

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; requiring the Department of
 8 Environmental Protection to develop by rule a standard
 9 for such studies; requiring the department to publish
 10 such studies on its website, subject to certain
 11 conditions; requiring the department to enforce
 12 certain requirements and to adopt rules; providing for
 13 enforcement; providing an effective date.

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

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

19 161.551 Public financing of construction projects within
 20 the coastal building zone.-

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

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

24 (b) "Public entity" means the state or any of its
 25 political subdivisions, or any municipality, county, agency,

26 special district, authority, or other public body corporate of
27 the state which is demonstrated to perform a public function or
28 to serve a governmental purpose that could properly be performed
29 or served by an appropriate governmental unit.

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

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

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

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

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

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

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

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

56 (a) Use a systematic, interdisciplinary, and
57 scientifically accepted approach in the natural sciences and
58 construction design in conducting the study.

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

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

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

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

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

73 5. The assessment must analyze potential public safety and
74 environmental impacts resulting from damage to the coastal
75 structure including, but not limited to, leakage of pollutants,

76 electrocution and explosion hazards, and hazards resulting from
77 floating or flying structural debris.

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

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

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

92 (a) Seek injunctive relief to cease further construction
93 of the coastal structure or enforce compliance with this section
94 or with rules adopted by the department pursuant to this
95 section.

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

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

101 (6) The department:

102 (a) Shall publish and maintain a copy of all SLIP studies
103 submitted pursuant to this section on its website for at least
104 10 years after receipt. However, any portion of a study
105 containing information that is exempt from s. 119.07(1) and s.
106 24(a), Art. I of the State Constitution must be redacted by the
107 department before publication.

108 (b) Shall adopt rules as necessary to administer this
109 section.

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

112 Section 2. This act shall take effect July 1, 2020.