study  
27 as established by the department pursuant to subsection (3).

28 (c) "State-financed constructor" means a person,  
29 municipality, county, or other public agency engaging in a  
30 construction project using funds appropriated from the state.

31 (d) "Substantial flood damage" means flood, inundation, or  
32 wave action damage resulting from a single event, such as a  
33 flood or tropical weather system, where such damage exceeds 25  
34 percent of the market value of the coastal structure at the time  
35 of the event.

36 (2) A state-financed constructor may not commence  
37 construction of a coastal structure without:

38 (a) Conducting a SLIP study that meets the requirements  
39 established by the department;

40 (b) Submitting the study to the department; and

41 (c) Receiving department notification from the department  
42 that the study:

43 1. Was approved by the department as properly conducted;

44 and

45 2. Has been published on the department's website pursuant  
46 to paragraph (5) (a) for at least 30 days.

47 (3) The department shall develop by rule a standard for  
48 conducting a SLIP study. At minimum, this standard must require  
49 that a state-financed constructor do all of the following:

50 (a) Utilize a systematic, interdisciplinary, and

51 scientifically accepted approach in the natural sciences and  
52 construction design in conducting the study.

53 (b) Assess the flooding, inundation, and wave action  
54 damage risks relating to the coastal structure over its expected  
55 life or 50 years, whichever is less.

56 1. The assessment must take into account potential sea  
57 level rise and increased storm risk during the expected life of  
58 the coastal structure or 50 years, whichever is less.

59 2. The assessment must provide scientific and engineering  
60 evidence of the risk to the coastal structure and methods used  
61 to mitigate, adapt to, or reduce this risk.

62 3. The assessment must use and consider available  
63 scientific research and generally accepted industry practices.

64 4. The assessment must provide the mean average annual  
65 chance of substantial flood damage over the expected life of the  
66 coastal structure or 50 years, whichever is less.

67 5. The assessment must analyze potential public safety and  
68 environmental impacts resulting from damage to the coastal  
69 structure including, but not limited to, leakage of pollutants,  
70 electrocution and explosion hazards, and hazards resulting from  
71 floating or flying structural debris.

72 (c) Provide alternatives for the coastal structure's  
73 design and siting, and how such alternatives would impact the  
74 risks specified in subparagraph (b)5. as well as the risk and  
75 cost associated with maintaining, repairing, and constructing

76 | the coastal structure.

77 |  
78 | If multiple coastal structures are to be built concurrently  
79 | within one project, a state-financed constructor may conduct and  
80 | submit one SLIP study for the entire project for approval and  
81 | publication by the department.

82 | (4) If a state-financed constructor commences construction  
83 | of a coastal structure but has not received approval from the  
84 | department to commence such construction pursuant to paragraph  
85 | (2)(c), the department may institute a civil action in a court  
86 | of competent jurisdiction to:

87 | (a) Seek injunctive relief to cease further construction  
88 | of the coastal structure.

89 | (b) Enforce compliance with this section or rules adopted  
90 | pursuant to this section.

91 | (c) If the coastal structure has been completed or  
92 | substantially completed, seek recovery of all or a portion of  
93 | state funds expended on the coastal structure.

94 | (5) The department shall:

95 | (a) Publish and maintain a copy of all SLIP studies  
96 | submitted pursuant to this section on its website for at least  
97 | 10 years after receipt. However, any portion of a study  
98 | containing information that is exempt from s. 119.07(1) and s.  
99 | 24(a), Art. I of the State Constitution must be redacted by the  
100 | department before publication.

101 | (b) Enforce the requirements of this section.  
102 | (c) Adopt rules as necessary to administer this section.  
103 | Section 2. This act shall take effect July 1, 2019.