

## 62S-7: Sea Level Impact Projection (SLIP) Studies for State-Financed Coastal Construction

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### 62S-7.010 Definitions.

(1) “Coastal building zone” means

- a. the land area from the seasonal high-water line landward to a line 1,500 feet landward from the coastal construction control line as established pursuant to s. 161.053, and, for those coastal areas fronting on the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida and not included under s. 161.053, the land area seaward of the most landward velocity zone (V-zone) line as established by the Federal Emergency Management Agency (FEMA) and shown on flood insurance rate maps;
- b. on coastal barrier islands, it shall be the land area from the seasonal high-water line to a line 5,000 feet landward from the coastal construction control line established pursuant to s. 161.053, or the entire island, whichever is less;
- c. all land area in the Florida Keys located within Monroe County shall be included in the coastal building zone.

(2) “Expected life” means the time when an element is supposed to function within its specified parameters; in other words, the life expectancy of the structure or project.

(3) “Flood depth” is the water level measured in feet above the ground at the project location.

(4) “Horizontal construction” means new construction of surface parking lots, highways, roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water and wastewater distribution or conveyance facilities, wharves, docks, airport runways and taxiways, drainage projects, or related types of projects associated with civil engineering construction.

(5) “New coastal structure” means a major or nonhabitable major structure for which construction has not yet commenced beginning XX-XX-XXX (one year after effective date of this rule). Projects that are rehabilitation or maintenance of existing structures, included related minor improvements shall not be considered new.

a. “Major Structures” are defined in s. 161.54(6)(a).

b. Nonhabitable Major Structures” are defined in s. 161.54(6)(c).

(6) “Vertical construction” means the new construction of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto. *Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

### 62S-7.011 Requirements of the State-Financed Constructor

(1) Beginning XX-XX-XXX (one year after effective date of this rule) a state-financed constructor, as defined in s. 161.551, F.S., must ~~conduct perform~~ a SLIP study that meets the standards and criteria in Rule 62S-7.012, F.A.C., prior to construction of a new coastal structure. ~~for construction of a new coastal structure according to the standards defined in Chapter 62S-7.012, F.A.C. The Department has developed a web-based tool for performing a SLIP study and submitting a SLIP study developed using this web-based tool shall fulfill the requirements of s. 161.55, F.S. A state-financed constructor may also meet the requirements of s. 161.55, F.S., by submitting a SLIP study that meets the standards and criteria established in Chapter 62S-7.012, F.A.C.— A state-financed constructor may comply with this requirement by using the Department’s web-based tool, which was designed to meet the criteria in Rule 62S-7.012, F.A.C., for performing and submitting a SLIP study or conduct and submit a SLIP study by their own method that otherwise meets the standards and criteria established in Chapter 62S-7.012, F.A.C..~~

(2) ~~The state-financed constructor must submit the SLIP study to the Department for publication on the department website. The state-financed constructor may not commence construction of a new coastal structure until a SLIP study meeting the criteria in Rule 62S-7.012, F.A.C., has been submitted to the Department and has received notification from the Department via the web-based tool or email that the SLIP study has been published on the Department’s website for 30 days. The department encourages submission of the SLIP study during planning and design phases of the project.~~

~~(3) The state financed constructor may not commence construction until notified by the Department that:~~  
a. ~~The SLIP study was approved as meeting the requirements of s. 161.551, F.S. and~~  
b. ~~The 30 day publication period has finished.~~

~~(4) The Department will send such notification via the web based SLIP study tool or email.~~

(3) All SLIP studies will be maintained on the Department's website for a minimum of 10 years.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

### **62S-7.012 SLIP Study Standards**

~~(1) A SLIP study required under s. 161.551, F.S., shall meet the following standards and criteria, and the Department's web-based tool has been designed to meet these standards and criteria: A state financed constructor choosing not to use the department's web-based tool to conduct the SLIP study required under s. 161.551, F.S., shall do all of the following:~~

~~(a) Show the amount of sea level rise expected over 50 years or the expected life of the structure, whichever is less. When there are multiple project features that function as one combined project, as contemplated by s. 161.551(3), F.S., one SLIP study may be submitted, but the expected life shall be that of the highest Risk Category for all project features contemplated.~~

The amount of sea level rise expected must be calculated using the following criteria:

1. The sea level rise scenarios used for analysis must, at a minimum, include the NOAA Intermediate-High sea level rise scenario from the National Oceanic and Atmospheric Administration (NOAA) report, "2017 NOAA Technical Report National Ocean Service Center for Operational Oceanographic Products and Services (NOS CO-OPS) 083, Global and Regional Sea Level Rise Scenarios for the United States, 1100 Wayne Ave, Silver Spring, MD 20910," hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. Copies of these documents may be obtained by writing to the ~~Office of Resilience and Coastal Protection, Mail Station 235, Department of Environmental Protection, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000.~~ National Oceanic and Atmospheric Administration, National Ocean Service, Center for Operational Oceanographic Products and Services, Silver Spring, Maryland 20910.

2. The local sea level rise at the project's location must be interpolated (using the project's distance away from the gauges as the independent variable) between the two closest coastal tide gauges with NOAA sea level rise projections listed below. ~~(The projections list can be found here: <https://tidesandcurrents.noaa.gov/sltrends/sltrends.html>)~~

- (a) 8670870 Fort Pulaski, GA
- (b) 8720030 Fernandina Beach, Florida
- (c) 8720218 Mayport, Florida
- (d) 8721604 Trident Pier, Florida
- ~~(e) 8721120 Daytona Beach, Florida~~
- ~~(f) 8722670 Lake Worth Pier~~
- ~~(g) 8723170 Miami Beach, Florida~~
- (h) 8723214 Virginia Key, Florida
- (i) 8723970 Vaca Key, Florida
- (j) 8724580 Key West, Florida
- (k) 8725110 Naples, Florida
- (l) 8725520 Fort Myers, Florida
- (m) 8726520 St. Petersburg, Florida
- (n) 8726724 Clearwater Beach, Florida
- (o) 8727520 Cedar Key, Florida
- (p) 8728690 Apalachicola, Florida
- (q) 8729108 Panama City, Florida
- ~~(r) 8729210 Panama City Beach, FL~~
- (s) 8729840 Pensacola, Florida
- (t) 8735180 Dauphin Island, AL

3. Flood depth must be calculated in North American Vertical Datum of 1988 (NAVD88) over the entirety of the project location out 50 years or the structure's expected life, whichever is less, for the NOAA Intermediate high sea level rise scenario, at a minimum.

4. ~~To the extent possible~~, The contribution of land subsidence to relative local sea level rise must be included. The land subsidence contribution is calculated by NOAA for each local tide gauge and is included in each of the NOAA sea level projections. This data (labeled VLM for Vertical Land Movement) is presented in the U.S. Army Corps of Engineers (USACE) sea level change calculator (Version 2019.21) found at [https://cwbi-app.sec.usace.army.mil/rccslc/slcc\\_calc.html](https://cwbi-app.sec.usace.army.mil/rccslc/slcc_calc.html), hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(b) Show the amount of flooding, inundation, and wave action damage risk expected over 50 years or the expected life of the structure, whichever is less. The amount of flooding and wave damage expected must be calculated using the following criteria:

1. FEMA storm surge water surface elevation for the 1% annual chance (100 year) flood event must be approximated in NAVD88 for the entire project location. Location-specific water surface elevations can be found within the SLIP tool or at the FEMA Flood Map Service Center <https://msc.fema.gov/portal/home>, hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. Copies of these documents may be obtained by writing to the Office of Resilience and Coastal Protection, Mail Station 235, Department of Environmental Protection, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000.

2. The FEMA 1% annual chance water surface elevation must be added to the NOAA 2017 Intermediate-High and any other chosen sea level rise scenario, and then compared to the project's critical elevations to assess flood risk. Critical elevations must be Finished First Floor Elevation (FFE), the Lowest Adjacent Grade (LAG) of the structure, or another critical design element which may be substantially damaged if flooded. Refer to the 2020 Florida Building Code, Section 1603.1.7, Flood Design Data, for assistance in defining the critical elevation at [https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1\\_Ch16\\_Sec1603.1.7](https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1_Ch16_Sec1603.1.7), hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. Copies of these documents may be obtained by writing to the Office of Resilience and Coastal Protection, Mail Station 235, Department of Environmental Protection, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000.

3. Depth-Damage Curves from the 2015 North Atlantic Coast Comprehensive Study titled "Resilient Adaptation to Increasing Risk: Physical Depth Damage Function Summary Report" must be used to estimate the cost of future flood damage, for vertical construction only, by assessing the approximate flood depth within the structure, using the comparison of the critical elevations to the previously calculated 1% annual chance water surface elevation added to the NOAA 2017 Intermediate-High and any other chosen local sea level rise scenarios.

(c) The state-financed constructor must show the risk to public safety and environmental impacts expected over 50 years or the expected life of the structure, whichever is less using the following criteria.

The structural design risk must be calculated using the following criteria:

1. Each structure must be assigned a Risk Category using the 2020 Florida Building Code, Section 1604.5, Risk Category of Buildings and Other Structures. The table can be found at [https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1\\_Ch16\\_Sec1604.5](https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1_Ch16_Sec1604.5), hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. Copies of these documents may be obtained by writing to the Office of Resilience and Coastal Protection, Mail Station 235, Department of Environmental Protection, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000.

2. The ultimate design windspeed for the project location must be provided to define the risk of flying debris. This windspeed varies based on the Risk Category of the building and can be found in Figures 1609.3(1), 1609.3(2), 1609.3(3), and 1609.3(4) in the 2020 Florida Building Code ~~Section 1609.3, Ultimate Design Wind Speed~~ at [:https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1\\_Ch16\\_Sec1609.3](https://codes.iccsafe.org/content/FLBC2020P1/chapter-16-structural-design#FLBC2020P1_Ch16_Sec1609.3), hereby incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. Copies of these documents may be obtained by writing to the Office of Resilience and Coastal Protection, Mail Station 235, Department of Environmental Protection, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000.

(d) ~~Alternatives must be provided for the project's design and siting which take into account the SLIP study analysis and aim to reduce future flood risk to the structure and the SLIP study must state how such alternatives would address public safety and environmental impacts, including but not limited to, leakage of pollutants, electrocution and explosion hazards, and hazards resulting from floating or flying structural debris as well as~~ the risks and costs associated with construction, maintenance and repair of the structure.

(e) ~~If the alternate method is used,~~ If a state-financed constructor chooses to conduct its own SLIP study and not use the Department's web-based tool, the SLIP study shall be submitted to the Department for publication via secure sign-in on the DEP-provided website. The study report shall be in an Americans with Disabilities Act (ADA) Section 508 compliant portable document format. The report contents shall include, but not be limited to, a description of the approach used in conducting the study, numbered references to the information used in the study, a narrative and graphic illustrations to demonstrate the application of the study approach to the information used, and a discussion of the assessments and alternatives.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

#### **62S-7.014 Implementation of SLIP Study findings**

The Department's intent in this rule is to inform and raise awareness with the state-financed constructor of the potential impacts of sea level rise and increased storm risk on coastal infrastructure. Implementation of the findings of the SLIP studies is at the discretion of the state-financed constructor.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

**62S-7.016 Enforcement by DEP**

Failure to comply with the SLIP study requirements may result in compliance or enforcement action by the Department, including but not limited to:

(a) Pursuit of injunctive relief to cease construction until the constructor comes into full compliance with the requirement;

(b) Recovery of all or a portion of state funds expended on the construction activity.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*

**62S-7.020 Effective Date**

Any enforcement shall not proceed until 1 year after the rule takes effect.

*Rulemaking authority: 161.551(6), FS Implemented 161.551 FS History- New 7-1-2020*