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LEGISLATIVE ACTION

Senate

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House

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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.

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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.