

By the Committee on Environment and Natural Resources; and
Senator Rodriguez

592-02964-19

201978c1

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; requiring the Department of
8 Environmental Protection to develop by rule a standard
9 for such studies; providing for enforcement; requiring
10 the department to publish such studies on its website,
11 subject to certain conditions; requiring the
12 department to enforce certain requirements and to
13 adopt rules; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 161.551, Florida Statutes, is created to
18 read:

19 161.551 Public financing of construction projects within
20 the coastal building zone.-

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

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

24 (b) "Public entity" means the state or any of its political
25 subdivisions, or any municipality, county, agency, special
26 district, authority, or other public body corporate of the state
27 which is demonstrated to perform a public function or to serve a
28 governmental purpose that could properly be performed or served
29 by an appropriate governmental unit.

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30 (c) "SLIP study" means a sea level impact projection study
31 as established by the department pursuant to subsection (3).

32 (d) "State-financed constructor" means a public entity that
33 commissions or manages a construction project using funds
34 appropriated from the state.

35 (e) "Substantial flood damage" means flood, inundation, or
36 wave action damage resulting from a single event, such as a
37 flood or tropical weather system, where such damage exceeds 25
38 percent of the market value of the coastal structure at the time
39 of the event.

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

42 (a) Conducting a SLIP study that meets the requirements
43 established by the department;

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

45 (c) Receiving notification from the department that the
46 study was received and that it has been published on the
47 department's website pursuant to paragraph (5)(a) for at least
48 30 days. The state-financed constructor is solely responsible
49 for ensuring that the study submitted to the department for
50 publication meets the requirements under subsection (3).

51 (3) The department shall develop by rule a standard by
52 which a state-financed constructor must conduct a SLIP study and
53 may require that a professional engineer sign off on the study.
54 At a minimum, this standard must require that a state-financed
55 constructor do all of the following:

56 (a) Use a systematic, interdisciplinary, and scientifically
57 accepted approach in the natural sciences and construction
58 design in conducting the study.

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

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

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

68 3. The assessment must use and consider available
69 scientific research and generally accepted industry practices.

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

73 5. The assessment must analyze potential public safety and
74 environmental impacts resulting from damage to the coastal
75 structure including, but not limited to, leakage of pollutants,
76 electrocution and explosion hazards, and hazards resulting from
77 floating or flying structural debris.

78 (c) Provide alternatives for the coastal structure's design
79 and siting, and how such alternatives would impact the risks
80 specified in subparagraph (b)5. as well as the risk and cost
81 associated with maintaining, repairing, and constructing the
82 coastal structure.

83
84 If multiple coastal structures are to be built concurrently
85 within one project, a state-financed constructor may conduct and
86 submit one SLIP study for the entire project for publication by
87 the department.

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88 (4) If a state-financed constructor commences construction
89 of a coastal structure but has not complied with the SLIP study
90 requirement under subsection (2), the department may institute a
91 civil action in a court of competent jurisdiction to:

92 (a) Seek injunctive relief to cease further construction of
93 the coastal structure or enforce compliance with this section or
94 with rules adopted by the department pursuant to this section.

95 (b) If the coastal structure has been completed or has been
96 substantially completed, seek recovery of all or a portion of
97 state funds expended on the coastal structure.

98 (5) This section may not be construed to create a cause of
99 action for damages.

100 (6) The department:

101 (a) Shall publish and maintain a copy of all SLIP studies
102 submitted pursuant to this section on its website for at least
103 10 years after receipt. However, any portion of a study
104 containing information that is exempt from s. 119.07(1) and s.
105 24(a), Art. I of the State Constitution must be redacted by the
106 department before publication.

107 (b) Shall adopt rules as necessary to administer this
108 section.

109 (7) The department may enforce the requirements of this
110 section.

111 Section 2. This act shall take effect July 1, 2019.