



962074

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Environment and Natural Resources (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



962074

11 nonhabitable major structure within the coastal building zone.

12 (b) "Public entity" means the state or any of its political
13 subdivisions, or any municipality, county, agency, special
14 district, authority, or other public body corporate of the state
15 which is demonstrated to perform a public function or to serve a
16 governmental purpose that could properly be performed or served
17 by an appropriate governmental unit.

18 (c) "SLIP study" means a sea level impact projection study
19 as established by the department pursuant to subsection (3).

20 (d) "State-financed constructor" means a public entity that
21 commissions or manages a construction project using funds
22 appropriated from the state.

23 (e) "Substantial flood damage" means flood, inundation, or
24 wave action damage resulting from a single event, such as a
25 flood or tropical weather system, where such damage exceeds 25
26 percent of the market value of the coastal structure at the time
27 of the event.

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

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

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

33 (c) Receiving notification from the department that the
34 study was received and that it has been published on the
35 department's website pursuant to paragraph (5)(a) for at least
36 30 days. The state-financed constructor is solely responsible
37 for ensuring that the study submitted to the department for
38 publication meets the requirements under subsection (3).

39 (3) The department shall develop by rule a standard by



962074

40 which a state-financed constructor must conduct a SLIP study and
41 may require that a professional engineer sign off on the study.
42 At a minimum, this standard must require that a state-financed
43 constructor do all of the following:

44 (a) Use a systematic, interdisciplinary, and scientifically
45 accepted approach in the natural sciences and construction
46 design in conducting the study.

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

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

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

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

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

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

66 (c) Provide alternatives for the coastal structure's design
67 and siting, and how such alternatives would impact the risks
68 specified in subparagraph (b)5. as well as the risk and cost



962074

69 associated with maintaining, repairing, and constructing the
70 coastal structure.

71
72 If multiple coastal structures are to be built concurrently
73 within one project, a state-financed constructor may conduct and
74 submit one SLIP study for the entire project for publication by
75 the department.

76 (4) If a state-financed constructor commences construction
77 of a coastal structure but has not complied with the SLIP study
78 requirement under subsection (2), the department may institute a
79 civil action in a court of competent jurisdiction to:

80 (a) Seek injunctive relief to cease further construction of
81 the coastal structure or enforce compliance with this section or
82 with rules adopted by the department pursuant to this section.

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

86 (5) This section may not be construed to create a cause of
87 action for damages.

88 (6) The department:

89 (a) Shall publish and maintain a copy of all SLIP studies
90 submitted pursuant to this section on its website for at least
91 10 years after receipt. However, any portion of a study
92 containing information that is exempt from s. 119.07(1) and s.
93 24(a), Art. I of the State Constitution must be redacted by the
94 department before publication.

95 (b) Shall adopt rules as necessary to administer this
96 section.

97 (7) The department may enforce the requirements of this



962074

98 section.

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

100

101 ===== T I T L E A M E N D M E N T =====

102 And the title is amended as follows:

103 Delete everything before the enacting clause

104 and insert:

105 A bill to be entitled

106 An act relating to public financing of construction

107 projects; creating s. 161.551, F.S.; defining terms;

108 prohibiting state-financed constructors from

109 commencing construction of certain structures in

110 coastal areas without first conducting a sea level

111 impact projection study; requiring the Department of

112 Environmental Protection to develop by rule a standard

113 for such studies; providing for enforcement; requiring

114 the department to publish such studies on its website,

115 subject to certain conditions; requiring the

116 department to enforce certain requirements and to

117 adopt rules; providing an effective date.