

CHAPTER 2022-89

Committee Substitute for House Bill No. 7053

An act relating to statewide flooding and sea level rise resilience; creating s. 14.2031, F.S.; establishing the Statewide Office of Resilience within the Executive Office of the Governor; providing for the appointment of a Chief Resilience Officer; specifying the duties of the Chief Resilience Officer; authorizing and requiring certain entities to assist the Chief Resilience Officer; requiring the Department of Environmental Protection, in consultation with the Chief Resilience Officer, to submit a report on flood resilience and mitigation efforts to the Governor and Legislature by a specified date; providing report requirements; creating s. 339.157, F.S.; requiring the Department of Transportation to develop a resilience action plan based on certain criteria for the State Highway System; providing the goals and required components of the plan; requiring the department to submit the plan and plan status reports to the Governor and the Legislature by specified dates; amending s. 380.093, F.S.; providing definitions; revising the projects the Department of Environmental Protection may fund within the Resilient Florida Grant Program; revising vulnerability assessment requirements for noncoastal communities; extending the dates by which the department must complete a comprehensive statewide flood vulnerability and sea level rise data set and assessment; requiring the data set to be developed in coordination with the Florida Flood Hub for Applied Research and Innovation; requiring eligible projects submitted to the department to be ranked and included in the Statewide Flood and Sea Level Rise Resilience Plan; revising the entities authorized to submit proposed projects by specified dates; revising the annual amount of proposed funding for the plan; amending s. 380.0933, F.S.; requiring the Florida Flood Hub for Applied Research and Innovation to provide tidal and storm surge flooding data to counties and municipalities for vulnerability assessments; amending s. 472.0366, F.S.; revising the requirements for copies of evaluation certificates that must be submitted to the Division of Emergency Management; revising requirements for the elevation certificates; providing an effective date.

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

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

14.2031 Statewide Office of Resilience.—

(1) The Statewide Office of Resilience is established within the Executive Office of the Governor for the purpose of reviewing all flood resilience and mitigation activities in the state and coordinating flood resilience and mitigation efforts with federal, state, and local governmental entities and other stakeholders. The office shall be headed by a Chief Resilience Officer, who is appointed by and serves at the pleasure of the Governor.

(2) The Chief Resilience Officer shall:

(a) Serve as a subject-matter expert for the state on issues related to flood resilience and mitigation.

(b) Be responsible for promoting and coordinating flood resilience and mitigation efforts in the state and identifying gaps across state-supported activities.

(c) Provide strategic direction for interagency and cross-disciplinary initiatives to minimize the flood vulnerability of critical assets as defined in s. 380.093(2).

(d) Work with federal, state, regional, and local governmental entities and nongovernmental entities to align flood resilience and mitigation priorities.

(e) Collaborate with the Florida Flood Hub for Applied Research and Innovation and other appropriate entities to provide technical guidance to state agencies, as well as local and regional governmental entities, to incorporate future standards and projections regarding flooding, including sea level rise projections, into future state projects, plans, and programs.

(f) Engage with state agencies and water management districts to innovate processes, programs, decision frameworks, and reporting mechanisms intended to bolster flood resilience and mitigation activities.

(g) Consult with the Florida Flood Hub for Applied Research and Innovation to improve the usability of data products intended to inform state agencies and local governments.

(3) All state and local governmental entities are authorized and directed to assist the Chief Resilience Officer to the extent such assistance is consistent with law and with budgetary constraints.

Section 2. The Department of Environmental Protection shall prepare a report, in consultation with the Chief Resilience Officer, regarding flood resilience and mitigation efforts in the state. The department shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 15, 2022. The report must include:

(1) A list of local governments that are required to comply with the requirements of s. 163.3178(2)(f) but are not in compliance, as reported by the Department of Economic Opportunity.

(2) A list of local governments that have completed vulnerability assessments that comply with the requirements of s. 380.093(3).

(3) An overview of the geographic distribution of entities with funded projects in the Statewide Flooding and Sea Level Rise Resilience Plan.

(4) A statewide inventory of basin-level flooding assessments and other related basin-level planning efforts self-reported by water management districts or special districts authorized to submit projects pursuant to s. 380.093(5).

Section 3. Section 339.157, Florida Statutes, is created to read:

339.157 Resilience action plan.—

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

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

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

(c) Enhance partnerships to address multijurisdictional resilience needs.

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

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

1. Synthesize historical and current infrastructure resilience issues statewide.

2. Evaluate alternatives for retrofitting existing systems and infrastructure.

3. Develop prioritization criteria for resilience project identification.

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

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

(b) A systemic review of the department’s policies, procedures, manuals, tools, and guidance documents to identify revisions that will facilitate cost-

effective improvements to address existing and future State Highway System infrastructure vulnerabilities associated with flooding and sea level rise.

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

(3) By June 30, 2023, the department shall submit the resilience action plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Every third year on June 30 thereafter, the department shall submit a status report reviewing updates to the action plan and the associated implementation activities.

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

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

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

(c) “Preconstruction activities” means activities associated with a project that occur before construction begins, including, but not limited to, design of the project, permitting for the project, surveys and data collection, site development, solicitation, public hearings, local code or comprehensive plan amendments, establishing local funding sources, and easement acquisition.

(d) “Regionally significant assets” means critical assets that support the needs of communities spanning multiple geopolitical jurisdictions, including, but not limited to, water resource facilities, regional medical centers, emergency operations centers, regional utilities, major transportation hubs and corridors, airports, and seaports.

(3) RESILIENT FLORIDA GRANT PROGRAM.—

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

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

2. Vulnerability assessments that identify or address risks of inland or coastal flooding and sea level rise;

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

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

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

1. Peril of flood comprehensive plan amendments that address the requirements of s. 163.3178(2)(f), if the county or municipality is subject to such requirements and has not complied with such requirements as determined by the Department of Economic Opportunity.

2. If applicable, the depth of:

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

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

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

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

3. The following scenarios and standards:

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

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

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

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

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

(a) By July 1, ~~2023~~ 2022, the department shall complete the development of a comprehensive statewide flood vulnerability and sea level rise data set sufficient to conduct a comprehensive statewide flood vulnerability and sea level rise assessment. In developing the data set, the department shall, in coordination with the Florida Flood Hub for Applied Research and Innovation, compile, analyze, and incorporate, as appropriate, information related to vulnerability assessments submitted to the department pursuant to subsection (3) or any previously completed assessments that meet the requirements of subsection (3).

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

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

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

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

2. The assessment must incorporate local and regional analyses of vulnerabilities and risks, including, as appropriate, local mitigation strategies and postdisaster redevelopment plans.

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

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

(a) By December 1, 2021, and each December 1 thereafter, the department shall develop a Statewide Flooding and Sea Level Rise Resilience Plan on a 3-year planning horizon and submit it to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan must consist of ranked projects that address risks of flooding and sea level rise to coastal and inland communities in the state. All eligible projects submitted to the department pursuant to this section must be ranked and included in the plan. Each plan must include a detailed narrative overview describing how the plan was developed, including a description of the methodology used by the department to determine project eligibility, a description of the methodology used to rank projects, the specific scoring system used, the project proposal application form, a copy of each submitted project proposal application form separated by eligible projects and ineligible projects, the total number of project proposals received and deemed eligible, the total funding requested, and the total funding requested for eligible projects.

(b) The plan submitted by December 1, 2021, before the comprehensive statewide flood vulnerability and sea level rise assessment is completed, will be a preliminary plan that includes projects that address addresses risks of flooding and sea level rise identified in available local government vulnerability assessments and projects submitted by water management districts that mitigate the risks of flooding or sea level rise on water supplies or water resources of the state. The plan submitted by December 1, 2022, and the plan submitted by December 1, 2023, will be updates an—update to the preliminary plan. The plan submitted by December 1, 2024 2023, and each plan submitted by December 1 thereafter, shall address risks of flooding and sea level rise identified in the comprehensive statewide flood vulnerability and sea level rise assessment.

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

a. Counties.

b. Municipalities.

c. Special districts as defined in s. 189.012 that are responsible for the management and maintenance of inlets and intracoastal waterways or for the operation and maintenance of a potable water facility, a wastewater facility, an airport, or a seaport facility.

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

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

a. Water management districts.

b. Drainage districts.

c. Erosion control districts.

d. Flood control districts.

e. Regional water supply authorities.

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

- a. A description of the project.
- b. The location of the project.
- c. An estimate of how long the project will take to complete.
- d. An estimate of the cost of the project.
- e. The cost-share percentage available for the project.
- f. The project sponsor.

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

(i) The total amount of funding proposed for each year of the plan may not be less than exceed \$100 million. Upon review and subject to appropriation, the Legislature shall approve funding for the projects as specified in the plan. Multiyear projects that receive funding for the first year of the project must be included in subsequent plans and funded until the project is complete, provided that the project sponsor has complied with all contractual obligations and funds are available.

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

380.0933 Florida Flood Hub for Applied Research and Innovation.—

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

Section 6. Subsection (2) of section 472.0366, Florida Statutes, is amended to read:

472.0366 Elevation certificates; requirements for surveyors and mappers.—

(2) Beginning January 1, 2023 ~~2017~~, a surveyor and mapper shall, within 30 days after completion, submit to the division a digital copy of each elevation certificate that he or she completes as outlined on the division’s website. The copy must be unaltered, except that the surveyor and mapper may redact the name of the property owner. The copy need not be signed and sealed when submitted to the division; however, an original signed and sealed copy must be retained in the surveyor and mapper’s records as prescribed by rule of the board.

Section 7. This act shall take effect July 1, 2022.

Approved by the Governor May 3, 2022.

Filed in Office Secretary of State May 3, 2022.