

By Senator Rodriguez

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1 A bill to be entitled
2 An act relating to public financing of construction
3 projects; creating s. 161.551, F.S.; defining terms;
4 prohibiting state-financed constructors from
5 commencing construction of certain structures in
6 coastal areas without first conducting a sea level
7 impact projection study and having such study
8 published and approved by the Department of
9 Environmental Protection; requiring the department to
10 develop by rule standards for such studies; providing
11 for enforcement; requiring the department to publish
12 such studies on its website, subject to certain
13 conditions; requiring the department to enforce
14 certain requirements and to adopt rules; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 161.551, Florida Statutes, is created to
20 read:

21 161.551 Public financing of construction projects within
22 the coastal building zone.-

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

24 (a) "Coastal structure" means a major structure or
25 nonhabitable major structure within the coastal building zone.

26 (b) "SLIP study" means a sea level impact projection study
27 as established by the department pursuant to subsection (3).

28 (c) "State-financed constructor" means a person,
29 municipality, county, or other public agency engaging in a

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30 construction project using funds appropriated from the state.

31 (d) "Substantial flood damage" means flood, inundation, or
32 wave action damage resulting from a single event, such as a
33 flood or tropical weather system, where such damage exceeds 25
34 percent of the market value of the coastal structure at the time
35 of the event.

36 (2) A state-financed constructor may not commence
37 construction of a coastal structure without:

38 (a) Conducting a SLIP study that meets the requirements
39 established by the department;

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

41 (c) Receiving department notification from the department
42 that the study:

43 1. Was approved by the department as properly conducted;
44 and

45 2. Has been published on the department's website pursuant
46 to paragraph (5) (a) for at least 30 days.

47 (3) The department shall develop by rule a standard for
48 conducting a SLIP study. At minimum, this standard must require
49 that a state-financed constructor do all of the following:

50 (a) Utilize a systematic, interdisciplinary, and
51 scientifically accepted approach in the natural sciences and
52 construction design in conducting the study.

53 (b) Assess the flooding, inundation, and wave action damage
54 risks relating to the coastal structure over its expected life
55 or 50 years, whichever is less.

56 1. The assessment must take into account potential sea
57 level rise and increased storm risk during the expected life of
58 the coastal structure or 50 years, whichever is less.

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59 2. The assessment must provide scientific and engineering
60 evidence of the risk to the coastal structure and methods used
61 to mitigate, adapt to, or reduce this risk.

62 3. The assessment must use and consider available
63 scientific research and generally accepted industry practices.

64 4. The assessment must provide the mean average annual
65 chance of substantial flood damage over the expected life of the
66 coastal structure or 50 years, whichever is less.

67 5. The assessment must analyze potential public safety and
68 environmental impacts resulting from damage to the coastal
69 structure including, but not limited to, leakage of pollutants,
70 electrocution and explosion hazards, and hazards resulting from
71 floating or flying structural debris.

72 (c) Provide alternatives for the coastal structure's design
73 and siting, and how such alternatives would impact the risks
74 specified in subparagraph (b)5. as well as the risk and cost
75 associated with maintaining, repairing, and constructing the
76 coastal structure.

77
78 If multiple coastal structures are to be built concurrently
79 within one project, a state-financed constructor may conduct and
80 submit one SLIP study for the entire project for approval and
81 publication by the department.

82 (4) If a state-financed constructor commences construction
83 of a coastal structure but has not received approval from the
84 department to commence such construction pursuant to paragraph
85 (2) (c), the department may institute a civil action in a court
86 of competent jurisdiction to:

87 (a) Seek injunctive relief to cease further construction of

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88 the coastal structure.

89 (b) Enforce compliance with this section or rules adopted
90 pursuant to this section.

91 (c) If the coastal structure has been completed or
92 substantially completed, seek recovery of all or a portion of
93 state funds expended on the coastal structure.

94 (5) The department shall:

95 (a) Publish and maintain a copy of all SLIP studies
96 submitted pursuant to this section on its website for at least
97 10 years after receipt. However, any portion of a study
98 containing information that is exempt from s. 119.07(1) and s.
99 24(a), Art. I of the State Constitution must be redacted by the
100 department before publication.

101 (b) Enforce the requirements of this section.

102 (c) Adopt rules as necessary to administer this section.

103 Section 2. This act shall take effect July 1, 2019.