

Committee on Environment and Natural Resources

CS/CS/SB 178 — Public Financing of Construction Projects

by Appropriations Committee; Infrastructure and Security Committee; and Senators Rodriguez and Berman

The bill requires a public entity that commissions or manages a construction project within the coastal building zone, using funds appropriated from the state, to conduct a sea level impact projection (SLIP) study prior to commencing construction. The Department of Environmental Protection (DEP) must establish, by rule, standards for the SLIP studies. The standards must include certain requirements specified in the bill for how the studies will be conducted and the information they must contain. The bill's requirement to conduct a SLIP study prior to commencing construction is effective one year after DEP's rule is finalized, and this requirement only applies to projects that commence after the rule is finalized.

SLIP studies must be conducted, submitted to DEP, and published on DEP's website for 30 days before construction can commence. DEP must publish and maintain a copy of all SLIP studies on its website for 10 years after receipt. The bill requires DEP to adopt rules as necessary to administer the section and authorizes DEP to enforce the requirements of the section.

The bill authorizes DEP to bring a civil action to seek injunctive relief to cease construction, enforce the section or rules adopted pursuant thereto, or seek recovery of state funds expended on a coastal structure, if construction commences without complying with the section. The bill states that the section may not be construed to create a cause of action for damages or otherwise authorize the imposition of penalties by a public entity for failure to implement what is contained in a SLIP study.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 38-0; House 115-0