

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Regulatory Reform &
2 Economic Development Subcommittee
3 Representative Basabe offered the following:

Amendment (with title amendment)

Between lines 285 and 286, insert:

Section 4. Section 553.845, Florida Statutes, is created to
read:

553.845 Flood damage prevention.—

(1) The Legislature finds that:

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

Amendment No.1

16 (b) Public and private investments in our communities are
17 important for economic growth, and protecting residential
18 structures from flooding is essential to maintaining resilient
19 communities.

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

22 (d) It is important to develop a consistent, statewide
23 approach to minimizing flooding in the state to mitigate
24 property damage and encourage continued investment in our
25 communities.

26 (e) Minimum freeboard requirements are critical to
27 addressing the devastating effects of flooding, and delaying the
28 adoption and implementation of such requirements constitutes a
29 threat to the health, safety, and welfare of the state.

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

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

35 (b) "Freeboard" means the additional height, usually
36 expressed as a factor of safety in feet, above the base flood
37 elevation in determining the level at which a structure's lowest
38 floor or the bottom of the lowest horizontal structural member
39 must be elevated in accordance with floodplain management
40 regulations and the Florida Building Code. If a base flood

Amendment No.1

41 elevation is not determined for a structure that is not located
42 in a special flood hazard area as designated by a Flood
43 Insurance Rate Map issued by the Federal Emergency Management
44 Agency, the term "freeboard" means the highest adjacent grade at
45 the foundation of a structure.

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

48 (d) "Substantial improvement" has the meaning as in s.
49 161.54(12).

50 (e) "Voluntary freeboard" means the additional height
51 above the freeboard required by floodplain management
52 regulations and the Florida Building Code. If freeboard is not
53 required by floodplain management regulations and the Florida
54 Building Code, the term "voluntary freeboard" means the
55 additional height above the highest adjacent grade at the
56 foundation of a structure.

57 (3)(a) The maximum voluntary freeboard for all new
58 residential construction and substantial improvements to
59 existing residential construction is 4 feet.

60 (b) Within a coastal high-hazard area, the maximum
61 voluntary freeboard for all new residential construction and
62 substantial improvements to existing residential construction is
63 9 feet.

64 (4) For all new construction of a residential structure
65 and substantial improvements to an existing residential

Amendment No.1

66 structure, voluntary freeboard may not be used in the
67 calculation of the maximum allowable height for the structure.

68 (5) A local government may adopt by ordinance a minimum
69 freeboard requirement or a maximum voluntary freeboard that
70 exceeds the requirements in the Florida Building Code or
71 established in this section.

72 (6) The commission shall develop and adopt by rule minimum
73 residential freeboard requirements by November 1, 2023, which
74 shall take immediate effect, and shall incorporate such
75 requirements into the next edition of the Florida Building Code.

76 (7) Beginning in January 2028, and every 5 years
77 thereafter, the commission shall review the residential
78 freeboard requirements in the Florida Building Code and make
79 recommendations to the Legislature regarding any necessary
80 revisions to such requirements.

81
82 -----

83 **T I T L E A M E N D M E N T**

84 Remove line 24 and insert:
85 the act; creating s. 553.845, F.S.; providing legislative
86 findings; providing definitions; providing specified maximum
87 residential voluntary freeboard requirements for new residential
88 construction and substantial improvements to existing
89 residential construction; prohibiting voluntary freeboard from
90 being used in the calculation of the maximum allowable height

Amendment No.1

91 for certain construction in applicable zoning districts;
92 authorizing local governments to adopt by ordinance a minimum
93 freeboard requirement or a maximum voluntary freeboard that
94 exceeds the minimum requirements in the Florida Building Code or
95 established in this act; requiring the Florida Building
96 Commission to develop and adopt by rule minimum residential
97 freeboard requirements by a specified date, which shall take
98 immediate effect, and to incorporate such requirements into the
99 next edition of the Florida Building Code; requiring the
100 commission to review the residential freeboard requirements in
101 the Florida Building Code every 5 years beginning on a specified
102 date and make certain recommendations to the Legislature;
103 amending s. 440.103, F.S.; conforming a