

By the Committee on Infrastructure and Security; and 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 after a specified date without first
7 taking certain steps regarding a sea level impact
8 projection study; requiring the Department of
9 Environmental Protection to develop by rule a standard
10 for such studies; requiring the department to publish
11 such studies on its website, subject to certain
12 conditions; requiring the department to enforce
13 certain requirements and to adopt rules; providing for
14 enforcement; providing a contingent effective date.

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

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18 Section 1. Effective July 1, 2021, section 161.551, Florida
19 Statutes, is created to read:

20 161.551 Public financing of construction projects within
21 the coastal building zone.-

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

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

25 (b) "Public entity" means the state or any of its political
26 subdivisions, or any municipality, county, agency, special
27 district, authority, or other public body corporate of the state
28 which is demonstrated to perform a public function or to serve a
29 governmental purpose that could properly be performed or served

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30 by an appropriate governmental unit.

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

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

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

41 (2) After July 1, 2021, if official baseline projections
42 are adopted as provided in s. 14.2031, a state-financed
43 constructor may not commence construction of a coastal structure
44 without:

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

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

48 (c) Receiving notification from the department that the
49 study was received and that it has been published on the
50 department's website pursuant to paragraph (6) (a) for at least
51 30 days. The state-financed constructor is solely responsible
52 for ensuring that the study submitted to the department for
53 publication meets the requirements under subsection (3).

54 (3) The department shall develop by rule a standard by
55 which a state-financed constructor must conduct a SLIP study and
56 may require that a professional engineer sign off on the study.
57 At a minimum, this standard must require that a state-financed
58 constructor do all of the following:

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59 (a) Use a systematic, interdisciplinary, and scientifically
60 accepted approach in the natural sciences and construction
61 design in conducting the study.

62 (b) Based on the official baseline projections of sea-level
63 rise and flooding impacts adopted as provided in s. 14.2031,
64 assess the flooding, inundation, and wave action damage risks
65 relating to the coastal structure over its expected life or 50
66 years, whichever is less.

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

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

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

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

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

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

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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 publication by the department.

(4) If a state-financed constructor commences construction of a coastal structure, but has not complied with the SLIP study requirement under subsection (2), 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 or enforce compliance with this section or with rules adopted by the department pursuant to this section.

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

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

(6) The department:

(a) Shall 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) Shall adopt rules as necessary to administer this section.

(7) The department may enforce the requirements of this section.

Section 2. This act shall take effect on the same date that

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117 SB 7016 or similar legislation takes effect, if such legislation
118 is adopted in the same legislative session or an extension
119 thereof and becomes a law.