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1  
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 specifying the duties of the Chief Resilience Officer;  
8 authorizing and requiring certain entities to assist  
9 the Chief Resilience Officer; requiring the Department  
10 of Environmental Protection, in consultation with the  
11 Chief Resilience Officer, to submit a report on flood  
12 resilience and mitigation efforts to the Governor and  
13 Legislature by a specified date; providing report  
14 requirements; creating s. 339.157, F.S.; requiring the  
15 Department of Transportation to develop a resilience  
16 action plan based on certain criteria for the State  
17 Highway System; providing the goals and required  
18 components of the plan; requiring the department to  
19 submit the plan and plan status reports to the  
20 Governor and the Legislature by specified dates;  
21 amending s. 380.093, F.S.; providing definitions;  
22 revising the projects the Department of Environmental  
23 Protection may fund within the Resilient Florida Grant  
24 Program; revising vulnerability assessment  
25 requirements for noncoastal communities; extending the

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26 | dates by which the department must complete a  
 27 | comprehensive statewide flood vulnerability and sea  
 28 | level rise data set and assessment; requiring the data  
 29 | set to be developed in coordination with the Florida  
 30 | Flood Hub for Applied Research and Innovation;  
 31 | requiring eligible projects submitted to the  
 32 | department to be ranked and included in the Statewide  
 33 | Flood and Sea Level Rise Resilience Plan; revising the  
 34 | entities authorized to submit proposed projects by  
 35 | specified dates; revising the annual amount of  
 36 | proposed funding for the plan; amending s. 380.0933,  
 37 | F.S.; requiring the Florida Flood Hub for Applied  
 38 | Research and Innovation to provide tidal and storm  
 39 | surge flooding data to counties and municipalities for  
 40 | vulnerability assessments; amending s. 472.0366, F.S.;  
 41 | revising the requirements for copies of evaluation  
 42 | certificates that must be submitted to the Division of  
 43 | Emergency Management; revising requirements for the  
 44 | elevation certificates; providing an effective date.

45 |

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

47 |

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

50 | 14.2031 Statewide Office of Resilience.-

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

59       (2) The Chief Resilience Officer shall:

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

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

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

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

71       (e) Collaborate with the Florida Flood Hub for Applied  
72 Research and Innovation and other appropriate entities to  
73 provide technical guidance to state agencies, as well as local  
74 and regional governmental entities, to incorporate future  
75 standards and projections regarding flooding, including sea

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76 level rise projections, into future state projects, plans, and  
 77 programs.

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

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

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

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

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

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

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

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

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

113       339.157 Resilience action plan.—

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

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

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

124       (c) Enhance partnerships to address multijurisdictional  
 125 resilience needs.

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

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

137            1. Synthesize historical and current infrastructure  
 138 resilience issues statewide.

139            2. Evaluate alternatives for retrofitting existing systems  
 140 and infrastructure.

141            3. Develop prioritization criteria for resilience project  
 142 identification.

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

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

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151 prioritization.

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

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

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

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

172 380.093 Resilient Florida Grant Program; comprehensive  
 173 statewide flood vulnerability and sea level rise data set and  
 174 assessment; Statewide Flooding and Sea Level Rise Resilience  
 175 Plan; regional resilience entities.—

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

177 (c) "Preconstruction activities" means activities

178 associated with a project that occur before construction begins,

179 including, but not limited to, design of the project, permitting

180 for the project, surveys and data collection, site development,

181 solicitation, public hearings, local code or comprehensive plan

182 amendments, establishing local funding sources, and easement

183 acquisition.

184 (d) "Regionally significant assets" means critical assets

185 that support the needs of communities spanning multiple

186 geopolitical jurisdictions, including, but not limited to, water

187 resource facilities, regional medical centers, emergency

188 operations centers, regional utilities, major transportation

189 hubs and corridors, airports, and seaports.

190 (3) RESILIENT FLORIDA GRANT PROGRAM.—

191 (b) Subject to appropriation, the department may provide

192 grants to a county or municipality to fund:

193 1. The costs of community resilience planning and

194 necessary data collection for such planning, including

195 comprehensive plan amendments and necessary corresponding

196 analyses that address the requirements of s. 163.3178(2)(f) .†

197 2. Vulnerability assessments that identify or address

198 risks of inland or coastal flooding and sea level rise .†

199 3. The development of projects, plans, and policies that

200 allow communities to prepare for threats from flooding and sea



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

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

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

217 2. If applicable, the depth of:

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

223 b. Current and future storm surge flooding using publicly  
 224 available National Oceanic and Atmospheric Administration or  
 225 Federal Emergency Management Agency storm surge data. The

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226 initial storm surge event used must equal or exceed the current  
227 100-year flood event. Higher frequency storm events may be  
228 analyzed to understand the exposure of a critical asset.

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

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

243 3. The following scenarios and standards:

244 a. All analyses in the North American Vertical Datum of  
245 1988.

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

250 c. At least two planning horizons that include planning

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251 horizons for the years 2040 and 2070.

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

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

261 (a) By July 1, 2023 ~~2022~~, the department shall complete  
 262 the development of a comprehensive statewide flood vulnerability  
 263 and sea level rise data set sufficient to conduct a  
 264 comprehensive statewide flood vulnerability and sea level rise  
 265 assessment. In developing the data set, the department shall, in  
 266 coordination with the Florida Flood Hub for Applied Research and  
 267 Innovation, compile, analyze, and incorporate, as appropriate,  
 268 information related to vulnerability assessments submitted to  
 269 the department pursuant to subsection (3) or any previously  
 270 completed assessments that meet the requirements of subsection  
 271 (3).

272 1. The Chief Science Officer shall, in coordination with  
 273 necessary experts and resources, develop statewide sea level  
 274 rise projections that incorporate temporal and spatial  
 275 variability, to the extent practicable, for inclusion in the

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276 data set. This subparagraph does not supersede regionally  
 277 adopted projections.

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

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

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

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

295 3. The assessment must include an inventory of critical  
 296 assets, including regionally significant assets, that are  
 297 essential for critical government and business functions,  
 298 national security, public health and safety, the economy, flood  
 299 and storm protection, water quality management, and wildlife  
 300 habitat management, and must identify and analyze the

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301 | vulnerability of and risks to such critical assets. When  
 302 | identifying critical assets for inclusion in the assessment, the  
 303 | department shall also take into consideration the critical  
 304 | assets identified by local governments and submitted to the  
 305 | department pursuant to subsection (3).

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

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

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326 projects.

327 (b) The plan submitted by December 1, 2021, before the  
 328 comprehensive statewide flood vulnerability and sea level rise  
 329 assessment is completed, will be a preliminary plan that  
 330 includes projects that address ~~addresses~~ risks of flooding and  
 331 sea level rise identified in available local government  
 332 vulnerability assessments and projects submitted by water  
 333 management districts that mitigate the risks of flooding or sea  
 334 level rise on water supplies or water resources of the state.  
 335 The plan submitted by December 1, 2022, and the plan submitted  
 336 by December 1, 2023, will be updates ~~an update~~ to the  
 337 preliminary plan. The plan submitted by December 1, 2024 ~~2023~~,  
 338 and each plan submitted by December 1 thereafter, shall address  
 339 risks of flooding and sea level rise identified in the  
 340 comprehensive statewide flood vulnerability and sea level rise  
 341 assessment.

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

348 a. Counties.

349 b. Municipalities.

350 c. Special districts as defined in s. 189.012 that are

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351 responsible for the management and maintenance of inlets and  
 352 intracoastal waterways or for the operation and maintenance of a  
 353 potable water facility, a wastewater facility, an airport, or a  
 354 seaport facility.

355  
 356 For the plans submitted by December 1, 2021; December 1, 2022;  
 357 and December 1, 2023, such entities may submit projects  
 358 identified in existing vulnerability assessments that do not  
 359 comply with subsection (3). A regional resilience entity may  
 360 also submit ~~such~~ proposed projects to the department pursuant to  
 361 this subparagraph on behalf of one or more member counties or  
 362 municipalities.

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

- 369 a. Water management districts.
- 370 b. Drainage districts.
- 371 c. Erosion control districts.
- 372 d. Flood control districts.
- 373 e. Regional water supply authorities.

374 3. Each project submitted to the department pursuant to  
 375 this paragraph ~~by a county, municipality, regional resilience~~

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376 ~~entity, water management district, or flood control district~~ for  
377 consideration by the department for inclusion in the plan must  
378 include:

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

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

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



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

405 380.0933 Florida Flood Hub for Applied Research and  
 406 Innovation.—

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

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

414 472.0366 Elevation certificates; requirements for  
 415 surveyors and mappers.—

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

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