

By the Committee on Fiscal Policy; and Senators Polsky and Stewart

594-02239-24

2024298c1

1 A bill to be entitled
2 An act relating to local government coastal
3 protections; amending s. 161.053, F.S.; providing that
4 only coastal counties and coastal municipalities that
5 received written authorization from the Department of
6 Environmental Protection on or before a specified date
7 may establish construction zoning and building code
8 exceptions to coastal construction control lines;
9 prohibiting the department from delegating certain
10 authority to coastal counties and coastal
11 municipalities that did not receive such
12 authorization; amending s. 380.093, F.S.; authorizing
13 the department to provide coastal counties, beginning
14 on a specified date, with Resilient Florida Grant
15 Program grants to fund saltwater intrusion
16 vulnerability assessments; specifying the purpose of
17 and requirements for the assessments; requiring the
18 department to update the comprehensive statewide flood
19 vulnerability and sea level rise data set and make
20 certain information received from the saltwater
21 intrusion vulnerability assessments publicly available
22 on its website; requiring the department to provide
23 cost-share funding up to a specified amount for
24 awarded grants; specifying that certain coastal
25 counties are not required to contribute to the cost-
26 share funding; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Subsections (3) and (15) of section 161.053,
31 Florida Statutes, are amended to read:

32 161.053 Coastal construction and excavation; regulation on
33 county basis.—

34 (3) A coastal county or coastal municipality may establish
35 coastal construction zoning and building codes in lieu of the
36 provisions of this section if such zones and codes ~~were~~ are
37 approved in writing by the department on or before December 1,
38 2023, as being adequate to preserve and protect the beaches and
39 coastal barrier dunes adjacent to such beaches, which are under
40 the jurisdiction of the department, from imprudent construction
41 that will jeopardize the stability of the beach-dune system,
42 accelerate erosion, provide inadequate protection to upland
43 structures, endanger adjacent properties, or interfere with
44 public beach access. Exceptions to locally established coastal
45 construction zoning and building codes may not be granted unless
46 previously approved by the department before December 1, 2023.

47 The intent of this subsection is to provide for the local
48 administration of established coastal construction control lines
49 through approved zoning and building codes if desired by local
50 interests and where such local interests have, in the judgment
51 of the department, sufficient funds and personnel to adequately
52 administer the program. Should the department determine at any
53 time that the program is inadequately administered, the
54 department may revoke the authority granted to the county or
55 municipality.

56 (15) (a) Except as provided in paragraph (b), the department
57 may delegate ~~In keeping with the intent of subsection (3),~~
58 authority for permitting certain types of activities that have

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59 been defined by the department ~~may be delegated by the~~
60 ~~department~~ to a coastal county or coastal municipality. Such
61 partial delegation must ~~shall~~ be narrowly construed to those
62 particular activities specifically named in the delegation and
63 agreed to by the affected county or municipality. The delegation
64 may be revoked by the department at any time if it is determined
65 that the delegation is improperly or inadequately administered.

66 (b) The department may not delegate such authority to a
67 coastal county or coastal municipality that did not receive
68 local coastal construction zoning and building code exceptions
69 to the coastal control line on or before December 1, 2023,
70 pursuant to subsection (3).

71 Section 2. Paragraph (b) of subsection (3) of section
72 380.093, Florida Statutes, is amended, and paragraph (e) is
73 added to that subsection, to read:

74 380.093 Resilient Florida Grant Program; comprehensive
75 statewide flood vulnerability and sea level rise data set and
76 assessment; Statewide Flooding and Sea Level Rise Resilience
77 Plan; regional resilience entities.—

78 (3) RESILIENT FLORIDA GRANT PROGRAM.—

79 (b) Subject to appropriation, the department may provide
80 grants to any ~~each~~ of the following entities:

81 1. A county or municipality to fund:

82 a. The costs of community resilience planning and necessary
83 data collection for such planning, including comprehensive plan
84 amendments and necessary corresponding analyses that address the
85 requirements of s. 163.3178(2)(f).

86 b. Vulnerability assessments that identify or address risks
87 of inland or coastal flooding and sea level rise.

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88 c. For coastal counties beginning July 1, 2025, saltwater
89 intrusion vulnerability assessments that analyze the effects of
90 saltwater intrusion on the coastal county's water supply and the
91 preparedness of the coastal county to respond to such a threat.

92 d. The development of projects, plans, and policies that
93 allow communities to prepare for threats from flooding and sea
94 level rise.

95 ~~e.d.~~ Preconstruction activities for projects ~~to be~~
96 submitted for inclusion in the Statewide Flooding and Sea Level
97 Rise Resilience Plan and that are located in a municipality that
98 has a population of 10,000 or less ~~fewer~~ or a county that has a
99 population of 50,000 or less ~~fewer~~, according to the most recent
100 April 1 population estimates posted on the Office of Economic
101 and Demographic Research's website.

102 ~~f.e.~~ Feasibility studies and the cost of permitting for
103 nature-based solutions that reduce the impact of flooding and
104 sea level rise.

105 2. A water management district identified in s. 373.069 to
106 support local government adaptation planning, which may be
107 conducted by the water management district or by a third party
108 on behalf of the water management district. Such grants must be
109 used for the express purpose of supporting the Florida Flood Hub
110 for Applied Research and Innovation and the department in
111 implementing this section through data creation and collection,
112 modeling, and the implementation of statewide standards.
113 Priority must be given to filling critical data gaps identified
114 by the Florida Flood Hub for Applied Research and Innovation
115 under s. 380.0933(2)(a).

116 (e)1. A saltwater intrusion vulnerability assessment

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117 conducted pursuant to sub-subparagraph (b)1.c. must include an
118 analysis of all of the following information:

119 a. The coastal county's primary water utilities.

120 b. Current maps of the coastal county's freshwater
121 wellfields and latest saltwater intrusion impact lines.

122 c. Projections of saltwater intrusion over the next decade,
123 including specific wells that may be impacted during that
124 timeframe.

125 d. The costs necessary to relocate freshwater wellfields
126 anticipated to be impacted, including current projects that are
127 underway to relocate the freshwater wellfields.

128 2. The department shall do all of the following:

129 a. Use the information contained in a coastal county's
130 saltwater intrusion vulnerability assessment to update its
131 comprehensive statewide flood vulnerability and sea level rise
132 data set under subsection (4).

133 b. Make publicly available on the department's website any
134 appropriate information from a saltwater intrusion vulnerability
135 assessment it receives from coastal counties pursuant to this
136 paragraph.

137 c. Provide 50 percent cost-share funding up to \$250,000 for
138 each grant awarded under this paragraph. A coastal county with a
139 population of 50,000 or less is not required to contribute to
140 the cost share.

141 Section 3. This act shall take effect upon becoming a law.