

By Senator Rodriguez

40-01713-24

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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 specified maximum voluntary freeboard requirements for  
6 new construction and substantial improvements to  
7 existing construction; prohibiting voluntary freeboard  
8 from being used in the calculation of the maximum  
9 allowable height for certain construction; authorizing  
10 local governments to adopt by ordinance a minimum  
11 freeboard requirement or a maximum voluntary freeboard  
12 that exceeds certain requirements; requiring the  
13 Florida Building Commission to develop and adopt by  
14 rule minimum freeboard requirements by a specified  
15 date and to incorporate such requirements into the  
16 next edition of the Florida Building Code; requiring  
17 the commission to review the freeboard requirements in  
18 the Florida Building Code every 5 years beginning on a  
19 specified date and to make certain recommendations to  
20 the Legislature; providing an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. This act may be cited as the "Flood Damage  
25 Prevention Act of 2024."

26 Section 2. Section 553.845, Florida Statutes, is created to  
27 read:

28 553.845 Flood damage prevention.-

29 (1) The Legislature finds that:

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

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

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

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

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

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

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

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

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59 elevation is not determined for a structure that is not located  
60 in a special flood hazard area as designated by a Flood  
61 Insurance Rate Map issued by the Federal Emergency Management  
62 Agency, the term "freeboard" means the highest adjacent grade at  
63 the foundation of a structure.

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

66 (d) "Substantial improvement" has the meaning as in s.  
67 161.54(12).

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

74 (3) (a) The maximum voluntary freeboard for all new  
75 construction and substantial improvements to existing  
76 construction, whether residential, commercial, industrial, or  
77 nonresidential, is 10 feet.

78 (b) Within a coastal high-hazard area, the maximum  
79 voluntary freeboard for all new construction and substantial  
80 improvements to existing construction, whether residential,  
81 commercial, industrial, or nonresidential, is 10 feet.

82 (4) For all new construction of a residential structure and  
83 substantial improvements to an existing residential structure,  
84 including a manufactured home, or an existing commercial,  
85 industrial, or nonresidential structure, voluntary freeboard may  
86 not be used in the calculation of the maximum allowable height  
87 for the structure.

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

92       (6) The commission shall develop and adopt by rule minimum  
93 freeboard requirements by November 1, 2024, which shall take  
94 immediate effect, and shall incorporate such requirements into  
95 the next edition of the Florida Building Code.

96       (7) Beginning in January 2029, and every 5 years  
97 thereafter, the commission shall review the freeboard  
98 requirements in the Florida Building Code and make  
99 recommendations to the Legislature regarding any necessary  
100 revisions to such requirements.

101       Section 3. This act shall take effect July 1, 2024.