

1 A bill to be entitled
2 An act relating to statewide flooding and sea level
3 rise resilience; creating s. 14.2031, F.S.;
4 establishing the Statewide Office of Resilience within
5 the Executive Office of the Governor; providing for
6 the appointment of a Chief Resilience Officer;
7 creating s. 339.157, F.S.; requiring the Department of
8 Transportation to develop a resilience action plan
9 based on certain criteria for the State Highway
10 System; providing the goals and required components of
11 the plan; requiring the department to submit the plan
12 and plan status reports to the Governor and the
13 Legislature by specified dates; amending s. 380.093,
14 F.S.; providing definitions; revising the projects the
15 Department of Environmental Protection may fund within
16 the Resilient Florida Grant Program; revising
17 vulnerability assessment requirements for noncoastal
18 communities; extending the dates by which the
19 department must complete a comprehensive statewide
20 flood vulnerability and sea level rise data set and
21 assessment; requiring the data set to be developed in
22 coordination with the Florida Flood Hub for Applied
23 Research and Innovation; requiring eligible projects
24 submitted to the department to be ranked and included
25 in the Statewide Flood and Sea Level Rise Resilience

26 Plan; revising the entities authorized to submit
 27 proposed projects by specified dates; revising the
 28 annual amount of proposed funding for the plan;
 29 amending s. 380.0933, F.S.; requiring the Florida
 30 Flood Hub for Applied Research and Innovation to
 31 provide tidal and storm surge flooding data to
 32 counties and municipalities for vulnerability
 33 assessments; amending s. 472.0366, F.S.; revising the
 34 requirements for copies of evaluation certificates
 35 that must be submitted to the Division of Emergency
 36 Management; revising requirements for the elevation
 37 certificates; providing an effective date.

38

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

40

41 Section 1. Section 14.2031, Florida Statutes, is created
 42 to read:

43 14.2031 Statewide Office of Resilience.—The Statewide
 44 Office of Resilience is established within the Executive Office
 45 of the Governor. The office shall be headed by a Chief
 46 Resilience Officer, who is appointed by and serves at the
 47 pleasure of the Governor.

48 Section 2. Section 339.157, Florida Statutes, is created
 49 to read:

50 339.157 Resilience action plan.—

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51 (1) The department shall develop a resilience action plan
52 for the State Highway System based on current conditions and
53 forecasted future events. The goals of the action plan must be
54 to:

55 (a) Recommend strategies to enhance infrastructure and the
56 operational resilience of the State Highway System that may be
57 incorporated into the transportation asset management plan.

58 (b) Recommend design changes to retrofit existing state
59 highway facilities and to construct new state highway
60 facilities.

61 (c) Enhance partnerships to address multijurisdictional
62 resilience needs.

63 (2) The resilience action plan must include all of the
64 following:

65 (a) An assessment of the State Highway System to identify
66 roadway facilities and drainage outfalls that may be subject to
67 vulnerabilities associated with tidal, rainfall, the combination
68 of tidal and rainfall, and storm surge flooding, including
69 future projections of sea level rise, using existing data for
70 current and forecasted future events. As part of the assessment,
71 the department shall, using the most up-to-date National Oceanic
72 and Atmospheric Administration precipitation frequency and sea
73 level rise data, do all of the following:

74 1. Synthesize historical and current infrastructure
75 resilience issues statewide.

76 2. Evaluate alternatives for retrofitting existing systems
77 and infrastructure.

78 3. Develop prioritization criteria for resilience project
79 identification.

80 4. Develop a prioritized resilience needs project list, in
81 addition to existing projects within the work program, with the
82 associated costs and timeline.

83 5. Develop a statewide database identifying and
84 documenting those assets vulnerable to current and future
85 flooding. The department shall develop a cost estimate and
86 schedule to enhance existing data to include site-specific
87 details and existing criteria to improve the needs
88 prioritization.

89 (b) A systemic review of the department's policies,
90 procedures, manuals, tools, and guidance documents to identify
91 revisions that will facilitate cost-effective improvements to
92 address existing and future State Highway System infrastructure
93 vulnerabilities associated with flooding and sea level rise.

94 (c) Provision of technical assistance to local agencies
95 and modal partners on resilience issues related to the State
96 Highway System and the deployment of local and regional
97 solutions.

98 (3) By June 30, 2023, the department shall submit the
99 resilience action plan to the Governor, the President of the
100 Senate, and the Speaker of the House of Representatives. Every

101 third year on June 30 thereafter, the department shall submit a
 102 status report reviewing updates to the action plan and the
 103 associated implementation activities.

104 Section 3. Paragraphs (b) and (d) of subsection (3),
 105 paragraphs (a) and (b) of subsection (4), and paragraphs (a),
 106 (b), (d), (f), and (i) of subsection (5) of section 380.093,
 107 Florida Statutes, are amended, and new paragraphs (c) and (d)
 108 are added to subsection (2) of that section, to read:

109 380.093 Resilient Florida Grant Program; comprehensive
 110 statewide flood vulnerability and sea level rise data set and
 111 assessment; Statewide Flooding and Sea Level Rise Resilience
 112 Plan; regional resilience entities.—

113 (2) DEFINITIONS.—As used in this section, the term:

114 (c) "Preconstruction activities" means activities
 115 associated with a project that occur before construction begins,
 116 including, but not limited to, design of the project, permitting
 117 for the project, surveys, site development, solicitation, public
 118 hearings, local code amendments, establishing local funding
 119 sources, and easement acquisition.

120 (d) "Regionally significant assets" means critical assets
 121 that support the needs of communities spanning multiple
 122 geopolitical jurisdictions, including, but not limited to,
 123 regional medical centers, emergency operations centers, regional
 124 utilities, major transportation hubs and corridors, airports,
 125 and seaports.

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126 (3) RESILIENT FLORIDA GRANT PROGRAM.—

127 (b) Subject to appropriation, the department may provide
128 grants to a county or municipality to fund:

129 1. The costs of community resilience planning and
130 necessary data collection for such planning, including
131 comprehensive plan amendments and necessary corresponding
132 analyses that address the requirements of s. 163.3178(2)(f).~~†~~

133 2. Vulnerability assessments that identify or address
134 risks of inland or coastal flooding and sea level rise.~~†~~

135 3. The development of projects, plans, and policies that
136 allow communities to prepare for threats from flooding and sea
137 level rise.~~†~~ and

138 4. Preconstruction activities for projects to be submitted
139 for inclusion in the Statewide Flooding and Sea Level Rise
140 Resilience Plan that are located in a municipality that has a
141 population of 10,000 or fewer or a county that has a population
142 of 50,000 or fewer, according to the most recent April 1
143 population estimates posted on the Office of Economic and
144 Demographic Research's website ~~projects to adapt critical assets~~
145 ~~to the effects of flooding and sea level rise.~~

146 (d) A vulnerability assessment conducted pursuant to
147 paragraph (b) must include all of the following, if applicable:

148 1. Peril of flood comprehensive plan amendments that
149 address the requirements of s. 163.3178(2)(f), if the county or
150 municipality is subject to such requirements and has not

151 | complied with such requirements as determined by the Department
152 | of Economic Opportunity.

153 | 2. The depth of:

154 | a. Tidal flooding, including future high tide flooding,
155 | which must use thresholds published and provided by the
156 | department. To the extent practicable, the analysis should also
157 | geographically display the number of tidal flood days expected
158 | for each scenario and planning horizon.

159 | b. Current and future storm surge flooding using publicly
160 | available National Oceanic and Atmospheric Administration or
161 | Federal Emergency Management Agency storm surge data. The
162 | initial storm surge event used must equal or exceed the current
163 | 100-year flood event. Higher frequency storm events may be
164 | analyzed to understand the exposure of a critical asset.

165 | c. To the extent practicable, rainfall-induced flooding
166 | using spatiotemporal analysis or existing hydrologic and
167 | hydraulic modeling results. Future boundary conditions should be
168 | modified to consider sea level rise and high tide conditions.
169 | Vulnerability assessments for noncoastal communities must
170 | include the depth of rainfall-induced flooding for a 100-year
171 | storm and a 500-year storm, as defined by the applicable water
172 | management district or, if necessary, the appropriate federal
173 | agency. Future rainfall conditions should be used, if available.

174 | d. To the extent practicable, compound flooding or the
175 | combination of tidal, storm surge, and rainfall-induced

176 flooding.

177 3. The following scenarios and standards:

178 a. All analyses in the North American Vertical Datum of
179 1988.

180 b. At least two local sea level rise scenarios, which must
181 include the 2017 National Oceanic and Atmospheric Administration
182 intermediate-low and intermediate-high sea level rise
183 projections.

184 c. At least two planning horizons that include planning
185 horizons for the years 2040 and 2070.

186 d. Local sea level data that has been interpolated between
187 the two closest National Oceanic and Atmospheric Administration
188 tide gauges. Local sea level data may be taken from one such
189 gauge if the gauge has a higher mean sea level. Data taken from
190 an alternate tide gauge may be used with appropriate rationale
191 and department approval, as long as it is publicly available or
192 submitted to the department pursuant to paragraph (b).

193 (4) COMPREHENSIVE STATEWIDE FLOOD VULNERABILITY AND SEA
194 LEVEL RISE DATA SET AND ASSESSMENT.—

195 (a) By July 1, 2023 ~~2022~~, the department shall complete
196 the development of a comprehensive statewide flood vulnerability
197 and sea level rise data set sufficient to conduct a
198 comprehensive statewide flood vulnerability and sea level rise
199 assessment. In developing the data set, the department shall, in
200 coordination with the Florida Flood Hub for Applied Research and

201 Innovation, compile, analyze, and incorporate, as appropriate,
 202 information related to vulnerability assessments submitted to
 203 the department pursuant to subsection (3) or any previously
 204 completed assessments that meet the requirements of subsection
 205 (3).

206 1. The Chief Science Officer shall, in coordination with
 207 necessary experts and resources, develop statewide sea level
 208 rise projections that incorporate temporal and spatial
 209 variability, to the extent practicable, for inclusion in the
 210 data set. This subparagraph does not supersede regionally
 211 adopted projections.

212 2. The data set must include information necessary to
 213 determine the risks to inland and coastal communities,
 214 including, but not limited to, elevation, tidal levels, and
 215 precipitation.

216 (b) By July 1, 2024 ~~2023~~, the department shall complete a
 217 comprehensive statewide flood vulnerability and sea level rise
 218 assessment that identifies inland and coastal infrastructure,
 219 geographic areas, and communities in the state that are
 220 vulnerable to flooding and sea level rise and the associated
 221 risks.

222 1. The department shall use the comprehensive statewide
 223 flood vulnerability and sea level rise data set to conduct the
 224 assessment.

225 2. The assessment must incorporate local and regional

226 analyses of vulnerabilities and risks, including, as
227 appropriate, local mitigation strategies and postdisaster
228 redevelopment plans.

229 3. The assessment must include an inventory of critical
230 assets, including regionally significant assets, that are
231 essential for critical government and business functions,
232 national security, public health and safety, the economy, flood
233 and storm protection, water quality management, and wildlife
234 habitat management, and must identify and analyze the
235 vulnerability of and risks to such critical assets. When
236 identifying critical assets for inclusion in the assessment, the
237 department shall also take into consideration the critical
238 assets identified by local governments and submitted to the
239 department pursuant to subsection (3).

240 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE
241 PLAN.—

242 (a) By December 1, 2021, and each December 1 thereafter,
243 the department shall develop a Statewide Flooding and Sea Level
244 Rise Resilience Plan on a 3-year planning horizon and submit it
245 to the Governor, the President of the Senate, and the Speaker of
246 the House of Representatives. The plan must consist of ranked
247 projects that address risks of flooding and sea level rise to
248 coastal and inland communities in the state. All eligible
249 projects submitted to the department pursuant to this section
250 must be ranked and included in the plan. Each plan must include

251 a detailed narrative overview describing how the plan was
252 developed, including a description of the methodology used by
253 the department to determine project eligibility, a description
254 of the methodology used to rank projects, the specific scoring
255 system used, the project proposal application form, a copy of
256 each submitted project proposal application form separated by
257 eligible projects and ineligible projects, the total number of
258 project proposals received and deemed eligible, the total
259 funding requested, and the total funding requested for eligible
260 projects.

261 (b) The plan submitted by December 1, 2021, before the
262 comprehensive statewide flood vulnerability and sea level rise
263 assessment is completed, will be a preliminary plan that
264 includes projects that address ~~addresses~~ risks of flooding and
265 sea level rise identified in available local government
266 vulnerability assessments and projects submitted by water
267 management districts that mitigate the risks of flooding or sea
268 level rise on water supplies or water resources of the state.
269 The plan submitted by December 1, 2022, and the plan submitted
270 by December 1, 2023, will be updates ~~an update~~ to the
271 preliminary plan. The plan submitted by December 1, 2024 ~~2023~~,
272 and each plan submitted by December 1 thereafter, shall address
273 risks of flooding and sea level rise identified in the
274 comprehensive statewide flood vulnerability and sea level rise
275 assessment.

276 (d)1. By September 1, 2021, and each September 1
 277 thereafter, the following entities ~~counties and municipalities~~
 278 may submit to the department a list of proposed projects that
 279 address risks of flooding or sea level rise identified in
 280 vulnerability assessments that meet the requirements of
 281 subsection (3) :-

282 a. Counties.

283 b. Municipalities.

284 c. Special districts as defined in s. 189.012 that are
 285 responsible for the operation and maintenance of an airport or a
 286 seaport facility.

287
 288 For the plans submitted by December 1, 2021; December 1, 2022;
 289 and December 1, 2023, such entities may submit projects
 290 identified in existing vulnerability assessments that do not
 291 comply with subsection (3). A regional resilience entity may
 292 also submit ~~such~~ proposed projects to the department pursuant to
 293 this subparagraph on behalf of one or more member counties or
 294 municipalities.

295 2. By September 1, 2021, and each September 1 thereafter,
 296 the following entities ~~each water management district and flood~~
 297 ~~control district~~ may submit to the department a list of any
 298 proposed projects that mitigate the risks of flooding or sea
 299 level rise on water supplies or water resources of the state and
 300 a corresponding evaluation of each project :-

301 a. Water management districts.

302 b. Drainage districts.

303 c. Erosion control districts.

304 d. Flood control districts.

305 e. Regional water supply authorities.

306 3. Each project submitted to the department pursuant to
 307 this paragraph ~~by a county, municipality, regional resilience~~
 308 ~~entity, water management district, or flood control district~~ for
 309 consideration by the department for inclusion in the plan must
 310 include:

311 a. A description of the project.

312 b. The location of the project.

313 c. An estimate of how long the project will take to
 314 complete.

315 d. An estimate of the cost of the project.

316 e. The cost-share percentage available for the project.

317 f. The project sponsor.

318 (f) To be eligible for inclusion in the plan, a project
 319 must have been submitted ~~by a county, municipality, regional~~
 320 ~~resilience entity, water management district, or flood control~~
 321 ~~district~~ pursuant to paragraph (d) or must have been identified
 322 in the comprehensive statewide flood vulnerability and sea level
 323 rise assessment, as applicable.

324 (i) The total amount of funding proposed for each year of
 325 the plan may not be less than ~~exceed~~ \$100 million. Upon review

326 and subject to appropriation, the Legislature shall approve
327 funding for the projects as specified in the plan. Multiyear
328 projects that receive funding for the first year of the project
329 must be included in subsequent plans and funded until the
330 project is complete, provided that the project sponsor has
331 complied with all contractual obligations and funds are
332 available.

333 Section 4. Subsections (3) and (4) of section 380.0933,
334 Florida Statutes, are renumbered as subsections (4) and (5),
335 respectively, and a new subsection (3) is added to that section
336 to read:

337 380.0933 Florida Flood Hub for Applied Research and
338 Innovation.—

339 (3) The hub shall provide tidal and storm surge flooding
340 data to counties and municipalities for vulnerability
341 assessments conducted pursuant to s. 380.093(3). The hub shall
342 provide rainfall-induced and compound flooding datasets;
343 however, more localized data or modeling may be used.

344 Section 5. Subsection (2) of section 472.0366, Florida
345 Statutes, is amended to read:

346 472.0366 Elevation certificates; requirements for
347 surveyors and mappers.—

348 (2) Beginning January 1, 2023 ~~2017~~, a surveyor and mapper
349 shall, within 30 days after completion, submit to the division a
350 digital copy of each elevation certificate that he or she

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351 | completes as outlined on the division's website. The copy must
352 | be unaltered, except that the surveyor and mapper may redact the
353 | name of the property owner. The copy need not be signed and
354 | sealed when submitted to the division; however, an original
355 | signed and sealed copy must be retained in the surveyor and
356 | mapper's records as prescribed by rule of the board.

357 | Section 6. This act shall take effect July 1, 2022.