

By Senator Trumbull

2-01331A-23

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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       voluntary freeboard requirements for all new  
6       construction and substantial improvements to existing  
7       construction; prohibiting voluntary freeboard from  
8       being used in the calculation of the maximum allowable  
9       height for certain construction in applicable zoning  
10      districts; authorizing local governments to adopt by  
11      ordinance a minimum freeboard requirement or a maximum  
12      voluntary freeboard that exceeds the minimum  
13      requirements in the Florida Building Code or  
14      established in the act; requiring the Florida Building  
15      Commission to develop and adopt by rule minimum  
16      freeboard requirements by a specified date, which  
17      shall take immediate effect, and to incorporate such  
18      requirements into the next edition of the Florida  
19      Building Code; requiring the commission to review the  
20      freeboard requirements in the Florida Building Code  
21      every 5 years beginning on a specified date and make  
22      certain recommendations to the Legislature; providing  
23      an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

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27       Section 1. This act may be cited as the "Flood Damage  
28 Prevention Act of 2023."

29       Section 2. Section 553.845, Florida Statutes, is created to

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30 read:

31 553.845 Flood damage prevention.-

32 (1) The Legislature finds that:

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

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

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

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

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

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

52 (a) "Coastal high-hazard area" means a special flood hazard  
53 area along the coast, as delineated by a Flood Insurance Rate  
54 Map issued by the Federal Emergency Management Agency, that has  
55 additional hazards due to wind and wave action.

56 (b) "Freeboard" means the additional height, usually  
57 expressed as a factor of safety in feet, above the base flood  
58 elevation in determining the level at which a structure's lowest

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59 floor or the bottom of the lowest horizontal structural member  
60 must be elevated in accordance with floodplain management  
61 regulations and the Florida Building Code. If a base flood  
62 elevation is not determined for a structure that is not located  
63 in a special flood hazard area as designated by a Flood  
64 Insurance Rate Map issued by the Federal Emergency Management  
65 Agency, the term "freeboard" means the highest adjacent grade at  
66 the foundation of a structure.

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

69 (d) "Substantial improvement" has the meaning as in s.  
70 161.54(12).

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

77 (3) (a) The maximum voluntary freeboard for all new  
78 construction and substantial improvements to existing  
79 construction, whether residential, commercial, industrial, or  
80 nonresidential, is 4 feet.

81 (b) Within a coastal high-hazard area, the maximum  
82 voluntary freeboard for all new construction and substantial  
83 improvements to existing construction, whether residential,  
84 commercial, industrial, or nonresidential, is 9 feet.

85 (4) For all new construction of a residential structure and  
86 substantial improvements to an existing residential structure,  
87 including a manufactured home, or an existing commercial,

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88 industrial, or nonresidential structure, voluntary freeboard may  
89 not be used in the calculation of the maximum allowable height  
90 for the structure.

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

95 (6) The commission shall develop and adopt by rule minimum  
96 freeboard requirements by November 1, 2023, which shall take  
97 immediate effect, and shall incorporate such requirements into  
98 the next edition of the Florida Building Code.

99 (7) Beginning in January 2028, and every 5 years  
100 thereafter, the commission shall review the freeboard  
101 requirements in the Florida Building Code and make  
102 recommendations to the Legislature regarding any necessary  
103 revisions to such requirements.

104 Section 3. This act shall take effect July 1, 2023.