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CS/HB 7053

2022 Legislature

1
2 An act relating to statewide flooding and sea level
3 rise resilience; creating s. 14.2031, F.S.;
4 establishing the Statewide Office of Resilience within
5 the Executive Office of the Governor; providing for
6 the appointment of a Chief Resilience Officer;
7 specifying the duties of the Chief Resilience Officer;
8 authorizing and requiring certain entities to assist
9 the Chief Resilience Officer; requiring the Department
10 of Environmental Protection, in consultation with the
11 Chief Resilience Officer, to submit a report on flood
12 resilience and mitigation efforts to the Governor and
13 Legislature by a specified date; providing report
14 requirements; creating s. 339.157, F.S.; requiring the
15 Department of Transportation to develop a resilience
16 action plan based on certain criteria for the State
17 Highway System; providing the goals and required
18 components of the plan; requiring the department to
19 submit the plan and plan status reports to the
20 Governor and the Legislature by specified dates;
21 amending s. 380.093, F.S.; providing definitions;
22 revising the projects the Department of Environmental
23 Protection may fund within the Resilient Florida Grant
24 Program; revising vulnerability assessment
25 requirements for noncoastal communities; extending the

ENROLLED

CS/HB 7053

2022 Legislature

26 | dates by which the department must complete a
 27 | comprehensive statewide flood vulnerability and sea
 28 | level rise data set and assessment; requiring the data
 29 | set to be developed in coordination with the Florida
 30 | Flood Hub for Applied Research and Innovation;
 31 | requiring eligible projects submitted to the
 32 | department to be ranked and included in the Statewide
 33 | Flood and Sea Level Rise Resilience Plan; revising the
 34 | entities authorized to submit proposed projects by
 35 | specified dates; revising the annual amount of
 36 | proposed funding for the plan; amending s. 380.0933,
 37 | F.S.; requiring the Florida Flood Hub for Applied
 38 | Research and Innovation to provide tidal and storm
 39 | surge flooding data to counties and municipalities for
 40 | vulnerability assessments; amending s. 472.0366, F.S.;
 41 | revising the requirements for copies of evaluation
 42 | certificates that must be submitted to the Division of
 43 | Emergency Management; revising requirements for the
 44 | elevation certificates; providing an effective date.

45 |

46 | Be It Enacted by the Legislature of the State of Florida:

47 |

48 | Section 1. Section 14.2031, Florida Statutes, is created
 49 | to read:

50 | 14.2031 Statewide Office of Resilience.-

ENROLLED

CS/HB 7053

2022 Legislature

51 (1) The Statewide Office of Resilience is established
52 within the Executive Office of the Governor for the purpose of
53 reviewing all flood resilience and mitigation activities in the
54 state and coordinating flood resilience and mitigation efforts
55 with federal, state, and local governmental entities and other
56 stakeholders. The office shall be headed by a Chief Resilience
57 Officer, who is appointed by and serves at the pleasure of the
58 Governor.

59 (2) The Chief Resilience Officer shall:

60 (a) Serve as a subject-matter expert for the state on
61 issues related to flood resilience and mitigation.

62 (b) Be responsible for promoting and coordinating flood
63 resilience and mitigation efforts in the state and identifying
64 gaps across state-supported activities.

65 (c) Provide strategic direction for interagency and cross-
66 disciplinary initiatives to minimize the flood vulnerability of
67 critical assets as defined in s. 380.093(2).

68 (d) Work with federal, state, regional, and local
69 governmental entities and nongovernmental entities to align
70 flood resilience and mitigation priorities.

71 (e) Collaborate with the Florida Flood Hub for Applied
72 Research and Innovation and other appropriate entities to
73 provide technical guidance to state agencies, as well as local
74 and regional governmental entities, to incorporate future
75 standards and projections regarding flooding, including sea

ENROLLED

CS/HB 7053

2022 Legislature

76 level rise projections, into future state projects, plans, and
 77 programs.

78 (f) Engage with state agencies and water management
 79 districts to innovate processes, programs, decision frameworks,
 80 and reporting mechanisms intended to bolster flood resilience
 81 and mitigation activities.

82 (g) Consult with the Florida Flood Hub for Applied
 83 Research and Innovation to improve the usability of data
 84 products intended to inform state agencies and local
 85 governments.

86 (3) All state and local governmental entities are
 87 authorized and directed to assist the Chief Resilience Officer
 88 to the extent such assistance is consistent with law and with
 89 budgetary constraints.

90 Section 2. The Department of Environmental Protection
 91 shall prepare a report, in consultation with the Chief
 92 Resilience Officer, regarding flood resilience and mitigation
 93 efforts in the state. The department shall submit the report to
 94 the Governor, the President of the Senate, and the Speaker of
 95 the House of Representatives by December 15, 2022. The report
 96 must include:

97 (1) A list of local governments that are required to
 98 comply with the requirements of s. 163.3178(2)(f) but are not in
 99 compliance, as reported by the Department of Economic
 100 Opportunity.

ENROLLED

CS/HB 7053

2022 Legislature

101 (2) A list of local governments that have completed
 102 vulnerability assessments that comply with the requirements of
 103 s. 380.093(3).

104 (3) An overview of the geographic distribution of entities
 105 with funded projects in the Statewide Flooding and Sea Level
 106 Rise Resilience Plan.

107 (4) A statewide inventory of basin-level flooding
 108 assessments and other related basin-level planning efforts self-
 109 reported by water management districts or special districts
 110 authorized to submit projects pursuant to s. 380.093(5).

111 Section 3. Section 339.157, Florida Statutes, is created
 112 to read:

113 339.157 Resilience action plan.—

114 (1) The department shall develop a resilience action plan
 115 for the State Highway System based on current conditions and
 116 forecasted future events. The goals of the action plan must be
 117 to:

118 (a) Recommend strategies to enhance infrastructure and the
 119 operational resilience of the State Highway System that may be
 120 incorporated into the transportation asset management plan.

121 (b) Recommend design changes to retrofit existing state
 122 highway facilities and to construct new state highway
 123 facilities.

124 (c) Enhance partnerships to address multijurisdictional
 125 resilience needs.

ENROLLED

CS/HB 7053

2022 Legislature

126 (2) The resilience action plan must include all of the
 127 following:

128 (a) An assessment of the State Highway System to identify
 129 roadway facilities and drainage outfalls that may be subject to
 130 vulnerabilities associated with tidal, rainfall, the combination
 131 of tidal and rainfall, and storm surge flooding, including
 132 future projections of sea level rise, using existing data for
 133 current and forecasted future events. As part of the assessment,
 134 the department shall, using the most up-to-date National Oceanic
 135 and Atmospheric Administration precipitation frequency and sea
 136 level rise data, do all of the following:

137 1. Synthesize historical and current infrastructure
 138 resilience issues statewide.

139 2. Evaluate alternatives for retrofitting existing systems
 140 and infrastructure.

141 3. Develop prioritization criteria for resilience project
 142 identification.

143 4. Develop a prioritized resilience needs project list, in
 144 addition to existing projects within the work program, with the
 145 associated costs and timeline.

146 5. Develop a statewide database identifying and
 147 documenting those assets vulnerable to current and future
 148 flooding. The department shall develop a cost estimate and
 149 schedule to enhance existing data to include site-specific
 150 details and existing criteria to improve the needs

ENROLLED

CS/HB 7053

2022 Legislature

151 prioritization.

152 (b) A systemic review of the department's policies,
153 procedures, manuals, tools, and guidance documents to identify
154 revisions that will facilitate cost-effective improvements to
155 address existing and future State Highway System infrastructure
156 vulnerabilities associated with flooding and sea level rise.

157 (c) Provision of technical assistance to local agencies
158 and modal partners on resilience issues related to the State
159 Highway System and the deployment of local and regional
160 solutions.

161 (3) By June 30, 2023, the department shall submit the
162 resilience action plan to the Governor, the President of the
163 Senate, and the Speaker of the House of Representatives. Every
164 third year on June 30 thereafter, the department shall submit a
165 status report reviewing updates to the action plan and the
166 associated implementation activities.

167 Section 4. Paragraphs (b) and (d) of subsection (3),
168 paragraphs (a) and (b) of subsection (4), and paragraphs (a),
169 (b), (d), (f), and (i) of subsection (5) of section 380.093,
170 Florida Statutes, are amended, and new paragraphs (c) and (d)
171 are added to subsection (2) of that section, to read:

172 380.093 Resilient Florida Grant Program; comprehensive
173 statewide flood vulnerability and sea level rise data set and
174 assessment; Statewide Flooding and Sea Level Rise Resilience
175 Plan; regional resilience entities.—

ENROLLED

CS/HB 7053

2022 Legislature

176 (2) DEFINITIONS.—As used in this section, the term:

177 (c) "Preconstruction activities" means activities

178 associated with a project that occur before construction begins,

179 including, but not limited to, design of the project, permitting

180 for the project, surveys and data collection, site development,

181 solicitation, public hearings, local code or comprehensive plan

182 amendments, establishing local funding sources, and easement

183 acquisition.

184 (d) "Regionally significant assets" means critical assets

185 that support the needs of communities spanning multiple

186 geopolitical jurisdictions, including, but not limited to, water

187 resource facilities, regional medical centers, emergency

188 operations centers, regional utilities, major transportation

189 hubs and corridors, airports, and seaports.

190 (3) RESILIENT FLORIDA GRANT PROGRAM.—

191 (b) Subject to appropriation, the department may provide

192 grants to a county or municipality to fund:

193 1. The costs of community resilience planning and

194 necessary data collection for such planning, including

195 comprehensive plan amendments and necessary corresponding

196 analyses that address the requirements of s. 163.3178(2)(f) .†

197 2. Vulnerability assessments that identify or address

198 risks of inland or coastal flooding and sea level rise .†

199 3. The development of projects, plans, and policies that

200 allow communities to prepare for threats from flooding and sea

ENROLLED

CS/HB 7053

2022 Legislature

201 level rise.~~;~~ and
 202 4. Preconstruction activities for projects to be submitted
 203 for inclusion in the Statewide Flooding and Sea Level Rise
 204 Resilience Plan that are located in a municipality that has a
 205 population of 10,000 or fewer or a county that has a population
 206 of 50,000 or fewer, according to the most recent April 1
 207 population estimates posted on the Office of Economic and
 208 Demographic Research's website ~~projects to adapt critical assets~~
 209 ~~to the effects of flooding and sea level rise.~~

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

212 1. Peril of flood comprehensive plan amendments that
 213 address the requirements of s. 163.3178(2)(f), if the county or
 214 municipality is subject to such requirements and has not
 215 complied with such requirements as determined by the Department
 216 of Economic Opportunity.

217 2. If applicable, the depth of:

218 a. Tidal flooding, including future high tide flooding,
 219 which must use thresholds published and provided by the
 220 department. To the extent practicable, the analysis should also
 221 geographically display the number of tidal flood days expected
 222 for each scenario and planning horizon.

223 b. Current and future storm surge flooding using publicly
 224 available National Oceanic and Atmospheric Administration or
 225 Federal Emergency Management Agency storm surge data. The

ENROLLED

CS/HB 7053

2022 Legislature

226 initial storm surge event used must equal or exceed the current
 227 100-year flood event. Higher frequency storm events may be
 228 analyzed to understand the exposure of a critical asset.

229 c. To the extent practicable, rainfall-induced flooding
 230 using spatiotemporal analysis or existing hydrologic and
 231 hydraulic modeling results. Future boundary conditions should be
 232 modified to consider sea level rise and high tide conditions.
 233 Vulnerability assessments for rainfall-induced flooding must
 234 include the depth of rainfall-induced flooding for a 100-year
 235 storm and a 500-year storm, as defined by the applicable water
 236 management district or, if necessary, the appropriate federal
 237 agency. Future rainfall conditions should be used, if available.
 238 Noncoastal communities must perform a rainfall-induced flooding
 239 assessment.

240 d. To the extent practicable, compound flooding or the
 241 combination of tidal, storm surge, and rainfall-induced
 242 flooding.

243 3. The following scenarios and standards:

244 a. All analyses in the North American Vertical Datum of
 245 1988.

246 b. At least two local sea level rise scenarios, which must
 247 include the 2017 National Oceanic and Atmospheric Administration
 248 intermediate-low and intermediate-high sea level rise
 249 projections.

250 c. At least two planning horizons that include planning

ENROLLED

CS/HB 7053

2022 Legislature

251 horizons for the years 2040 and 2070.

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

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

261 (a) By July 1, 2023 ~~2022~~, the department shall complete
 262 the development of a comprehensive statewide flood vulnerability
 263 and sea level rise data set sufficient to conduct a
 264 comprehensive statewide flood vulnerability and sea level rise
 265 assessment. In developing the data set, the department shall, in
 266 coordination with the Florida Flood Hub for Applied Research and
 267 Innovation, compile, analyze, and incorporate, as appropriate,
 268 information related to vulnerability assessments submitted to
 269 the department pursuant to subsection (3) or any previously
 270 completed assessments that meet the requirements of subsection
 271 (3).

272 1. The Chief Science Officer shall, in coordination with
 273 necessary experts and resources, develop statewide sea level
 274 rise projections that incorporate temporal and spatial
 275 variability, to the extent practicable, for inclusion in the

ENROLLED

CS/HB 7053

2022 Legislature

276 data set. This subparagraph does not supersede regionally
 277 adopted projections.

278 2. The data set must include information necessary to
 279 determine the risks to inland and coastal communities,
 280 including, but not limited to, elevation, tidal levels, and
 281 precipitation.

282 (b) By July 1, 2024 ~~2023~~, the department shall complete a
 283 comprehensive statewide flood vulnerability and sea level rise
 284 assessment that identifies inland and coastal infrastructure,
 285 geographic areas, and communities in the state that are
 286 vulnerable to flooding and sea level rise and the associated
 287 risks.

288 1. The department shall use the comprehensive statewide
 289 flood vulnerability and sea level rise data set to conduct the
 290 assessment.

291 2. The assessment must incorporate local and regional
 292 analyses of vulnerabilities and risks, including, as
 293 appropriate, local mitigation strategies and postdisaster
 294 redevelopment plans.

295 3. The assessment must include an inventory of critical
 296 assets, including regionally significant assets, that are
 297 essential for critical government and business functions,
 298 national security, public health and safety, the economy, flood
 299 and storm protection, water quality management, and wildlife
 300 habitat management, and must identify and analyze the

ENROLLED

CS/HB 7053

2022 Legislature

301 vulnerability of and risks to such critical assets. When
 302 identifying critical assets for inclusion in the assessment, the
 303 department shall also take into consideration the critical
 304 assets identified by local governments and submitted to the
 305 department pursuant to subsection (3).

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

308 (a) By December 1, 2021, and each December 1 thereafter,
 309 the department shall develop a Statewide Flooding and Sea Level
 310 Rise Resilience Plan on a 3-year planning horizon and submit it
 311 to the Governor, the President of the Senate, and the Speaker of
 312 the House of Representatives. The plan must consist of ranked
 313 projects that address risks of flooding and sea level rise to
 314 coastal and inland communities in the state. All eligible
 315 projects submitted to the department pursuant to this section
 316 must be ranked and included in the plan. Each plan must include
 317 a detailed narrative overview describing how the plan was
 318 developed, including a description of the methodology used by
 319 the department to determine project eligibility, a description
 320 of the methodology used to rank projects, the specific scoring
 321 system used, the project proposal application form, a copy of
 322 each submitted project proposal application form separated by
 323 eligible projects and ineligible projects, the total number of
 324 project proposals received and deemed eligible, the total
 325 funding requested, and the total funding requested for eligible

ENROLLED

CS/HB 7053

2022 Legislature

326 projects.

327 (b) The plan submitted by December 1, 2021, before the
 328 comprehensive statewide flood vulnerability and sea level rise
 329 assessment is completed, will be a preliminary plan that
 330 includes projects that address ~~addresses~~ risks of flooding and
 331 sea level rise identified in available local government
 332 vulnerability assessments and projects submitted by water
 333 management districts that mitigate the risks of flooding or sea
 334 level rise on water supplies or water resources of the state.
 335 The plan submitted by December 1, 2022, and the plan submitted
 336 by December 1, 2023, will be updates ~~an update~~ to the
 337 preliminary plan. The plan submitted by December 1, 2024 ~~2023~~,
 338 and each plan submitted by December 1 thereafter, shall address
 339 risks of flooding and sea level rise identified in the
 340 comprehensive statewide flood vulnerability and sea level rise
 341 assessment.

342 (d)1. By September 1, 2021, and each September 1
 343 thereafter, the following entities ~~counties and municipalities~~
 344 may submit to the department a list of proposed projects that
 345 address risks of flooding or sea level rise identified in
 346 vulnerability assessments that meet the requirements of
 347 subsection (3) :-

348 a. Counties.

349 b. Municipalities.

350 c. Special districts as defined in s. 189.012 that are

ENROLLED

CS/HB 7053

2022 Legislature

351 responsible for the management and maintenance of inlets and
 352 intracoastal waterways or for the operation and maintenance of a
 353 potable water facility, a wastewater facility, an airport, or a
 354 seaport facility.

355
 356 For the plans submitted by December 1, 2021; December 1, 2022;
 357 and December 1, 2023, such entities may submit projects
 358 identified in existing vulnerability assessments that do not
 359 comply with subsection (3). A regional resilience entity may
 360 also submit ~~such~~ proposed projects to the department pursuant to
 361 this subparagraph on behalf of one or more member counties or
 362 municipalities.

363 2. By September 1, 2021, and each September 1 thereafter,
 364 the following entities ~~each water management district and flood~~
 365 ~~control district~~ may submit to the department a list of any
 366 proposed projects that mitigate the risks of flooding or sea
 367 level rise on water supplies or water resources of the state and
 368 a corresponding evaluation of each project:—

- 369 a. Water management districts.
- 370 b. Drainage districts.
- 371 c. Erosion control districts.
- 372 d. Flood control districts.
- 373 e. Regional water supply authorities.

374 3. Each project submitted to the department pursuant to
 375 this paragraph ~~by a county, municipality, regional resilience~~

ENROLLED

CS/HB 7053

2022 Legislature

376 ~~entity, water management district, or flood control district~~ for
 377 consideration by the department for inclusion in the plan must
 378 include:

- 379 a. A description of the project.
- 380 b. The location of the project.
- 381 c. An estimate of how long the project will take to
 382 complete.
- 383 d. An estimate of the cost of the project.
- 384 e. The cost-share percentage available for the project.
- 385 f. The project sponsor.

386 (f) To be eligible for inclusion in the plan, a project
 387 must have been submitted ~~by a county, municipality, regional~~
 388 ~~resilience entity, water management district, or flood control~~
 389 ~~district~~ pursuant to paragraph (d) or must have been identified
 390 in the comprehensive statewide flood vulnerability and sea level
 391 rise assessment, as applicable.

392 (i) The total amount of funding proposed for each year of
 393 the plan may not be less than ~~exceed~~ \$100 million. Upon review
 394 and subject to appropriation, the Legislature shall approve
 395 funding for the projects as specified in the plan. Multiyear
 396 projects that receive funding for the first year of the project
 397 must be included in subsequent plans and funded until the
 398 project is complete, provided that the project sponsor has
 399 complied with all contractual obligations and funds are
 400 available.

ENROLLED

CS/HB 7053

2022 Legislature

401 Section 5. Subsections (3) and (4) of section 380.0933,
 402 Florida Statutes, are renumbered as subsections (4) and (5),
 403 respectively, and a new subsection (3) is added to that section
 404 to read:

405 380.0933 Florida Flood Hub for Applied Research and
 406 Innovation.—

407 (3) The hub shall provide tidal and storm surge flooding
 408 data to counties and municipalities for vulnerability
 409 assessments conducted pursuant to s. 380.093(3). The hub shall
 410 provide rainfall-induced and compound flooding datasets;
 411 however, more localized data or modeling may be used.

412 Section 6. Subsection (2) of section 472.0366, Florida
 413 Statutes, is amended to read:

414 472.0366 Elevation certificates; requirements for
 415 surveyors and mappers.—

416 (2) Beginning January 1, 2023 ~~2017~~, a surveyor and mapper
 417 shall, within 30 days after completion, submit to the division a
 418 digital copy of each elevation certificate that he or she
 419 completes as outlined on the division's website. The copy must
 420 be unaltered, except that the surveyor and mapper may redact the
 421 name of the property owner. The copy need not be signed and
 422 sealed when submitted to the division; however, an original
 423 signed and sealed copy must be retained in the surveyor and
 424 mapper's records as prescribed by rule of the board.

425 Section 7. This act shall take effect July 1, 2022.