

HB 749

2024

1 A bill to be entitled

2 An act relating to flood damage prevention; providing
3 a short title; creating s. 553.845, F.S.; providing
4 legislative findings; providing definitions; providing
5 specified maximum voluntary freeboard requirements for
6 new construction and substantial improvements to
7 existing construction; prohibiting voluntary freeboard
8 from being used in the calculation of the maximum
9 allowable height for certain construction; authorizing
10 local governments to adopt by ordinance a minimum
11 freeboard requirement or a maximum voluntary freeboard
12 that exceeds certain requirements; requiring the
13 Florida Building Commission to develop and adopt by
14 rule minimum freeboard requirements by a specified
15 date and to incorporate such requirements into the
16 next edition of the Florida Building Code; requiring
17 the commission to review the freeboard requirements in
18 the Florida Building Code every 5 years beginning on a
19 specified date and to make certain recommendations to
20 the Legislature; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. This act may be cited as the "Flood Damage
25 Prevention Act of 2024."

26 Section 2. Section 553.845, Florida Statutes, is created
 27 to read:

28 553.845 Flood damage prevention.—

29 (1) The Legislature finds that:

30 (a) The state is vulnerable to the adverse effects of
 31 flooding resulting from the frequency and intensity of rainfall
 32 and an increase in storm surge and sea level rise. These adverse
 33 effects pose a significant risk to existing and future
 34 structures in the state.

35 (b) Public and private investments in our communities are
 36 important for economic growth, and protecting all structures
 37 from flooding is essential to maintaining resilient communities.

38 (c) The mitigation of property damage constitutes a valid
 39 and recognized objective of the Florida Building Code.

40 (d) It is important to develop a consistent, statewide
 41 approach to minimizing flooding in the state to mitigate
 42 property damage and encourage continued investment in our
 43 communities.

44 (e) Minimum freeboard requirements are critical to
 45 addressing the devastating effects of flooding, and delaying the
 46 adoption and implementation of such requirements constitutes a
 47 threat to the health, safety, and welfare of the state.

48 (2) For purposes of this section, the term:

49 (a) "Coastal high-hazard area" means a special flood
 50 hazard area along the coast, as delineated by a Flood Insurance

HB 749

2024

51 Rate Map issued by the Federal Emergency Management Agency,
52 which has additional hazards due to wind and wave action.

53 (b) "Freeboard" means the additional height, usually
54 expressed as a factor of safety in feet, above the base flood
55 elevation in determining the level at which a structure's lowest
56 floor or the bottom of the lowest horizontal structural member
57 must be elevated in accordance with floodplain management
58 regulations and the Florida Building Code. If a base flood
59 elevation is not determined for a structure that is not located
60 in a special flood hazard area as designated by a Flood
61 Insurance Rate Map issued by the Federal Emergency Management
62 Agency, the term "freeboard" means the highest adjacent grade at
63 the foundation of a structure.

64 (c) "Maximum allowable height" means the maximum height
65 allowed for a structure in the applicable zoning district.

66 (d) "Substantial improvement" has the meaning as in s.
67 161.54(12).

68 (e) "Voluntary freeboard" means the additional height
69 above the freeboard required by floodplain management
70 regulations and the Florida Building Code. If freeboard is not
71 required by floodplain management regulations and the Florida
72 Building Code, the term "voluntary freeboard" means the
73 additional height above the highest adjacent grade at the
74 foundation of a structure.

75 (3) (a) The maximum voluntary freeboard for all new

76 construction and substantial improvements to existing
77 construction, whether residential, commercial, industrial, or
78 nonresidential, is 10 feet.

79 (b) Within a coastal high-hazard area, the maximum
80 voluntary freeboard for all new construction and substantial
81 improvements to existing construction, whether residential,
82 commercial, industrial, or nonresidential, is 10 feet.

83 (4) For all new construction of a residential structure
84 and substantial improvements to an existing residential
85 structure, including a manufactured home, or an existing
86 commercial, industrial, or nonresidential structure, voluntary
87 freeboard may not be used in the calculation of the maximum
88 allowable height for the structure.

89 (5) A local government may adopt by ordinance a minimum
90 freeboard requirement or a maximum voluntary freeboard that
91 exceeds the requirements in the Florida Building Code or
92 established in this section.

93 (6) The commission shall develop and adopt by rule minimum
94 freeboard requirements by November 1, 2024, which shall take
95 immediate effect, and shall incorporate such requirements into
96 the next edition of the Florida Building Code.

97 (7) Beginning in January 2029, and every 5 years
98 thereafter, the commission shall review the freeboard
99 requirements in the Florida Building Code and make
100 recommendations to the Legislature regarding any necessary

HB 749

2024

101 | revisions to such requirements.

102 | Section 3. This act shall take effect July 1, 2024.