



143802

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/09/2019	.	
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The Committee on Infrastructure and Security (Rodriguez)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Effective July 1, 2021, section 161.551, Florida  
Statutes, is created to read:

161.551 Public financing of construction projects within  
the coastal building zone.—

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

(a) "Coastal structure" means a major structure or



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11 nonhabitable major structure within the coastal building zone.

12 (b) "Public entity" means the state or any of its political  
13 subdivisions, or any municipality, county, agency, special  
14 district, authority, or other public body corporate of the state  
15 which is demonstrated to perform a public function or to serve a  
16 governmental purpose that could properly be performed or served  
17 by an appropriate governmental unit.

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

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

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

28 (2) After July 1, 2021, if official baseline projections  
29 are adopted as provided in s. 14.203, a state-financed  
30 constructor may not commence construction of a coastal structure  
31 without:

32 (a) Conducting a SLIP study that meets the requirements  
33 established by the department;

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

35 (c) Receiving notification from the department that the  
36 study was received and that it has been published on the  
37 department's website pursuant to paragraph (6)(a) for at least  
38 30 days. The state-financed constructor is solely responsible  
39 for ensuring that the study submitted to the department for



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40 publication meets the requirements under subsection (3).

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

46 (a) Use a systematic, interdisciplinary, and scientifically  
47 accepted approach in the natural sciences and construction  
48 design in conducting the study.

49 (b) Based on the official baseline projections of sea-level  
50 rise and flooding impacts adopted as provided in s. 14.203,  
51 assess the flooding, inundation, and wave action damage risks  
52 relating to the coastal structure over its expected life or 50  
53 years, whichever is less.

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

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

60 3. The assessment must use and consider available  
61 scientific research and generally accepted industry practices.

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

65 5. The assessment must analyze potential public safety and  
66 environmental impacts resulting from damage to the coastal  
67 structure including, but not limited to, leakage of pollutants,  
68 electrocution and explosion hazards, and hazards resulting from



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69 floating or flying structural debris.

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

75  
76 If multiple coastal structures are to be built concurrently  
77 within one project, a state-financed constructor may conduct and  
78 submit one SLIP study for the entire project for publication by  
79 the department.

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

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

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

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

92 (6) The department:

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



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98 department before publication.

99 (b) Shall adopt rules as necessary to administer this  
100 section.

101 (7) The department may enforce the requirements of this  
102 section.

103 Section 2. This act shall take effect on the same date that  
104 SB 7016 or similar legislation takes effect, if such legislation  
105 is adopted in the same legislative session or an extension  
106 thereof and becomes law.

107  
108 ===== T I T L E A M E N D M E N T =====

109 And the title is amended as follows:

110 Delete everything before the enacting clause  
111 and insert:

112 A bill to be entitled  
113 An act relating to public financing of construction  
114 projects; creating s. 161.551, F.S.; defining terms;  
115 prohibiting state-financed constructors from  
116 commencing construction of certain structures in  
117 coastal areas after a specified date without first  
118 conducting a sea level impact projection study;  
119 requiring the Department of Environmental Protection  
120 to develop by rule a standard for such studies;  
121 requiring the department to publish such studies on  
122 its website, subject to certain conditions; requiring  
123 the department to enforce certain requirements and to  
124 adopt rules; providing for enforcement; providing a  
125 contingent effective date.