

By Senator Trumbull

2-01331A-23

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1 A bill to be entitled
2 An act relating to flood damage prevention; providing
3 a short title; creating s. 553.845, F.S.; providing
4 legislative findings; providing definitions; providing
5 voluntary freeboard requirements for all new
6 construction and substantial improvements to existing
7 construction; prohibiting voluntary freeboard from
8 being used in the calculation of the maximum allowable
9 height for certain construction in applicable zoning
10 districts; authorizing local governments to adopt by
11 ordinance a minimum freeboard requirement or a maximum
12 voluntary freeboard that exceeds the minimum
13 requirements in the Florida Building Code or
14 established in the act; requiring the Florida Building
15 Commission to develop and adopt by rule minimum
16 freeboard requirements by a specified date, which
17 shall take immediate effect, and to incorporate such
18 requirements into the next edition of the Florida
19 Building Code; requiring the commission to review the
20 freeboard requirements in the Florida Building Code
21 every 5 years beginning on a specified date and make
22 certain recommendations to the Legislature; providing
23 an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. This act may be cited as the "Flood Damage
28 Prevention Act of 2023."

29 Section 2. Section 553.845, Florida Statutes, is created to

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30 read:

31 553.845 Flood damage prevention.-

32 (1) The Legislature finds that:

33 (a) The state is vulnerable to the adverse effects of
34 flooding resulting from the frequency and intensity of rainfall
35 and an increase in storm surge and sea level rise. These adverse
36 effects pose a significant risk to existing and future
37 structures in the state.

38 (b) Public and private investments in our communities are
39 important for economic growth, and protecting all structures
40 from flooding is essential to maintaining resilient communities.

41 (c) The mitigation of property damage constitutes a valid
42 and recognized objective of the Florida Building Code.

43 (d) It is important to develop a consistent, statewide
44 approach to minimizing flooding in the state to mitigate
45 property damage and encourage continued investment in our
46 communities.

47 (e) Minimum freeboard requirements are critical to
48 addressing the devastating effects of flooding, and delaying the
49 adoption and implementation of such requirements constitutes a
50 threat to the health, safety, and welfare of the state.

51 (2) For purposes of this section, the term:

52 (a) "Coastal high-hazard area" means a special flood hazard
53 area along the coast, as delineated by a Flood Insurance Rate
54 Map issued by the Federal Emergency Management Agency, that has
55 additional hazards due to wind and wave action.

56 (b) "Freeboard" means the additional height, usually
57 expressed as a factor of safety in feet, above the base flood
58 elevation in determining the level at which a structure's lowest

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59 floor or the bottom of the lowest horizontal structural member
60 must be elevated in accordance with floodplain management
61 regulations and the Florida Building Code. If a base flood
62 elevation is not determined for a structure that is not located
63 in a special flood hazard area as designated by a Flood
64 Insurance Rate Map issued by the Federal Emergency Management
65 Agency, the term "freeboard" means the highest adjacent grade at
66 the foundation of a structure.

67 (c) "Maximum allowable height" means the maximum height
68 allowed for a structure in the applicable zoning district.

69 (d) "Substantial improvement" has the meaning as in s.
70 161.54(12).

71 (e) "Voluntary freeboard" means the additional height above
72 the freeboard required by floodplain management regulations and
73 the Florida Building Code. If freeboard is not required by
74 floodplain management regulations and the Florida Building Code,
75 the term "voluntary freeboard" means the additional height above
76 the highest adjacent grade at the foundation of a structure.

77 (3) (a) The maximum voluntary freeboard for all new
78 construction and substantial improvements to existing
79 construction, whether residential, commercial, industrial, or
80 nonresidential, is 4 feet.

81 (b) Within a coastal high-hazard area, the maximum
82 voluntary freeboard for all new construction and substantial
83 improvements to existing construction, whether residential,
84 commercial, industrial, or nonresidential, is 9 feet.

85 (4) For all new construction of a residential structure and
86 substantial improvements to an existing residential structure,
87 including a manufactured home, or an existing commercial,

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88 industrial, or nonresidential structure, voluntary freeboard may
89 not be used in the calculation of the maximum allowable height
90 for the structure.

91 (5) A local government may adopt by ordinance a minimum
92 freeboard requirement or a maximum voluntary freeboard that
93 exceeds the requirements in the Florida Building Code or
94 established in this section.

95 (6) The commission shall develop and adopt by rule minimum
96 freeboard requirements by November 1, 2023, which shall take
97 immediate effect, and shall incorporate such requirements into
98 the next edition of the Florida Building Code.

99 (7) Beginning in January 2028, and every 5 years
100 thereafter, the commission shall review the freeboard
101 requirements in the Florida Building Code and make
102 recommendations to the Legislature regarding any necessary
103 revisions to such requirements.

104 Section 3. This act shall take effect July 1, 2023.