



RESILIENT FLORIDA

62S-8 Rulemaking Workshop

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Office of Resilience and Coastal Protection

Public Rulemaking Workshop | Jan. 16, 2025



RESILIENT FLORIDA (RF) LEADING THROUGH ACTION

2021:

- "Always Ready Bill" establishing the program and Chapter 380.093, Florida Statutes (F.S.).
- Senate Bill 1954 / House Bill 7019.

2022-2024:

- Annual updates to 380.093, F.S.
- 2024 amendment requires rulemaking to maintain consistency with updated Statute.





RESILIENT FLORIDA PROGRAM

- Five program elements:
 - Planning grants.
 - Implementation grants.
 - Regional resilience entities (RRE).
 - Statewide data set and assessment.
 - Florida Flood Hub (FFH).
- Other initiatives:
 - Florida Seafloor Mapping Initiative.
 - Florida Estuarine Restoration Team.
 - Statewide living shorelines suitability model.
 - Quarterly Resilience Forum.





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STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN



- Prioritized based on criteria in statute and implemented via Rule 62S-8, Florida Administrative Code (F.A.C.).
- Three-year rolling plan of projects:
 - Fully-fund projects to completion.
- 50% match funding is required unless community is eligible for reduced cost share.
- Must include at least \$100 million of projects each year.



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62S-8 RULE DEVELOPMENT WORKSHOP

CHAPTER 62S-8

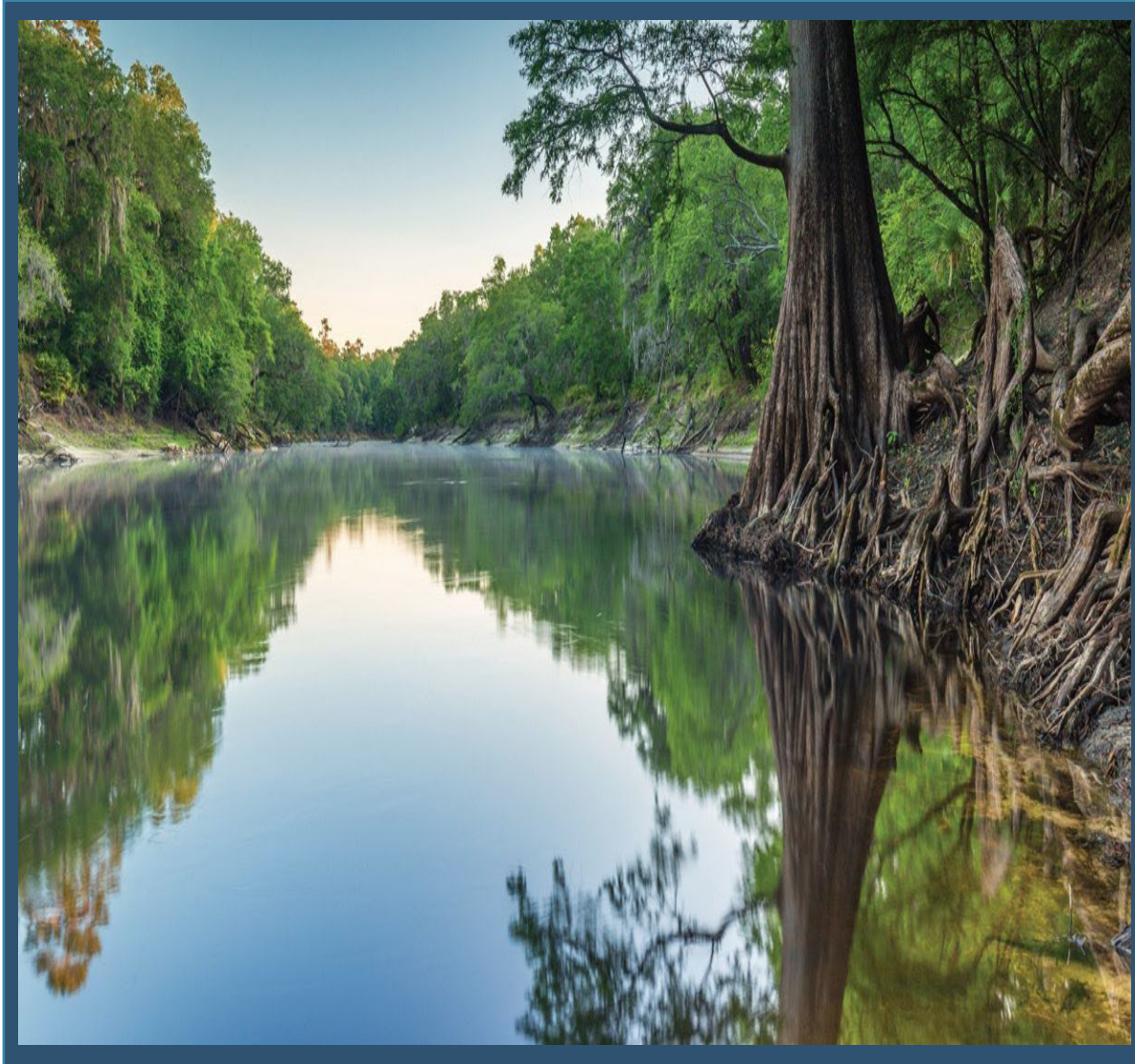
STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN

Types of Changes Discussed in this Rulemaking Workshop

- Required: Necessary for consistency with 380.093, F.S.
- Clean-up and Clarification: Remove outdated language and clarify language
- Discretionary Options: Address opportunities for improvement



RESILIENT FLORIDA PROGRAM 62S-8 RULE DEVELOPMENT WORKSHOP



Required Changes

- Changes that align the rule with the updates from 2024 Legislature
- Ex: Updating statutory reference

380.093(5)(g) 380.093(5)(h)



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62S-8 RULE DEVELOPMENT WORKSHOP

Required Changes

62S-8.002 Definitions.

(1) “Adaptation plan” means a plan that develops goals, priorities, strategies, and actions to best minimize impacts of flooding, sea level rise, or other threats and vulnerabilities, as applicable, and establishes a process to implement those actions.

(2) “Community eligible for a reduced cost share” is as defined in Section 380.093(5)(e), F.S.

(2) through (7) renumbered as (3) through (8)

(8) ~~“Financially disadvantaged small community” is as defined in Section 380.093(5)(e), F.S.~~

(9) through (13) no change.



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Required Changes

62S-8.003 Project Scoring Criteria.

(1) All projects eligible for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan by meeting the requirements in Section 380.093(5), F.S., will be reviewed by the Department. Each eligible project will be allocated points based on the tiered structure outlined in this rule and consistent with Section **380.093(5)(g)** ~~380.093(5)(h)~~, F.S. Total points awarded will determine the project rank. If an applicant fails to demonstrate it meets a specific scoring criteria by failing to satisfy all relevant requirements for that criteria set forth in this rule, that criteria will receive a score of zero.

(2)(b) Ten points will be awarded if the project reduces one or more risks to a regionally significant asset, as defined in Section **380.093(2)(e)** ~~380.093(2)(d)~~, F.S., or if the project adapts a regionally significant asset to help avoid such risk. For the purpose of this paragraph, adaptation of a regionally significant asset to avoid risk may include relocation of the asset outside the area(s) of flooding risk.

62S-8.03(2)(b) as a heading, then this language copied



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Required Changes

62S-8.003 Project Scoring Criteria.

(3)(b)3. One point will be awarded if local funding sources are committed as cost share or if the community is **eligible for reduced cost share** ~~a financially disadvantaged small community~~. Available cost share can be demonstrated by relevant documentation, including an approved and adopted capital improvement plan, a signed letter from the Chief Executive Officer (or equivalent) of the eligible entity, a resolution or agenda item to be presented to the governing board committing funding to the project if selected, or any other comparable document showing availability of funds.



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Required Changes

62S-8.003 Project Scoring Criteria.

(4)(a)1. Zero points will be awarded if the proposal does not demonstrate that a source for the required 50% cost share has been specifically identified unless the community is **eligible for reduced cost share** ~~a financially disadvantaged small community~~; or

2. Remain unchanged

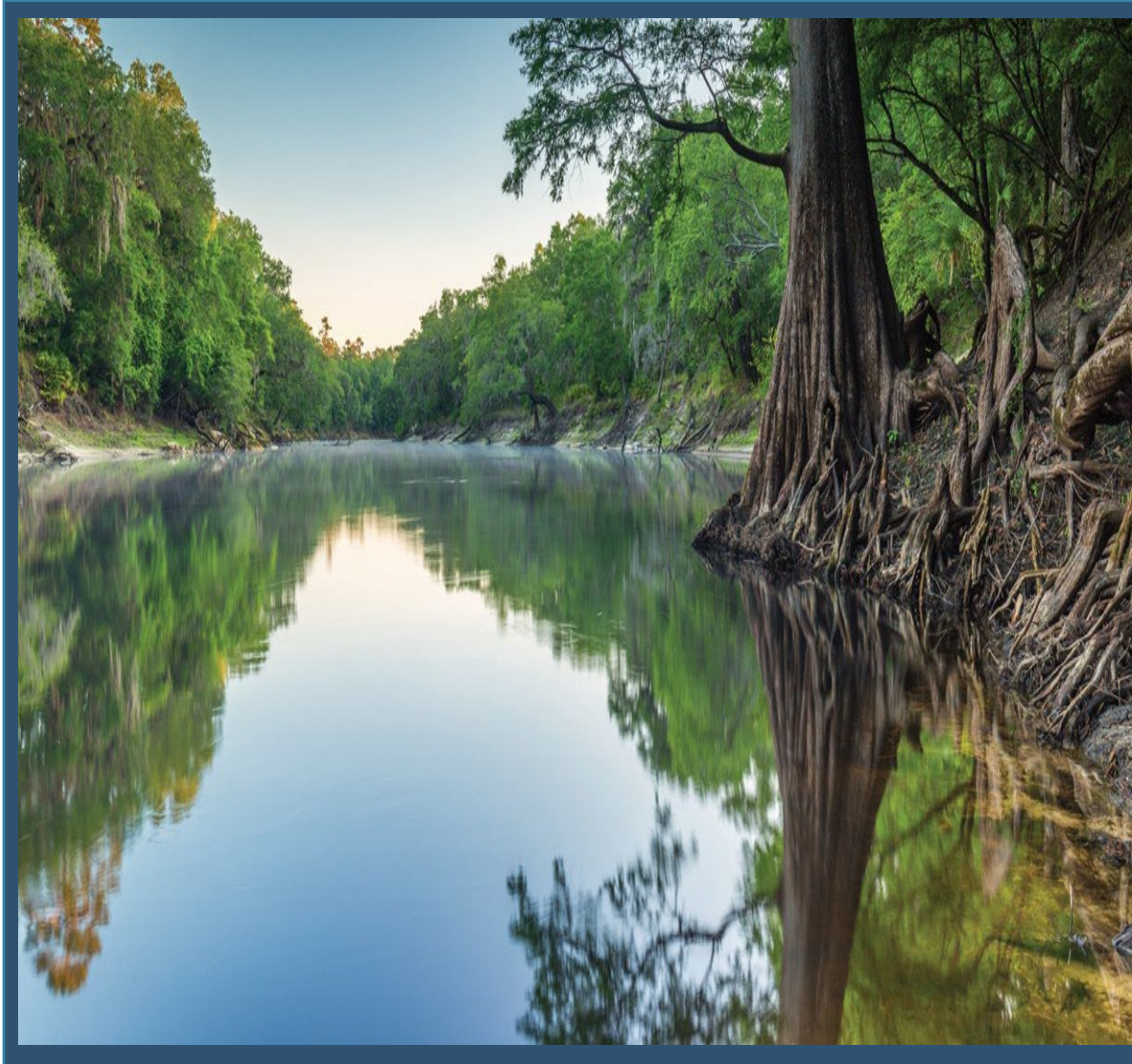
3. A total of 6.5 points will be awarded if the project proposal provides documentation that 50% cost share is available or if the community is **eligible for reduced cost share** ~~a financially disadvantaged small community~~. Available cost share can be demonstrated by providing an approved and adopted capital improvement plan, a letter from the Chief Executive Officer (or equivalent) of the eligible entity committing funding, a resolution from the governing board committing funding to the project if selected, or any other similar document showing availability of funds.

(4)(b) 1. One point will be awarded if the applicant provides verification of previous state funding awarded for preconstruction activities, as defined in Section **380.093(2)(d)** ~~380.093(2)(c)~~, F.S., except for those preconstruction activities involving the design of or permitting for the project;



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Clean-up and Clarification Changes

- Are not intended to be substantive
- Remove outdated or unnecessary language
- Clarify existing language



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Clarification Changes

62S-8.002 Definitions.

(1) ~~“Adaptation plan” means a plan that develops goals, priorities, strategies, and actions to best minimize impacts of flooding, sea level rise, or other threats and vulnerabilities, as applicable, and establishes a process to implement those actions.~~

~~(2)~~ “Compound flooding” is flooding caused by complex interactions between two or more oceanographic, hydrological, or meteorological processes such as the combination of pluvial (rainfall-induced flooding, such as flash, surface water, drain, and sewer floods), fluvial (riverine floods), coastal (sea level rise, tides, waves, storm surge, and nuisance floods), or groundwater flooding.

(2) ~~(3)~~ “Comprehensive statewide flood vulnerability and sea level rise assessment” is an assessment the Department is required to develop under Section 380.093(4)(b), F.S., and which must be completed by the same on or before July 1, 2024, and updated every five years, that identifies inland and coastal infrastructure, geographic areas, and communities in Florida that are vulnerable to flooding and sea level rise and the associated risks.



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Clarification Changes

62S-8.002 Definitions.

(3) ~~(4)~~ “Comprehensive vulnerability assessment” is an evaluation that identifies risks to a community, including flooding and sea level rise, as applicable; meets all the required statutory elements for vulnerability assessments listed in Sections 380.093(3)(c) through (d), F.S.; and includes, but is not limited to, any supplemental plans, assessments, documents, reports, strategies, maps, or electronic databases that identify **such risks** ~~or address risks of flooding and sea level rise~~ to critical or regionally significant assets.

(5) and (6) renumbered as (4) and (5)

(6) ~~(7)~~ “Eligible entity” means those entities specifically identified in Section 380.093(5)(d) **1. and 2.**, F.S., as eligible to submit proposed projects for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.

(8) through (13) renumbered as (7) through (12)



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Clarification Changes

62S-8.003 Project Scoring Criteria.

(2)(a) Up to 10 points will be awarded for the degree to which the project **reduces** ~~addresses~~ the risks posed by flooding and **from** sea level rise. These points will be allocated in the following manner:

1. Five points will be awarded if the project **reduces** ~~addresses~~ risks posed by flooding or sea level rise either specifically identified in an existing comprehensive vulnerability assessment that shall be submitted to the Department with the proposal, or in the comprehensive statewide flood vulnerability and sea level rise assessment ~~, once available. Prior to December 1, 2023, applicants without a comprehensive vulnerability assessment shall receive points based on risks posed by flooding or sea level rise identified in an assessment, report, evaluation, or other documentation of risk that analyzes the impacts of existing or future flooding or sea level rise; and~~

2. Five points will be awarded if the project **reduces** ~~addresses~~ risks posed by compound flooding either specifically identified in an existing comprehensive vulnerability assessment that shall be submitted to the Department with the proposal, or in the comprehensive statewide flood vulnerability and sea level rise assessment, ~~once available. Prior to December 1, 2023, applicants without a comprehensive vulnerability assessment shall receive points based on risks posed by flooding or sea level rise identified in an assessment, report, evaluation, or other documentation of risk that analyzes the impacts of existing or future flooding or sea level rise.~~



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Clarification Changes

62S-8.003 Project Scoring Criteria.

(2)(c) Up to 10 points will be awarded for reducing risk located in areas with a higher percentage of vulnerable critical assets. For the purpose of this paragraph, a vulnerable critical asset is a critical asset identified in a comprehensive vulnerability assessment as having one or more risks due to flooding or sea level rise. Higher frequency storm events analyzed that are beyond the requirements of Section 380.093(3)(d), F.S., shall not be used to establish the percentages in these criteria. ~~Prior to December 1, 2023, for applicants without a comprehensive vulnerability assessment, a vulnerable critical asset is a critical asset identified as having one or more risks due to flooding or sea level rise in an assessment, report, evaluation, or other documentation of risk that analyzes the impacts of existing or future flooding or sea level rise.~~ The proposal must include the percentage of vulnerable critical assets in the project impact area.



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Discretionary Options

- Options that are substantive but not required
- Intended to:
 - Address identified opportunities for improvement
 - Increase public understanding of RF requirements
 - Increase consistency



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Discretionary Options – Paper Applications

62S-8.001 Purpose.

(1) The purpose of Chapter 62S-8, F.A.C., is to establish project scoring criteria that, pursuant to Section 380.093, F.S., shall be used in the Department's evaluation and ranking of implementation project grant proposals submitted for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.

(2) The Department **requires** ~~encourages~~ the electronic submittal of application materials through the application portal available online here: <https://fdep.force.com/grants/s/>. ~~Alternatively, application materials can be submitted in paper form to the Resilient Florida Grant Program at: 2600 North Blair Stone Road, MS #235, Tallahassee, Florida 32399.~~



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Discretionary Options – Definitions

62S-8.002 Definitions.

Purpose:

- To provide clarity on the eligibility of cost share and the eligibility of expenses for project grant proposals for inclusion in the Statewide Resilience Plan.
- These changes will answer commonly asked questions regarding project applications and eligibility.

Options for addressing:

- Add definitions for “cost share” and “eligible expenses.”



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Discretionary Options – Definitions

62S-8.002 Definitions.

“Cost share” is the required matching funds for a project in the Statewide Flooding and Sea Level Rise Resilience Plan. Cost share may not include state appropriations nor expenses that are ineligible pursuant to Section 380.093(5)(f), F.S. Cost share must include verifiable expenditures made by the grantee towards the completion of the proposed project and may include expenditures up to three years prior to the fiscal year of award. Final reimbursements under the grant award cannot be made until documentation of cost share expenditure of full required value is made.

“Eligible expenses” are justifiable project expenses needed to reduce the risk of flooding or risk of impacts from sea level rise and shall not include expenses for any activity unrelated to the mitigation of flooding or sea level rise impacts or otherwise listed as ineligible for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan pursuant to Section 380.093(5)(f), F.S.



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Discretionary Options – Eligible Projects

Purpose:

- To specify that projects must reduce a risk of flooding to be eligible for inclusion in the Statewide Resilience Plan.
- Address confusion on which projects are eligible for planning vs. implementation funds.

Options for addressing:

- New sentence in subsection 62S-8.003(1).



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Discretionary Options – Eligible Projects

62S-8.003 Project Scoring Criteria.

(1) All projects eligible for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan by meeting the requirements in Section 380.093(5), F.S., will be reviewed by the Department. Projects that do not reduce the risk of flooding or risk of impacts from sea level rise are not eligible for inclusion in the plan. Each eligible project will be allocated points based on the tiered structure outlined in this rule and consistent with Section 380.093(5)(h), F.S. Total points awarded will determine the project rank. If an applicant fails to demonstrate it meets a specific scoring criteria by failing to satisfy all relevant requirements for that criteria set forth in this rule, that criteria will receive a score of zero.



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Discretionary Options – Tie-breakers

Purpose:

- To resolve tie-breakers that emerge from the project scoring process for project grant proposals for inclusion in the Statewide Resilience Plan.
- These changes will help simplify the funding allocation in the event two proposals receive the same score but can not be fully funded.

Options for addressing:

- New paragraph in subsection 62S-8.003(1).

(a) If multiple project proposals receive the same score, each project will be awarded a share of the available funding based on the proportion of its funding request compared to the total funding requested by all projects with the same score.



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Discretionary Options – Scoring Criteria – Tier 1

62S-8.003 Project Scoring Criteria

Purpose:

- Improve consistency with statute for Tier 1a.

“a. The degree to which the project addresses the risks posed by flooding and sea level rise identified in the local government vulnerability assessments or the comprehensive statewide flood vulnerability and sea level rise assessment, as applicable.”

- Increase consistency between Tier 1a and 1b.

Options for addressing:

- Award points based on the level of risk for the asset.
- Include relevant language already in Tier 1b into Tier 1a.



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Discretionary Options – Scoring Criteria – Tier 1

62S-8.003 Project Scoring Criteria.

(2)(a)1. Up to five points will be awarded for the level of risk if the project addresses as identified risks ~~posed by flooding or sea level rise either specifically identified~~ in an existing comprehensive vulnerability assessment that shall be submitted to the Department with the proposal, or in the comprehensive statewide flood vulnerability and sea level rise assessment, once available. Prior to December 1, 2023, applicants without a comprehensive vulnerability assessment shall receive points based on risks posed by flooding or sea level rise identified in an assessment, report, evaluation, or other documentation of risk that analyzes the impacts of existing or future flooding or sea level rise. For the purpose of this subparagraph, adaptation of an asset to avoid risk may include relocation of the asset outside the area(s) of flooding risk; and

a. One point will be awarded if the project reduces a risk of flooding for a critical asset identified as low risk for any scenario;

b. Three points will be awarded if the project reduces a risk of flooding for a critical asset identified as medium risk for any scenario; and

c. Five points will be awarded if the project reduces a risk of flooding for a critical asset identified as high risk for any scenario.



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Discretionary Options – Scoring Criteria – Tier 1

62S-8.003 Project Scoring Criteria.

(2)(a)2. Five points will be awarded if the project addresses risks posed by compound flooding either specifically identified in an existing comprehensive vulnerability assessment that shall be submitted to the Department with the proposal, or in the comprehensive statewide flood vulnerability and sea level rise assessment, once available. Prior to December 1, 2023, applicants without a comprehensive vulnerability assessment shall receive points based on risks posed by flooding or sea level rise identified in an assessment, report, evaluation, or other documentation of risk that analyzes the impacts of existing or future flooding or sea level rise. For the purpose of this subparagraph, adaptation of an asset to avoid risk may include relocation of the asset outside the area(s) of flooding risk.



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Discretionary Options – Scoring Criteria – Tier 2

62S-8.003 Project Scoring Criteria

Purpose:

- Emphasize readiness to proceed consistent with statute.
- Ensure that project evaluators receive the items needed to assess scoring criteria for design, permitting, and cost-share availability.

Options for addressing:

- Simplify point totals by reducing instances of decimals while shifting points to permitting.
- Strengthen submission requirements related to these criteria.



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Discretionary Options – Scoring Criteria – Tier 2

62S-8.003 Project Scoring Criteria.

(3)(b)1. Up to 3.75 points will be awarded based on the status of project design. Points will be allocated in the following manner:

- a. Zero points will be awarded if no design documentation is provided;
- b. One point will be awarded if a partial design or other site-specific environmental or geotechnical report that demonstrates the furtherance of a readiness to proceed is submitted; or
- c. A total of 3.75 points will be awarded if final drawings or plans that are properly certified (~~e.g., engineer's certification, signed and sealed by registered professional, etc.~~) by a registered professional in the relevant field are submitted.



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Discretionary Options – Scoring Criteria – Tier 2

62S-8.003 Project Scoring Criteria.

(3)(b)2. Up to ~~2.75~~ 4 points will be awarded based on the project's permitting status and the status of any needed easements. Points will be allocated in the following manner:

a. One point will be awarded for providing a list of all permits and easements necessary for completion of the project, if applicable;

b. A total of ~~1.5~~ 2 points will be awarded if proof of application for necessary permits or approval from at least one authority having legal jurisdiction over such permitting is submitted with the proposed project; or

c. A total of ~~2.75~~ 4 points will be awarded if all necessary permit(s) and easement(s) have been authorized or obtained or if permitting or easement(s) are not required. Documentation must be submitted at the time of proposal to receive points. Documentation shall include a signed letter by the authority having jurisdiction or registered professional in the relevant field identifying all required permits and easements necessary for project completion and a status of each, including, for permits, issuing agency, permit number, and issuance date, and for easements, the date easement was recorded with the applicable county. If no permits or easements are required, the documentation must state as such.



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Discretionary Options – Scoring Criteria – Tier 2

62S-8.003 Project Scoring Criteria.

(3)(b)3. A half point ~~One~~ point will be awarded if local funding sources are committed as cost share or if the community is a financially disadvantaged small community. Available cost share can be demonstrated by relevant documentation, including an approved and adopted capital improvement plan, ~~a signed letter from the Chief Executive Officer (or equivalent) of the eligible entity,~~ a resolution or agenda item to be presented to the governing board committing funding to the project if selected, or any other comparable document showing availability of funds. Submitted documentation must state the funding source of the cost share.



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Discretionary Options – Scoring Criteria – Tier 3

62S-8.003 Project Scoring Criteria

Purpose:

- Ensure that project evaluators receive the items needed to assess cost-share availability.

Options for addressing:

- Strengthen submission requirements and specifying funding source for all applications.

(4)(a)3. A total of 6.5 points will be awarded if the project proposal provides documentation that 50% cost share is available or if the community is a financially disadvantaged small community. Available cost share can be demonstrated by providing an approved and adopted capital improvement plan, ~~a letter from the Chief Executive Officer (or equivalent) of the eligible entity committing funding,~~ a resolution from the governing board committing funding to the project if selected, or any other similar document showing availability of funds. Submitted documentation must state the funding source of the cost share.



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Discretionary Options – Scoring Criteria – Tier 4

62S-8.003 Project Scoring Criteria

Purpose:

- Address challenges with project ability to be awarded points for innovative technology criteria.
- Provide additional benefit to projects in financially disadvantaged communities.

Options for addressing:

- Split allocation for innovative technology criteria.
- Adjusting points within the tier to better assist financially disadvantaged communities.
- Clarify requirements for demonstrating financial disadvantage.



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Discretionary Options – Scoring Criteria – Tier 4

62S-8.003 Project Scoring Criteria.

(5)(a) Up to three ~~Five~~ points will be awarded if the project includes innovative technologies ~~designed to reduce project costs and provide regional collaboration.~~ For the purpose of this paragraph, innovative means an emerging technology or a proven technology that is being used in a unique way to adapt one or more critical assets to the effects of flooding or sea level rise in the project impact area. The proposal must demonstrate which specific technologies will be used and explain why they are innovative as well as how they will reduce cost, ~~and~~ provide regional collaboration, or do both;

1. 1.5 points will be awarded if the project includes innovative technology to reduce cost; and

2. 1.5 points will be awarded if the project includes innovative technology to increase regional collaboration; and

(b) Seven ~~Five~~ points will be awarded if the proposal demonstrates that the project impact area of the proposed project is wholly or partially located in and benefits a financially disadvantaged community on any statutory designation based on the low economic status of the community being served, including, but not limited to, Rural Areas of Opportunity and Fiscally Constrained Communities.



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Discretionary Options – Eligibility for Additional Funds

62S-8.003 Project Scoring Criteria

Purpose:

- To clarify requirements for additional funds requests.

Options for addressing:

- New paragraph in subsection 62S-8.003(6).



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Discretionary Options – Eligibility for Additional Funds

62S-8.003 Project Scoring Criteria.

(6) Pursuant to Section 380.093(5)(h), F.S., 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. Entities conducting projects needing funds in addition to the original grant award must submit to the Department verifiable documentation of need. This documentation can be in the form of contractor bids or an executed contract for the project work. Contractor bids must be valid at the time of making the additional funding request and related to the existing grant agreement's scope of work. Expenditures for additional funds may not precede the start of the fiscal year in which the additional funds are awarded.



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Next Steps

- Public workshop – Today
 - Comment period through January 31st at 11:59 pm (please email Resilience@FloridaDEP.gov).
 - **Note:** public comments are public records under Florida’s Sunshine Law
 - Workshop presentation will be posted online
- RF will compile and incorporate public input as needed
- Notice proposed rule in FAR
 - Substantive changes may prompt additional public comment opportunities
- Rule effective – July 1, 2025

*To sign up for rulemaking updates, visit
<https://floridadep.gov/rcp/resilient-florida-program> and click on
“Click here to stay updated on the Resilient Florida Rulemaking”*

Reach us at (850) 245-7600

THANK YOU

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