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1  
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; providing that such rule operates  
11 prospectively on projects that have not yet commenced  
12 as of the finalization of the rule; requiring the  
13 department to publish such studies on its website,  
14 subject to certain conditions; requiring the  
15 department to adopt rules; providing for enforcement;  
16 providing effective dates.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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

22 161.551 Public financing of construction projects within  
23 the coastal building zone.-

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

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

27 (b) "Public entity" means the state or any of its political  
28 subdivisions, or any municipality, county, agency, special  
29 district, authority, or other public body corporate of the state

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30 which is demonstrated to perform a public function or to serve a  
31 governmental purpose that could properly be performed or served  
32 by an appropriate governmental unit.

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

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

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

43 (2) Beginning 1 year after the date the rule developed by  
44 the department pursuant to subsection (3) is finalized and is  
45 otherwise in effect, a state-financed constructor may not  
46 commence construction of a coastal structure without:

47 (a) Conducting a SLIP study that meets the requirements  
48 established by the department;

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

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

56 (3) The department shall develop by rule a standard by  
57 which a state-financed constructor must conduct a SLIP study and  
58 may require that a professional engineer sign off on the study.

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59 The rule must be effective 1 year after the date it is finalized  
60 and applies only to projects not yet commenced as of the date  
61 the rule is finalized. The rule may not apply retroactively to  
62 projects that commenced before the date the rule is finalized.  
63 At a minimum, the standard must require that a state-financed  
64 constructor do all of the following:

65 (a) Use a systematic, interdisciplinary, and scientifically  
66 accepted approach in the natural sciences and construction  
67 design in conducting the study.

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

71 1. The assessment must take into account potential relative  
72 local sea-level rise and increased storm risk during the  
73 expected life of the coastal structure or 50 years, whichever is  
74 less, and, to the extent possible, account for the contribution  
75 of sea-level rise versus land subsidence to the relative local  
76 sea-level rise.

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

80 3. The assessment must use and consider available  
81 scientific research and generally accepted industry practices.

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

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

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88 electrocution and explosion hazards, and hazards resulting from  
89 floating or flying structural debris.

90 (c) Provide alternatives for the coastal structure's design  
91 and siting, and how such alternatives would impact the risks  
92 specified in subparagraph (b)5. as well as the risk and cost  
93 associated with maintaining, repairing, and constructing the  
94 coastal structure.

95  
96 If multiple coastal structures are to be built concurrently  
97 within one project, a state-financed constructor may conduct and  
98 submit one SLIP study for the entire project for publication by  
99 the department.

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

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

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

110 (5) This section may not be construed to create a cause of  
111 action for damages or otherwise authorize the imposition of  
112 penalties by a public entity for failure to implement what is  
113 contained in the SLIP study.

114 (6) The department:

115 (a) Shall publish and maintain a copy of all SLIP studies  
116 submitted pursuant to this section on its website for at least

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117 10 years after receipt. However, any portion of a study  
118 containing information that is exempt from s. 119.07(1) and s.  
119 24(a), Art. I of the State Constitution must be redacted by the  
120 department before publication.

121 (b) Shall adopt rules as necessary to administer this  
122 section.

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

125 Section 2. Except as otherwise expressly provided in this  
126 act, this act shall take effect July 1, 2020.