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LEGISLATIVE ACTION

Senate

House

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04/07/2021 05:02 PM

Senator Rodrigues moved the following:

Senate Amendment

Delete lines 115 - 323

and insert:

(c) A vulnerability assessment conducted pursuant to paragraph (b) must encompass the entire county or municipality; include all critical assets owned or maintained by the grant applicant; and use the most recent publicly available Digital Elevation Model and generally accepted analysis and modeling techniques. An assessment may encompass a smaller geographic area or include only a portion of the critical assets owned or



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12 maintained by the grant applicant with appropriate rationale and
13 upon approval by the department. Locally collected elevation
14 data may also be included as part of the assessment as long as
15 it is submitted to the department pursuant to this paragraph.

16 1. The assessment must include an analysis of the
17 vulnerability of and risks to critical assets, including
18 regionally significant assets, owned or managed by the county or
19 municipality.

20 2. Upon completion of a vulnerability assessment, the
21 county or municipality shall submit to the department the
22 following:

23 a. A report detailing the findings of the assessment.

24 b. All electronic mapping data used to illustrate flooding
25 and sea level rise impacts identified in the assessment. When
26 submitting such data, the county or municipality shall include:

27 (I) Geospatial data in an electronic file format suitable
28 for input to the department's mapping tool.

29 (II) Geographic information system data that has been
30 projected into the appropriate Florida State Plane Coordinate
31 System and that is suitable for the department's mapping tool.
32 The county or municipality must also submit metadata using
33 standards prescribed by the department.

34 c. A list of critical assets, including regionally
35 significant assets, that are impacted by flooding and sea level
36 rise.

37 (d) A vulnerability assessment conducted pursuant to
38 paragraph (b) must include all of the following, if applicable:

39 1. Peril of flood comprehensive plan amendments that
40 address the requirements of s. 163.3178(2)(f), if the county or



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41 municipality is subject to such requirements and has not
42 complied with such requirements as determined by the Department
43 of Economic Opportunity.

44 2. The depth of:

45 a. Tidal flooding, including future high tide flooding,
46 which must use thresholds published and provided by the
47 department. To the extent practicable, the analysis should also
48 geographically display the number of tidal flood days expected
49 for each scenario and planning horizon.

50 b. Current and future storm surge flooding using publicly
51 available National Oceanic and Atmospheric Administration or
52 Federal Emergency Management Agency storm surge data. The
53 initial storm surge event used must equal or exceed the current
54 100-year flood event. Higher frequency storm events may be
55 analyzed to understand the exposure of a critical asset.

56 c. To the extent practicable, rainfall-induced flooding
57 using spatiotemporal analysis or existing hydrologic and
58 hydraulic modeling results. Future boundary conditions should be
59 modified to consider sea level rise and high tide conditions.

60 d. To the extent practicable, compound flooding or the
61 combination of tidal, storm surge, and rainfall-induced
62 flooding.

63 3. The following scenarios and standards:

64 a. All analyses in the North American Vertical Datum of
65 1988.

66 b. At least two local sea level rise scenarios, which must
67 include the 2017 National Oceanic and Atmospheric Administration
68 intermediate-low and intermediate-high sea level rise
69 projections.



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70 c. At least two planning horizons that include planning
71 horizons for the years 2040 and 2070.

72 d. Local sea level data that has been interpolated between
73 the two closest National Oceanic and Atmospheric Administration
74 tide gauges. Local sea level data may be taken from one such
75 gauge if the gauge has a higher mean sea level. Data taken from
76 an alternate tide gauge may be used with appropriate rationale
77 and department approval, as long as it is publicly available or
78 submitted to the department pursuant to paragraph (b).

79 (4) COMPREHENSIVE STATEWIDE FLOOD VULNERABILITY AND SEA
80 LEVEL RISE DATA SET AND ASSESSMENT.—

81 (a) By July 1, 2022, the department shall complete the
82 development of a comprehensive statewide flood vulnerability and
83 sea level rise data set sufficient to conduct a comprehensive
84 statewide flood vulnerability and sea level rise assessment. In
85 developing the data set, the department shall compile, analyze,
86 and incorporate, as appropriate, information related to
87 vulnerability assessments submitted to the department pursuant
88 to subsection (3) or any previously completed assessments that
89 meet the requirements of subsection (3).

90 1. The Chief Science Officer shall, in coordination with
91 necessary experts and resources, develop statewide sea level
92 rise projections that incorporate temporal and spatial
93 variability, to the extent practicable, for inclusion in the
94 data set. This subparagraph does not supersede regionally
95 adopted projections.

96 2. The data set must include information necessary to
97 determine the risks to inland and coastal communities,
98 including, but not limited to, elevation, tidal levels, and



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99 precipitation.

100 (b) By July 1, 2023, the department shall complete a
101 comprehensive statewide flood vulnerability and sea level rise
102 assessment that identifies inland and coastal infrastructure,
103 geographic areas, and communities in the state that are
104 vulnerable to flooding and sea level rise and the associated
105 risks.

106 1. The department shall use the comprehensive statewide
107 flood vulnerability and sea level rise data set to conduct the
108 assessment.

109 2. The assessment must incorporate local and regional
110 analyses of vulnerabilities and risks, including, as
111 appropriate, local mitigation strategies and postdisaster
112 redevelopment plans.

113 3. The assessment must include an inventory of critical
114 assets, including regionally significant assets, that are
115 essential for critical government and business functions,
116 national security, public health and safety, the economy, flood
117 and storm protection, water quality management, and wildlife
118 habitat management, and must identify and analyze the
119 vulnerability of and risks to such critical assets. When
120 identifying critical assets for inclusion in the assessment, the
121 department shall also take into consideration the critical
122 assets identified by local governments and submitted to the
123 department pursuant to subsection (3).

124 (c) The department shall update the comprehensive statewide
125 flood vulnerability and sea level rise data set and assessment
126 every 5 years. The department may update the data set and
127 assessment more frequently if it determines that updates are



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128 necessary to maintain the validity of the data set and
129 assessment.

130 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN.—

131 (a) By December 1, 2021, and each December 1 thereafter,
132 the department shall develop a Statewide Flooding and Sea Level
133 Rise Resilience Plan on a 3-year planning horizon and submit it
134 to the Governor, the President of the Senate, and the Speaker of
135 the House of Representatives. The plan must consist of ranked
136 projects that address risks of flooding and sea level rise to
137 coastal and inland communities in the state.

138 (b) The plan submitted by December 1, 2021, before the
139 comprehensive statewide flood vulnerability and sea level rise
140 assessment is completed, will be a preliminary plan that
141 addresses risks of flooding and sea level rise identified in
142 available local government vulnerability assessments. The plan
143 submitted by December 1, 2022, will be an update to the
144 preliminary plan. The plan submitted by December 1, 2023, and
145 each plan submitted by December 1 thereafter, shall address
146 risks of flooding and sea level rise identified in the
147 comprehensive statewide flood vulnerability and sea level rise
148 assessment.

149 (c) Each plan submitted by the department pursuant to this
150 subsection must include the following information for each
151 recommended project:

152 1. A description of the project.

153 2. The location of the project.

154 3. An estimate of how long the project will take to
155 complete.

156 4. An estimate of the cost of the project.



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157 5. The cost-share percentage available for the project.

158 6. A summary of the priority score assigned to the project.

159 7. The project sponsor.

160 (d)1. By September 1, 2021, and each September 1
161 thereafter, counties and municipalities may submit to the
162 department a list of proposed projects that address risks of
163 flooding or sea level rise identified in vulnerability
164 assessments that meet the requirements of subsection (3). A
165 regional resilience entity may also submit such proposed
166 projects to the department on behalf of one or more member
167 counties or municipalities.

168 2. By September 1, 2021, and each September 1 thereafter,
169 each water management district and flood control district may
170 submit to the department a list of any proposed projects that
171 mitigate the risks of flooding or sea level rise on water
172 supplies or water resources of the state and a corresponding
173 evaluation of each project.

174 3. Each project submitted to the department by a county,
175 municipality, regional resilience entity, water management
176 district, or flood control district for consideration by the
177 department for inclusion in the plan must include:

178 a. A description of the project.

179 b. The location of the project.

180 c. An estimate of how long the project will take to
181 complete.

182 d. An estimate of the cost of the project.

183 e. The cost-share percentage available for the project.

184 f. The project sponsor.

185 (e) Each project included in the plan must have a minimum



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186 50 percent cost-share unless the project assists or is within a
187 financially disadvantaged small community. For purposes of this
188 section, the term "financially disadvantaged small community"
189 means:

190 1. A municipality that has a population of 10,000 or fewer,
191 according to the most recent April 1 population estimates posted
192 on the Office of Economic and Demographic Research's website,
193 and a per capita annual income that is less than the state's per
194 capita annual income as shown in the most recent release from
195 the Bureau of the Census of the United States Department of
196 Commerce that includes both measurements; or

197 2. A county that has a population of 50,000 or fewer,
198 according to the most recent April 1 population estimates posted
199 on the Office of Economic and Demographic Research's website,
200 and a per capita annual income that is less than the state's per
201 capita annual income as shown in the most recent release from
202 the Bureau of the Census of the United States Department of
203 Commerce that includes both measurements.

204 (f) To be eligible for inclusion in the plan, a project
205 must have been submitted by a county, municipality, regional
206 resilience entity, water management district, or flood control
207 district pursuant to paragraph (d) or must have been identified
208 in the comprehensive statewide flood vulnerability and sea level
209 rise assessment, as applicable.

210 (g) Expenses ineligible for inclusion in the plan include,
211 but are not limited to, expenses associated with:

212 1. Aesthetic vegetation.

213 2. Recreational structures such as piers, docks, and
214 boardwalks.



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215 3. Water quality components of stormwater and wastewater
216 management systems, except for expenses to mitigate water
217 quality impacts caused by the project or expenses related to
218 water quality which are necessary to obtain a permit for the
219 project.