

**62S-8 Statewide Flooding and Sea Level Rise Resilience Plan -  
Rule Development Workshop (1/16/2025)**



**Discretionary Topic: Cost Share**

**Purpose:**

The Department is amending this rule chapter to update Chapter 62S-8, F.A.C., pursuant to Section 380.093(5)(e), F.S., to provide clarity on the eligibility of cost share agreements for project grant proposals for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.

**Potential Language:**

“Cost share” is funds provided by an eligible entity for a project proposed for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan, which may include verifiable expenditures up to five years prior to inclusion in the Plan, and the cost of land acquisition for the project, including only the purchase price.

**Support:**

YES

NO

No Response

**Comments:**

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**Discretionary Topic: Eligible vs Ineligible Expenses**

**Purpose:**

The Department is amending this rule chapter to update Chapter 62S-8, F.A.C., pursuant to Section 380.093(5)(f) F.S., to provide clarity on the eligibility of expenses of project grant proposals for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.

**Potential Language:**

“Eligible expenses” are justifiable project expenses needed to address the risk of flooding or sea level rise and shall not include expenses for any activity unrelated to flood mitigation 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.

**Support:**

YES

NO

N/A

**Comments:**

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**Discretionary Topic: Tiebreakers**

**Purpose:**

The Department is amending this rule chapter to update Chapter 62S-8, F.A.C., pursuant to Section 380.093(5)(a) F.S., to resolve tiebreakers that emerge from the project scoring process for project grant proposals for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.

**Potential Language:**

(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 plan to address a risk of flooding or sea level rise but do not address it 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)(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.

(a) In the event more than one project proposal receives the same rank, projects will be prioritized for funding in the following order:

1. Projects submitted by a community eligible for reduced cost share;
2. Projects most ready to proceed as demonstrated pursuant to scoring criteria in subparagraphs 62S-8.003(3)(b)1. through 2., F.A.C.;
3. Project with the highest percentage of vulnerable regionally significant ~~critical~~ assets in the project impact area as demonstrated pursuant to scoring criteria in paragraph 62S-8.003(2)(c), F.A.C.
4. Entities that have not previously received an award from the Statewide Flooding Resilience Plan.
5. In the event a tie-break cannot occur utilizing the criteria above, each project will be awarded equal proportionate funding.

**Support:**

YES

NO

N/A

**Comments:**

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**Discretionary Topic: Eligibility for Additional Funds**

**Purpose:**

The Department is amending this rule chapter to update Chapter 62S-8, F.A.C., pursuant to Section 380.093(5)(h) F.S., to expand access to additional funding for project grant proposals for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan that have exceeded their original grant award and that comply with all contractual obligations of the grant, if additional funds are available.

**Potential Language:**

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 agreement's scope of work as per Attachment 3, Grant Work Plan.

**Support:**

YES

NO

N/A

**Comments:**

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**Topic Discretionary: Project Scoring Criteria, Tier 1**

**Purpose:**

The Department is amending this rule chapter to update Chapter 62S-8, F.A.C., pursuant to Section 380.093(5)(g) F.S., to adjust the points allocated within the tertiary scoring system, such as distributing points by level of risk of flooding for project grant proposals for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.

**Potential Language:**

The maximum number of points that may be awarded for Tier 1 criteria is 40 points.

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; and For the purpose of this paragraph, adaptation of an asset to avoid risk may include relocation of the asset outside the area(s) of flooding risk;

- a. One point will be awarded if the project addresses a low risk of flooding;
- b. Three points will be awarded if the project addresses a medium risk of flooding; and
- c. Five points will be awarded if the project addresses a high risk of flooding.

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 paragraph, adaptation of an asset to avoid risk may include relocation of the asset outside the area(s) of flooding risk.

(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.

**Support:**                       YES                                       NO                                       N/A

**Comments:**

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**Discretionary Topic: Project Scoring Criteria, Tier 2**

**Purpose:**

The Department is amending this rule chapter to update Chapter 62S-8, F.A.C., pursuant to Section 380.093(5)(g) F.S., to adjust the points allocated within the tertiary scoring system, such as adjusting specific metrics to capture readiness to proceed for project grant proposals for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.

**Potential Language:**

The maximum number of points that may be awarded for Tier 2 criteria is 30 points.

(a) Up to 7.5 points will be awarded based on the degree to which flooding and erosion currently affect the condition of the project impact area. Justification for methods used to estimate or determine extent and frequency of flooding or erosion must be provided. Points will be allocated in the following manner:

1. Up to 3.75 points will be awarded based on the current frequency of flooding or erosion in the project impact area. Points will be allocated in the following manner:
  2. Up to 3.75 points will be awarded based on the severity of flooding or erosion in the project impact area. Points will be allocated in the following manner:
    - a. Zero points will be awarded if the proposal does not demonstrate the current extent of flooding or erosion in the project impact area;
    - ~~b. Two points will be awarded if the proposal describes how the project impact area experienced flooding estimated greater than three inches in the last three years or has ever experienced unmitigated erosion; or~~

~~e.~~ b. A total of 3.75 points will be awarded if the applicant provides documentation to the Department showing the project impact area has been flooded to an estimated depth greater than one foot within the last five years, has been estimated to be inundated more than three inches but less than one foot at least one time in the current year and in each of the most recent three calendar years, has had at least one instance of sustained flooding for a duration of seven or more consecutive days, or is experiencing erosion that the applicant demonstrates is critical erosion for the critical asset class. Documentation may include reports of flooding or erosion recorded by the jurisdiction(s) in which the project impact area is located, local news reports or source(s), photographs, documentation by a local official such as recorded high-water marks or inspection results, or any other similar document or report.

(b) Up to 7.5 points will be awarded for readiness of the project to proceed in a timely manner, as defined by subparagraphs 62S-8.003(3)(b)1. through 3., F.A.C., below.

1. Up to ~~3~~ 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. A total of 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 ~~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.
2. Up to ~~4~~ 2.75 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 ~~2~~ 1.5 points will be awarded if proof of application for necessary permits or approval



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**Discretionary Topic: Project Scoring Criteria, Tier 3**

**Purpose:**

The Department is amending this rule chapter to update Chapter 62S-8, F.A.C., pursuant to Section 380.093(5)(g) F.S., to adjust the points allocated within the tertiary scoring system, such as reallocating points for communities eligible for reduced cost shares for project grant proposals for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.

**Potential Language:**

The maximum number of points that may be awarded for Tier 3 criteria is 20 points.

(a) Up to 6.5 points will be awarded for available local, state, or federal cost share. Points will be allocated in the following manner:

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. A total of 3.25 points will be awarded if the project proposal includes specifically identified local, state, or federal cost share, but the funds have not been appropriated or released at the time the proposal is submitted to the Department; or

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. Submitted documentation must state the funding source of the cost share.

(b) A total of 6.5 points will be awarded if verification of state funding previously awarded to the project is provided to the Department with the proposal. Verification must include previously funded phases, amount of prior state funding, and previous partial appropriations, and must be submitted in a format that is verifiable by the agency or agencies having awarded the previous funding. For the purposes of this paragraph, Department grants to a county or municipality to fund the costs of community resilience planning and necessary data collection for such planning will not be considered state funding previously awarded to the project. Points will be allocated in the following manner:

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)(e)~~, F.S., except for those preconstruction activities involving the design of or permitting for the project;

2. 1.5 points will be awarded if the applicant provides verification of previous state funding awarded for design of the project;

3. 1.5 points will be awarded if the applicant provides verification of previous state funding awarded for permitting for the project; and

4. 2.5 points will be awarded if the applicant provides verification of state funding awarded for earlier phases of the project's total construction.

(c) Seven points will be awarded if the proposal demonstrates exceedance of the flood-resistant requirements in the Florida Building Codes Act, as adopted by the State of Florida pursuant to Part IV, Chapter 553, F.S., and administered by the Florida Department of Business and Professional Regulation





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**Discretionary Topic: Project Scoring Criteria, Tier 4**

**Purpose:**

The Department is amending this rule chapter to update Chapter 62S-8, F.A.C., pursuant to Section 380.093(5)(g) F.S., to adjust the points allocated within the tertiary scoring system, such as incentivizing the utilization of innovative technology for project grant proposals for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.

**Potential Language:**

The maximum number of points that may be awarded for Tier 4 criteria is 10 points.

(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 ~~or~~ and provide regional collaboration;

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 a community eligible for reduced cost share ~~financially disadvantaged community.~~

**Support:**

YES

NO

N/A

**Comments:**