

Sal to A1

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WITHDRAWN	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 Maggard offered the following:

4
 5 **Substitute Amendment for Amendment (080461) by**
 6 **Representative Basabe (with title amendment)**

7 Between lines 285 and 286, insert:

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

10 553.845 Flood damage prevention.—

11 (1) The Legislature finds that:

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

Sal to A1

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

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

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

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

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

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

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

Sa1 to A1

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

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

49 (d) "Substantial improvement" has the meaning as in s.
50 161.54(12).

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

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

61 (b) Within a coastal high-hazard area, the maximum
62 voluntary freeboard for all new residential construction and
63 substantial improvements to existing residential construction is
64 9 feet.

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

Sal to A1

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

69 (5) A local government may adopt by ordinance a maximum
70 voluntary freeboard that exceeds the requirements in paragraph
71 (3) (a).

72

73 -----

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

75 Remove line 24 and insert:

76 the act; creating s. 553.845, F.S.; providing legislative
77 findings; providing definitions; providing specified maximum
78 residential voluntary freeboard requirements for new residential
79 construction and substantial improvements to existing
80 residential construction; prohibiting voluntary freeboard from
81 being used in the calculation of the maximum allowable height
82 for certain construction in applicable zoning districts;
83 authorizing local governments to adopt by ordinance a maximum
84 voluntary freeboard that exceeds the minimum requirements
85 established in this act; amending s. 440.103, F.S.; conforming a