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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2020	.	
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Appropriations Subcommittee on Agriculture, Environment, and
General Government (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 41 - 119
and insert:

(2) Beginning 1 year after the date the rule developed by
the department pursuant to subsection (3) is finalized and is
otherwise in effect, a state-financed constructor may not
commence construction of a coastal structure without:

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



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11 (b) Submitting the study to the department; and
12 (c) Receiving notification from the department that the
13 study was received and that it has been published on the
14 department's website pursuant to paragraph (6) (a) for at least
15 30 days. The state-financed constructor is solely responsible
16 for ensuring that the study submitted to the department for
17 publication meets the requirements under subsection (3).

18 (3) The department shall develop by rule a standard by
19 which a state-financed constructor must conduct a SLIP study and
20 may require that a professional engineer sign off on the study.
21 The rule must be effective 1 year after the date it is finalized
22 and applies only to projects not yet commenced as of the date
23 the rule is finalized. The rule may not apply retroactively to
24 projects that commenced before the date the rule is finalized.
25 At a minimum, the standard must require that a state-financed
26 constructor do all of the following:

27 (a) Use a systematic, interdisciplinary, and scientifically
28 accepted approach in the natural sciences and construction
29 design in conducting the study.

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

33 1. The assessment must take into account potential relative
34 local sea-level rise and increased storm risk during the
35 expected life of the coastal structure or 50 years, whichever is
36 less, and, to the extent possible, account for the contribution
37 of sea-level rise versus land subsidence to the relative local
38 sea-level rise.

39 2. The assessment must provide scientific and engineering



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40 evidence of the risk to the coastal structure and methods used
41 to mitigate, adapt to, or reduce this risk.

42 3. The assessment must use and consider available
43 scientific research and generally accepted industry practices.

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

47 5. The assessment must analyze potential public safety and
48 environmental impacts resulting from damage to the coastal
49 structure, including, but not limited to, leakage of pollutants,
50 electrocution and explosion hazards, and hazards resulting from
51 floating or flying structural debris.

52 (c) Provide alternatives for the coastal structure's design
53 and siting, and how such alternatives would impact the risks
54 specified in subparagraph (b)5. as well as the risk and cost
55 associated with maintaining, repairing, and constructing the
56 coastal structure.

57
58 If multiple coastal structures are to be built concurrently
59 within one project, a state-financed constructor may conduct and
60 submit one SLIP study for the entire project for publication by
61 the department.

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

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



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

72 (5) This section may not be construed to create a cause of
73 action for damages or otherwise authorize the imposition of
74 penalties by a public entity for failure to implement what is
75 contained in the SLIP study.

76 (6) The department:

77 (a) Shall publish and maintain a copy of all SLIP studies
78 submitted pursuant to this section on its website for at least
79 10 years after receipt. However, any portion of a study
80 containing information that is exempt from s. 119.07(1) and s.
81 24(a), Art. I of the State Constitution must be redacted by the
82 department before publication.

83 (b) Shall adopt rules as necessary to administer this
84 section.

85 (7) The department may enforce the requirements of this
86 section.

87 Section 2. This act shall take effect July 1, 2020.

88
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete lines 10 - 14

92 and insert:

93 for such studies; providing that such rule operates
94 prospectively on projects that have not yet commenced
95 as of the finalization of the rule; requiring the
96 department to publish such studies on its website,
97 subject to certain conditions; requiring the



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98 department to adopt rules; providing for enforcement;
99 providing an effective date.