

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee  
 2 Representative Hunschofsky offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

7 Section 1. Section 161.551, Florida Statutes, is  
 8 transferred, renumbered as section 380.0937, Florida Statutes,  
 9 and amended to read:

10 380.0937 ~~161.551~~ Public financing of construction projects  
 11 within areas at risk due to sea level rise ~~the coastal building~~  
 12 ~~zone.~~

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

14 (a) "Area at risk due to sea level rise" means any  
 15 location that is projected to be below the threshold for tidal  
 16 flooding within the next 50 years by adding sea level rise using

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17 the 2017 National Oceanic and Atmospheric Administration  
18 intermediate-high sea level rise projection. For purposes of  
19 this paragraph, the threshold for tidal flooding is 2 feet above  
20 mean higher high water.

21 (b)-(a) "Potentially at-risk Coastal structure or  
22 infrastructure" means any of the following when within an area  
23 at risk due to sea level rise:

24 1. A critical asset as defined in s. 380.093(2) (a)1.-3.

25 2. A historical or cultural asset ~~a major structure or~~  
26 ~~nonhabitable major structure within the coastal building zone.~~

27 (c)-(b) "Public entity" means the state or any of its  
28 political subdivisions, or any municipality, county, agency,  
29 special district, authority, or other public body corporate of  
30 the state which is demonstrated to perform a public function or  
31 to serve a governmental purpose that could properly be performed  
32 or served by an appropriate governmental unit.

33 (e)-(e) "SLIP study" means a sea level impact projection  
34 study as established by the department pursuant to subsection  
35 (3).

36 (d)-(e) "Significant Substantial flood damage" means flood,  
37 erosion, inundation, or wave action damage resulting from a  
38 discrete or compound natural hazard single event, such as a  
39 flood or tropical weather system, where such damage exceeds:

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40           1. Twenty-five ~~25~~ percent of the replacement cost ~~market~~  
41 ~~value~~ of the potentially at-risk ~~coastal~~ structure or  
42 infrastructure at the time of the event; or

43           2. A defined threshold established by the department by  
44 rule, in coordination with the Department of Transportation and  
45 water management districts, for a potentially at-risk structure  
46 or infrastructure where replacement cost is not an appropriate  
47 metric, such as roadways. The threshold must be established by  
48 July 1, 2023.

49           ~~(f)-(d)~~ "State-financed constructor" means a public entity  
50 that commissions or manages a construction project using funds  
51 appropriated from the state.

52           (2) Beginning July 1, 2023 ~~year after the date the rule~~  
53 ~~developed by the department pursuant to subsection (3) is~~  
54 ~~finalized and is otherwise in effect,~~ a state-financed  
55 constructor may not commence construction of a potentially at-  
56 risk ~~coastal~~ structure or infrastructure without:

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

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

60           (c) Receiving notification from the department that the  
61 study was received and that it has been published on the  
62 department's website pursuant to paragraph (6)(a) for at least  
63 30 days. The state-financed constructor is solely responsible

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64 for ensuring that the study submitted to the department for  
65 publication meets the requirements under subsection (3).

66 (3) The department shall develop by rule a standard by  
67 which a state-financed constructor must conduct a SLIP study and  
68 may require that a professional engineer sign off on the study.  
69 The rule ~~must be effective 1 year after the date it is finalized~~  
70 ~~and~~ applies only to projects not yet commenced as of the date  
71 the rule is finalized. The rule may not apply retroactively to  
72 projects that commenced before the date the rule is finalized.  
73 At a minimum, the standard must require that a state-financed  
74 constructor do all of the following:

75 (a) Use a systematic, interdisciplinary, and  
76 scientifically accepted approach in the natural sciences and  
77 construction design in conducting the study.

78 (b) Assess the flooding, inundation, and wave action  
79 damage risks relating to the potentially at-risk coastal  
80 structure or infrastructure over its expected life or 50 years,  
81 whichever is less.

82 1. The assessment must take into account potential  
83 relative local sea-level rise and increased storm risk during  
84 the expected life of the potentially at-risk coastal structure  
85 or infrastructure or 50 years, whichever is less, and, to the  
86 extent possible, account for the contribution of sea-level rise  
87 versus land subsidence to the relative local sea-level rise.

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88 2. The assessment must provide scientific and engineering  
89 evidence of the risk to the potentially at-risk ~~coastal~~  
90 structure or infrastructure and methods used to mitigate, adapt  
91 to, or reduce this risk.

92 3. The assessment must use and consider available  
93 scientific research and generally accepted industry practices.

94 4. The assessment must provide an estimated probability of  
95 significant ~~the mean average annual chance of substantial~~ flood  
96 damage to the potentially at-risk structure or infrastructure  
97 over the expected life of the ~~coastal~~ structure or  
98 infrastructure or 50 years, whichever is less.

99 5. The assessment must analyze potential public safety and  
100 environmental impacts resulting from damage to the potentially  
101 at-risk ~~coastal~~ structure or infrastructure, including, but not  
102 limited to, leakage of pollutants, electrocution and explosion  
103 hazards, and hazards resulting from floating or flying  
104 structural debris.

105 (c) Provide alternatives for the ~~coastal structure's~~  
106 design and siting of the potentially at-risk structure or  
107 infrastructure, and how such alternatives would impact the risks  
108 specified in subparagraph (b)5. as well as the risk and cost  
109 associated with maintaining, repairing, and constructing the  
110 potentially at-risk ~~coastal~~ structure or infrastructure.

111 (d) Provide a list of flood mitigation strategies  
112 evaluated as part of the design of the potentially at-risk

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113 structure or infrastructure, and identify appropriate flood  
114 mitigation strategies for consideration as part of the  
115 potentially at-risk structure or infrastructure design.

116  
117 If multiple potentially at-risk ~~coastal~~ structures or  
118 infrastructure are to be built concurrently within one project,  
119 a state-financed constructor may conduct and submit one SLIP  
120 study for the entire project for publication by the department.

121 (4) If a state-financed constructor commences construction  
122 of a potentially at-risk ~~coastal~~ structure or infrastructure but  
123 has not complied with the SLIP study requirement under  
124 subsection (2), the department may institute a civil action in a  
125 court of competent jurisdiction to:

126 (a) Seek injunctive relief to cease further construction  
127 of the potentially at-risk ~~coastal~~ structure or infrastructure  
128 or to enforce compliance with this section or with rules adopted  
129 by the department pursuant to this section.

130 (b) If the potentially at-risk ~~coastal~~ structure or  
131 infrastructure has been completed or has been substantially  
132 completed, seek recovery of all or a portion of state funds  
133 expended on the potentially at-risk ~~coastal~~ structure or  
134 infrastructure.

135 (5) This section does not ~~may not be construed to~~ create a  
136 cause of action for damages or otherwise authorize the

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137 imposition of penalties by a public entity for failure to  
138 implement what is contained in the SLIP study.

139 (6) The department:

140 (a) Shall publish and maintain a copy of each SLIP study  
141 ~~all SLIP studies~~ submitted pursuant to this section on its  
142 website for at least 10 years after the date the department  
143 receives the study receipt. However, any portion of a study  
144 containing information that is exempt from s. 119.07(1) and s.  
145 24(a), Art. I of the State Constitution must be redacted by the  
146 department before publication.

147 (b) Shall adopt rules as necessary to administer this  
148 section.

149 (7) The department may enforce the requirements of this  
150 section.

151 Section 2. This act shall take effect July 1, 2022.

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**T I T L E   A M E N D M E N T**

155

Remove everything before the enacting clause and insert:

156

A bill to be entitled

157

An act relating to public financing of potentially at-risk  
158 structures and infrastructure; transferring, renumbering,  
159 and amending s. 161.0937, F.S.; providing and revising  
160 definitions; providing that certain areas are at risk due  
161 to sea level rise and structures and infrastructure within

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162 | those areas are potentially at risk; conforming provisions  
163 | to changes made by the act; providing an effective date.