

1 A bill to be entitled
 2 An act relating to public financing of construction
 3 projects; creating s. 161.551, F.S.; providing
 4 definitions; prohibiting state-financed constructors
 5 from 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; requiring the department to publish
 10 such studies on its website, subject to certain
 11 conditions; providing construction; requiring the
 12 department to enforce certain requirements and to
 13 adopt rules; providing for enforcement; providing an
 14 effective date.

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

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

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

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

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

25 (b) "Public entity" means the state or any of its

26 political subdivisions, or any municipality, county, agency,
27 special district, authority, or other public body corporate of
28 the state which is demonstrated to perform a public function or
29 to serve a governmental purpose that could properly be performed
30 or served by an appropriate governmental unit.

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

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

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

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

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

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

46 (c) Receiving notification from the department that the
47 study was received and that it has been published on the
48 department's website pursuant to paragraph (6) (a) for at least
49 30 days. The state-financed constructor is solely responsible
50 for ensuring that the study submitted to the department for

51 publication meets the requirements under subsection (3).

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

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

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

63 1. The assessment must take into account potential
64 relative local sea level rise and increased storm risk during
65 the expected life of the coastal structure or 50 years,
66 whichever is less, and, to the extent possible, account for the
67 contribution of sea level rise versus land subsidence to the
68 relative local sea level rise.

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

72 3. The assessment must use and consider available
73 scientific research and generally accepted industry practices.

74 4. The assessment must provide the mean average annual
75 chance of substantial flood damage over the expected life of the

76 coastal structure or 50 years, whichever is less.

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

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

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88 If multiple coastal structures are to be built concurrently
89 within one project, a state-financed constructor may conduct and
90 submit one SLIP study for the entire project for publication by
91 the department.

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

96 (a) Seek injunctive relief to cease further construction
97 of the coastal structure or enforce compliance with this section
98 or with rules adopted by the department pursuant to this
99 section.

100 (b) If the coastal structure has been completed or has

101 been substantially completed, seek recovery of all or a portion
102 of state funds expended on the coastal structure.

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

107 (6) The department:

108 (a) Shall publish and maintain a copy of all SLIP studies
109 submitted pursuant to this section on its website for at least
110 10 years after receipt. However, any portion of a study
111 containing information that is exempt from s. 119.07(1) and s.
112 24(a), Art. I of the State Constitution must be redacted by the
113 department before publication.

114 (b) Shall adopt rules as necessary to administer this
115 section.

116 (7) The department may enforce the requirements of this
117 section.

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