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

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

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

161.551 Public financing of construction projects within
the coastal building zone.—

(1) As used in this section, the term:
(a) “Coastal structure” means a major structure or
nonhabitable major structure within the coastal building zone.
(b) “SLIP study” means a sea level impact projection study
as established by the department pursuant to subsection (3).
(c) “State-financed constructor” means a person,
municipality, county, or other public agency engaging in a
construction project using funds appropriated from the state.

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

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

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

(b) Submitting the study to the department; and

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

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

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

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

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

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

1. The assessment must take into account potential sea level rise and increased storm risk during the expected life of the coastal structure or 50 years, whichever is less.
2. The assessment must provide scientific and engineering evidence of the risk to the coastal structure and methods used to mitigate, adapt to, or reduce this risk.

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

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

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

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

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

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

(a) Seek injunctive relief to cease further construction of
the coastal structure.

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

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

(5) The department shall:

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

(b) Enforce the requirements of this section.

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

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