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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
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The Committee on Fiscal Policy (Calatayud) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (b) of subsection (3) of section  
380.093, Florida Statutes, is amended to read:

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



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11 (3) RESILIENT FLORIDA GRANT PROGRAM.—

12 (b) Subject to appropriation, the department may provide  
13 grants to each of the following entities:

14 1. A county or municipality to fund:

15 ~~a.1.~~ The costs of community resilience planning and  
16 necessary data collection for such planning, including  
17 comprehensive plan amendments and necessary corresponding  
18 analyses that address the requirements of s. 163.3178(2)(f).

19 ~~b.2.~~ Vulnerability assessments that identify or address  
20 risks of inland or coastal flooding and sea level rise.

21 ~~c.3.~~ The development of projects, plans, and policies that  
22 allow communities to prepare for threats from flooding and sea  
23 level rise.

24 ~~d.4.~~ Preconstruction activities for projects to be  
25 submitted for inclusion in the Statewide Flooding and Sea Level  
26 Rise Resilience Plan that are located in a municipality that has  
27 a population of 10,000 or fewer or a county that has a  
28 population of 50,000 or fewer, according to the most recent  
29 April 1 population estimates posted on the Office of Economic  
30 and Demographic Research's website.

31 e. Feasibility studies and the cost of permitting for  
32 nature-based solutions that reduce the impact of flooding and  
33 sea level rise.

34 2. A water management district identified in s. 373.069 to  
35 support local government adaptation planning, which may be  
36 conducted by the water management district or by a third party  
37 on behalf of the water management district. Such grants must be  
38 used for the express purpose of supporting the Florida Flood Hub  
39 for Applied Research and Innovation and the department in



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40 implementing this section through data creation and collection,  
41 modeling, and the implementation of statewide standards.  
42 Priority must be given to filling critical data gaps identified  
43 by the Florida Flood Hub for Applied Research and Innovation  
44 under s. 380.0933(2)(a).

45 Section 2. Section 380.0937, Florida Statutes, is created  
46 to read:

47 380.0937 Public financing of construction projects within  
48 areas at risk due to sea level rise.—

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

50 (a) "Area at risk due to sea level rise" means any location  
51 that is projected to be below the threshold for tidal flooding  
52 within the next 50 years by adding sea level rise using the  
53 highest of the sea level rise projections required by s.  
54 380.093(3)(d)3.b. For purposes of this paragraph, the threshold  
55 for tidal flooding is 2 feet above mean higher high water.

56 (b) "Department" means the Department of Environmental  
57 Protection.

58 (c) "Potentially at-risk structure or infrastructure" means  
59 any of the following when within an area at risk due to sea  
60 level rise:

61 1. A critical asset as defined in s. 380.093(2)(a)1., 2.,  
62 and 3.

63 2. A historical or cultural asset.

64 (d) "Public entity" means the state or any of its political  
65 subdivisions, or any municipality, county, agency, special  
66 district, authority, or other public body corporate of the state  
67 which is demonstrated to perform a public function or to serve a  
68 governmental purpose that could properly be performed or served



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69 by an appropriate governmental unit.

70 (e) "Significant flood damage" means flood, erosion,  
71 inundation, or wave action damage resulting from a discrete or  
72 compound natural hazard event, such as a flood or tropical  
73 weather system, where such damage exceeds:

74 1. Twenty-five percent of the replacement cost of the  
75 potentially at-risk structure or infrastructure at the time of  
76 the event; or

77 2. A defined threshold established by the department by  
78 rule, in coordination with the Department of Transportation and  
79 water management districts, for a potentially at-risk structure  
80 or infrastructure for which replacement cost is not an  
81 appropriate metric, such as roadways. The threshold must be  
82 established by July 1, 2024.

83 (f) "SLIP study" means a sea level impact projection study  
84 as established by the department pursuant to subsection (3).

85 (g) "State-financed constructor" means a public entity that  
86 commissions or manages a construction project using funds  
87 appropriated from the state.

88 (2) Beginning July 1, 2024, a state-financed constructor  
89 may not commence construction of a potentially at-risk structure  
90 or infrastructure without:

91 (a) Conducting a SLIP study that meets the requirements  
92 established by the department;

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

94 (c) Receiving notification from the department that the  
95 study was received and that it has been published on the  
96 department's website pursuant to paragraph (6) (a) for at least  
97 30 days. The state-financed constructor is solely responsible



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98 for ensuring that the study submitted to the department for  
99 publication meets the requirements of subsection (3).

100 (3) The department shall develop by rule a standard by  
101 which a state-financed constructor must conduct a SLIP study and  
102 may require that a professional engineer sign off on the study.  
103 The rule applies only to projects not yet commenced as of the  
104 date the rule is finalized. The rule may not apply retroactively  
105 to projects that commenced before the date the rule is  
106 finalized. At a minimum, the standard must require that a state-  
107 financed constructor do all of the following:

108 (a) Use a systematic, interdisciplinary, and scientifically  
109 accepted approach in the natural sciences and construction  
110 design in conducting the study.

111 (b) Assess the flooding, inundation, and wave action damage  
112 risks relating to the potentially at-risk structure or  
113 infrastructure over its expected life or 50 years, whichever is  
114 less.

115 1. The assessment must take into account potential relative  
116 local sea level rise and increased storm risk during the  
117 expected life of the potentially at-risk structure or  
118 infrastructure or 50 years, whichever is less, and, to the  
119 extent possible, account for the construction of sea level rise  
120 versus land subsidence to the relative local sea level rise.

121 2. The assessment must provide scientific and engineering  
122 evidence of the risk to the potentially at-risk structure or  
123 infrastructure and methods used to mitigate, adapt to, or reduce  
124 this risk.

125 3. The assessment must use and consider available  
126 scientific research and generally accepted industry practices.



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127           4. The assessment must provide an estimated probability of  
128 significant flood damage to the potentially at-risk structure or  
129 infrastructure over the expected life of the structure or  
130 infrastructure or 50 years, whichever is less.

131           5. The assessment must analyze potential public safety and  
132 environmental impacts resulting from damage to the potentially  
133 at-risk structure or infrastructure, including, but not limited  
134 to, leakage of pollutants, electrocution and explosion hazards,  
135 and hazards resulting from floating or flying structural debris.

136           (c) Provide alternatives for the design and siting of the  
137 potentially at-risk structure or infrastructure and analyze how  
138 such alternatives would impact the risks specified in  
139 subparagraph (b)5., as well as the risk and cost associated with  
140 maintaining, repairing, and constructing the potentially at-risk  
141 structure or infrastructure.

142           (d) Provide a list of flood mitigation strategies evaluated  
143 as part of the design of the potentially at-risk structure or  
144 infrastructure and identify appropriate flood mitigation  
145 strategies for consideration as part of the potentially at-risk  
146 structure or infrastructure design.

147  
148 If multiple potentially at-risk structures or infrastructure are  
149 to be built concurrently within one project, a state-financed  
150 constructor may conduct and submit one SLIP study for the entire  
151 project for publication by the department.

152           (4) If a state-financed constructor commences construction  
153 of a potentially at-risk structure or infrastructure but has not  
154 complied with the SLIP study requirement under subsection (2),  
155 the department may bring a civil action in a court of competent



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156 jurisdiction to:

157 (a) Seek injunctive relief to cease further construction of  
158 the potentially at-risk structure or infrastructure or to  
159 enforce compliance with this section or with rules adopted by  
160 the department pursuant to this section.

161 (b) If the potentially at-risk structure or infrastructure  
162 has been completed or has been substantially completed, seek  
163 recovery of all or a portion of state funds expended on the  
164 potentially at-risk structure or infrastructure.

165 (5) This section does not create a cause of action for  
166 damages or otherwise authorize the imposition of penalties by a  
167 public entity for failure to implement what is contained in the  
168 SLIP study.

169 (6) The department:

170 (a) Shall publish and maintain a copy of each SLIP study  
171 submitted pursuant to this section on its website for at least  
172 10 years after the date the department receives the study.

173 However, any portion of a study containing information that is  
174 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
175 Constitution must be redacted by the department before  
176 publication.

177 (b) Shall adopt rules as necessary to administer this  
178 section.

179 (c) May enforce the requirements of this section.

180 Section 3. Subsection (8) is added to section 161.551,  
181 Florida Statutes, to read:

182 161.551 Public financing of construction projects within  
183 the coastal building zone.—

184 (8) This section is repealed July 1, 2024.



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185 Section 4. This act shall take effect July 1, 2023.

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187 ===== T I T L E A M E N D M E N T =====

188 And the title is amended as follows:

189 Delete everything before the enacting clause  
190 and insert:

191 A bill to be entitled  
192 An act relating to flooding and sea level rise  
193 vulnerability studies; amending s. 380.093, F.S.;  
194 revising the purposes for which the Department of  
195 Environmental Protection may provide grants under the  
196 Resilient Florida Grant Program to counties or  
197 municipalities; authorizing the department to provide  
198 such grants to water management districts for a  
199 specified purpose; requiring that such grants be  
200 prioritized; creating s. 380.0937, F.S.; defining  
201 terms; requiring state-financed constructors to take  
202 specified actions before commencing construction of  
203 potentially at-risk structures or infrastructure  
204 beginning on a specified date; requiring the  
205 department to develop by rule a specified sea level  
206 impact projection study standard; specifying  
207 requirements for the standard; authorizing the  
208 department to bring civil actions, seek injunctive  
209 relief, recover certain funds, and enforce specified  
210 requirements; providing construction; requiring the  
211 department to publish sea level impact projection  
212 studies on its website, subject to certain conditions,  
213 and adopt rules; amending s. 161.551, F.S.; providing





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214 | for future repeal of requirements for the construction  
215 | of certain structures in the coastal building zone;  
216 | providing an effective date.