



RESILIENT ENVIRONMENT DEPARTMENT

115 S. Andrews Avenue, Room 329 • Fort Lauderdale, Florida 33301 • 954-357-6612 • FAX 954-357-8655

March 31, 2022

Ms. Krista Shipley
Florida Department of Environmental Protection
2600 Blair Stone Road, MS #235
Tallahassee, Florida 32399

Re: Resilient Florida Rule Making, Rule 62S-8.001

Dear Ms. Shipley,

The Broward County Resilient Environment Department (BCRED) appreciates the opportunity to provide comment regarding rulemaking pertaining to the Resilient Florida Grant Program (Rule 62S-8.001).

First, we would like to acknowledge the importance of this process and to celebrate FDEP's efforts to date in the administration of this impactful program. The funds already distributed in year 1 of program implementation are of immense value to local governments and communities that have been overwhelmed with the scope and scale of resilience planning needs and infrastructure investments. The State's support could not come at a more critical juncture, as many communities are simply no longer able to defer these investments given the reality of heightened flood risk and impacts with evolving climate conditions. BCRED also acknowledges the importance of having statewide guidance for resilience planning and investments and the anticipated long-term benefit of an organized state-wide plan that will inform the prioritization and allocation of state funding for resilience projects addressing sea level rise and flood risk.

With this framing, and with the knowledge that the grant criteria refinement that is the subject of the referenced rulemaking, BCRED places substantial importance on critical review and analysis of the ranking and weighting criteria proposed in the draft rule. We appreciate the ability to provide comment with refinements we believe will bolster FDEP's review and assessment of projects consistent with enabling legislation. To this end, BCRED is pleased to submit and endorse the attached comments to which BCRED was a primary contributor, and which reflect the coordinated review and comment we understand to be advanced by partner jurisdictions.

Many of these comments were articulated by our staff and others at the FDEP's rule-making workshop on March 17, 2022, with a high-level summary as follows:

(continued)

1. Refinement and supplement to definitions, especially relating to a definition for “upland damage” and clarifying the purpose, product, and content of “vulnerability assessments (VA)” vs. “comprehensive VA” and/or “adaptation plan.”
2. In the allocation of tier 1 and 2 points:
 - a. Proposed distinction in the flood scenarios and maps to be utilized and referenced by coastal versus non-coastal communities in evaluation of flood risk.
 - b. Recommended adjustment to point allocations assigned based on assets included in a project area, removing reference to percentage of assets.
 - c. Replacing reference to the Special Flood Hazard Area (which has limited relevance beyond coasts), to utilize instead flood scenarios consistent with the NOAA sea level rise scenarios required for the vulnerability assessments, and 100- and 500-year flood maps which provide for a better assessment of flood risk/probability for inland areas.
3. In the allocation of tier 2 points:
 - a. Accounting for service disruption and economic impact.
 - b. Amended reference to FEMA maps to allow for reference to pending maps and recent modeling, which may include Coastal A zone results, not yet adopted but very relevant to enhance flood risk emanating for surge that may propagate great distances affecting not just coastal but inland flooding and flood risk.
 - c. Point allocation for projects that seek to reduce impacts to critical assets with relocation of assets.

Additional details are provided in the attached strikethrough and underline of the proposed rule.

Once again, BCRED appreciates the opportunity to provide comment, and thanks FDEP for its efforts. We would welcome additional dialogue and discussion of the justification and detail of specific comments, should you wish.

Please feel free to contact me at 954-519-1464 or at jjurado@broward.org for any follow-up questions or conversation.

Yours sincerely,



Jennifer Jurado, Ph.D.
Chief Resilience Officer and Deputy Director
Resilient Environment Department

Attachment

CC: Leonard Vialpando, Director, Resilient Environment Department
Marty Cassini, Administrative Manager, Intergovernmental Affairs/Boards Section

CHAPTER 62S-8
STATEWIDE FLOODING AND SEA LEVEL RISE
RESILIENCE PLAN

- 62S-8.001 Purpose
- 62S-8.002 Definitions
- 62S-8.003 Project Scoring Criteria

62S-8.001 Purpose.

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.

Rulemaking Authority 380.093, FS. Law Implemented 380.093 FS. History- New __ -2022

62S-8.002 Definitions.

(1) "Adaptation¹ plan" means a plan that identifies and assesses the impacts that are likely to affect a project planning area; develops goals, priorities, strategies and actions to best minimize these impacts of flooding and sea level rise, as applicable; and establishes a process to implement those actions.

(2) "Adaptation project" means a task or series of tasks project with an outcome or result that will moderate harm or provide a beneficial opportunity to adjust the natural or built environment to actual or expected risks of flooding and sea-level rise. An adaptation project could include but not be limited to: installing a stormwater pump, elevating a road, building a living shoreline, relocation or retrofitting of an existing building or structure or restoring a natural area with native vegetation all to better withstand current or future flood risk.

(3) "Adaptation strategy" means a program, project or approach that has been developed to respond to anticipated risks of flooding and sea-level rise. A strategy is considered a broader plan of action or policy approach. An adaptation strategy could include but not be limited to: protection, accommodation, retreat, and avoidance.

(4) "Best available science" – means science that maximizes the quality, objectivity, and integrity of information, including statistical information; uses peer-reviewed and publicly available data; and clearly documents and communicates risks and uncertainties in the scientific basis for projects.²

(5) "Coastal Communities" are those required to complete comprehensive plan amendments that address the requirements of s. 163.3178(2)(f), F.S. or are a municipality within a coastal county.

~~(2)(6)~~ "Critical Asset Class" means the distinct groupings of critical assets as defined in subparagraph

Commented [ed1]: Will ranking criteria apply to other funding for capital projects not included in the Plan? Will there be a group of projects funded not subject to the criteria?

Commented [ed2]: This is done in a vulnerability assessment.

Commented [ed3]: The idea of an adaptation strategy v. an adaptation project (which is more specific) is to address the fact that some that have already undertaken vulnerability assessment work to date may not have precisely defined "projects" yet, but they may have some broader strategies that support the project submittal.

¹ The literature supports the use of "adaptation" in this context.

- Mitigation: An anthropogenic intervention to reduce the sources or enhance the sinks of greenhouse gases (IPCC, 2001a).
- Adaptation: Adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities (IPCC, 2001a).

Source: IPCC, Chapter 18, "Inter-relationships between adaptation and mitigation".
<https://www.ipcc.ch/site/assets/uploads/2018/02/ar4-wg2-chapter18-1.pdf>

"Adaptation is transitioning from a phase of awareness and promotion to the construction and implementation of plans, strategies, legislation, and projects at national, subnational, and local levels". (Biesbroek et al., 2009; Preston et al., 2009; Tompkins et al., 2010; Berrang-Ford et al., 2011; Romero-Lankao and Dodman, 2011; Dodman, 2012).

² <https://www.govinfo.gov/link/uscode/33/1321>

380.093(2)1. Through 4., F.S.

~~(3)~~(7) “Department” means the Florida Department of Environmental Protection.

~~(4)~~(8) “Eligible Entity” means those entities specifically identified in paragraph 380.093(5), F.S., as being eligible for inclusion in the Statewide Flooding and Sea-level Rise Resilience Plan.

~~(5)~~ “Mitigation strategy” means the development of policies, plans and projects that may facilitate the reduction of vulnerabilities and risks associated with flooding and sea level rise.

(9) “Flood mitigation project” means a project to reduce or eliminate the risk of flood damage to a Critical Asset Class, regionally significant assets or buildings and structures.

~~(6)~~(10) “Natural system enhancement” means a process that protects, creates, improves or restores habitat by modifying the natural environment.

(11) “Nature-based solutions” mean actions to protect, restore and sustainably manage ecosystems, as well as solutions that address socio-environmental challenges with the use of natural resources and processes.

(12) “Partial design” means a preliminary design (not a detailed or complete design) that provides sufficient information to make informed decisions such as identifying impacts, benefits, costs, and other challenges with project implementation.

(13) “Project service area” means delineated area (such as a watershed/hydrologic basin for flood mitigation, service or sub-service area for a utility, neighborhood, natural area or shoreline) where conditions will be “improved” by an adaptation project.

~~(7)~~(14) “Regionally significant asset” 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.

(15) “Upland damage” means damage in a project service area that is separate from and not considered a critical asset such as private property that can be either commercial, industrial, residential or agricultural.

~~(8)~~(16) “Vulnerability assessment” means an evaluation that identifies or addresses risks of flooding and sea-level rise, as applicable, to critical and regionally significant assets and identifies impacts to local communities. A “comprehensive vulnerability assessment” is informed by and meets all required statutory requirement elements of Section 380.093, F.S., and may also include, but is not limited to, any supplemental plans, assessments, documents, reports, strategies, maps, and electronic databases that identify or address risks of flooding and sea-level rise to critical or regionally significant assets.

Rulemaking Authority 380.093, FS. Law Implemented 380.093 FS. History- New --2022

Commented [ed4]: This seems unnecessary. Its not used in the rule and confuses the mitigation v. adaptation terminology.

Commented [ed5]: We need a definition for this. There is virtually nothing in the legislative history except: Additionally, DEP incentivizes the use of living shorelines as an alternative to traditional permits for coastal armoring, which is defined as manmade structures, such as seawalls or bulkheads, that protect upland properties and structures from erosion, wave action, or currents. Only other reference is to statutory language.

<https://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?FileName=h7019z1.EAF.DOCX&DocumentType=Analysis&BillNumber=7019&Session=2021>

Commented [ed6]: (3)(c)1. Requires critical assets and regionally significant assets.

Commented [ed7]: In applying this, a “comprehensive” vulnerability assessment v. a vulnerability assessment that is not comprehensive means that a VA does not meet all the 380.093 requirements but a comprehensive one does? This is intertwined with how “all” and “any” get interpreted in this definition.

Commented [ed8]: Current statutory requirements recognize that some modeled conditions are “to the extent practicable”. How will “all” be interpreted?

2. The depth of:

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

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, 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)(h), F.S. If an applicant fails to provide to the Department ~~any and all sufficient~~ documentation, calculations and maps, including any Geographic Information System data, to demonstrate their project's ability to meet or achieve the following criteria, that criteria will receive a score of zero.

(2) The maximum number of points that may be awarded for Tier 1 criteria is 40 points ~~for projects~~ addressing risks identified in the local government comprehensive vulnerability assessment or adaptation plan or the comprehensive statewide flood vulnerability and sea-level rise assessment.

(a) Up to 10 points will be awarded for the degree to which the project addresses the risks posed by flooding and sea-level rise ~~identified in the local government vulnerability assessment or the comprehensive statewide flood vulnerability and sea-level rise assessment.~~ These points will be allocated in the following manner:

1. ~~Two~~Four points will be awarded if the project addresses risks ~~to critical assets specifically identified in a comprehensive vulnerability assessment,~~ and
2. Four points will be awarded if the project is a flood ~~-reducing~~mitigation project ~~identified in a comprehensive vulnerability assessment,~~ and
3. ~~Four~~Two points will be awarded if the project addresses a risk of flooding to a critical asset that is identified ~~in the top five mitigation as an adaptation strategies for implementation within its own critical asset class,~~ as evidenced in an adaptation or mitigation action plan, or as a prioritized adaptation project in the comprehensive vulnerability assessment or adaptation plan according to local evaluation and criteria. The basis for prioritizing adaptation strategies or projects shall be provided.

Commented [ed9]: This just is a "vulnerability assessment" not a "comprehensive" vulnerability assessment. We cleaned language up to always be a comprehensive vulnerability assessment.

Commented [ed10]: In applying this, the project could only be identified in a "comprehensive" vulnerability assessment v. a vulnerability assessment that is not comprehensive meaning that a VA does not meet all the 380.093 requirements but a comprehensive one does? Is the distinction here purposeful? Also 1 & 2 under this section refers to comprehensive vulnerability assessment not just vulnerability assessment. That seems in error.

Commented [ed11]: This requires ranking of adaptation strategies or projects. Captures the notion that an earlier vulnerability assessment may not have fully developed projects yet but does have broader strategies that the project advances.

(b) ~~Six~~Four points will be awarded if the project reduces or ~~mitigate~~adapts to one or more direct risks to a regionally significant asset.

Commented [ed12]: A regionally significant asset may not be owned or maintained by the local government if it serves multiple jurisdictions. The local government wouldn't be responsible for adapting it. While regionally significant assets are to be identified in a local government VA, they are more likely going to stem from the comprehensive statewide flood vulnerability and sea-level rise assessment which would be identifying "bigger picture" multi-jurisdiction assets. This point allocation seems high.

(c) Up to 146 points will be awarded for risk reduction ~~strategies to areas with a higher percentage of vulnerable~~with a project service area containing critical assets ~~as demonstrated in the local vulnerability assessments~~. Points will be allocated in the following manner:

1. For noncoastal communities, ~~Up to six~~ sixteen points will be awarded for projects directly ~~mitiga~~adapting to the anticipated flooding of critical assets identified in a Federal Emergency Management Agency-Special Flood Hazard Area (SFHA) 100-year floodplain, which is an area that will be inundated by a flood event that is currently identified as ~~has~~ having a one percent chance of being equaled or exceeded in any given year or 500-year floodplain which is an area that will be inundated by a flood event that currently is identified as having a 0.2 percent chance of being equaled or exceeded in any given year. For coastal communities, up to sixteen points will be awarded for projects directly adapting to the anticipated flooding of critical assets impacted by the sea level rise scenarios in subparagraph 380.093(3)(d)3., F.S.

Commented [ed13]: Choice "either or" that is still heavily based on FEMA known risks like the special flood hazard area -> but removes the percentage calculation which is difficult to translate.

Commented [ed14]: Note this suggestion aligns with HB 7053 new requirement in (3)(d)(2)c. 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.

a. For noncoastal communities, ~~0~~ points will be awarded if ~~no critical assets are in the SFHA or the applicant fails to demonstrate the percentage of total critical assets in the SFHA~~ the project service area does not contain critical assets within either the 100-year or the 500-year floodplain or if the applicant fails to demonstrate the area serviced by the project. For coastal communities, 0 points will be awarded if the project service area does not contain critical assets impacted by the 2040 or 2070 NOAA Intermediate High sea level rise scenarios, or

b. ~~Two~~For noncoastal communities, 4 points will be awarded if ~~at least one critical asset but less than twenty-five percent (0%-25%) of total critical assets are in the SFHA~~ the project service area contains at least one critical asset located within the 100-year floodplain or at least two critical assets within the 500-year floodplain. For coastal communities, 4 points will be awarded if the project service area contains at least one critical asset impacted by the 2040 NOAA Intermediate High sea level rise scenario or at least two critical assets impacted by the 2070 NOAA Intermediate High sea level rise scenario, or

c. ~~Four~~ For noncoastal communities, 8 points will be awarded if ~~twenty-six to fifty percent (26%-50%) of total critical assets are in the SFHA~~ the project service area contains at least two critical assets located within the 100-year floodplain or at least four critical assets within the 500-year floodplain. For coastal communities, 8 points will be awarded if the project service area contains at least two critical assets impacted by the 2040 NOAA Intermediate High sea level rise scenario or at least four critical assets impacted by the 2070 NOAA Intermediate High sea level rise scenario, or

d. ~~Six~~For noncoastal communities, 12 points will be awarded if ~~more than fifty percent (51%-100%) of total critical assets are in the SFHA~~ the project service area contains at least five critical assets located within the 100-year floodplain or the 500-year floodplain. For coastal communities, 12 points will be awarded if the project service area contains at least five critical assets impacted by the 2040 NOAA Intermediate High sea level rise scenario or the 2070

Commented [ed15]: "Either or" in these examples are designed 1) to reward those who have comprehensive datasets and study current/known flood risk and 2) incentivize (with lower thresholds) comprehensive vulnerability assessments (more data & more modeling) that identify risks outside of the 100-year floodplain

NOAA Intermediate High sea level rise scenario, or

~~d. Eight~~ For noncoastal communities, 16 points will be awarded if the project service area contains at least ten critical assets within the 100-year floodplain or 500-year floodplain. For coastal communities, 16 points will be awarded if the project service area contains at least ten critical assets impacted by the 2040 NOAA Intermediate High sea level rise scenario or the 2070 NOAA Intermediate High sea level rise scenario.

2. ~~A maximum of eight~~ six points will be awarded for the ~~total number of critical assets served by the project.~~

a. ~~Two~~ points will be awarded if one critical asset is served, or

b. ~~Four~~ points will be awarded if two critical assets are served, or

e. ~~Six~~ points will be awarded if three critical assets are served, or

d. ~~Eight~~ points will be awarded if four or more critical assets are served.

(d) Up to 10 points will be awarded for contributing to existing flood mitigation projects that reduce upland damage costs in one of the ways identified below. Points will be allocated in the following manner:

1. ~~Five~~ 8 points will be awarded if the project does so by incorporating new or enhanced structures into adaptation projects, ~~and~~ or

2. ~~Five~~ 8 points will be awarded if the project does so by incorporating natural system restoration, ~~enhancement~~ and revegetation in an adaptation project, or

~~2.3.~~ 10 points will be awarded if the project does so by incorporating both new or enhanced structures and natural system restoration, ~~enhancement~~ and revegetation into adaptation projects.

(3) 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 service area. Points will be allocated in the following manner:

1. Up to 2.5 points will be awarded based on the current extent and frequency of flooding and erosion at the project site as evidenced by presentation of high-water mark documentation or erosion, reports of flooding recorded by the jurisdiction or reported by local news source, documentation of inspection by a local official, or any other similar document or report. Points will be allocated in the following manner:

a. Zero points will be awarded if the application does not demonstrate the current extent of flooding and erosion at the project site, or

b. One point will be awarded if evidence that the project service area flooded or experienced erosion ~~over~~ in the last last three years is provided to the Department, or

c. A total of ~~2.5~~ two points will be awarded if evidence the project service area has been flooded on multiple occasions or experienced ongoing erosion over the last ~~three~~ five years is provided to the Department,

~~e.d.~~ A total of 2.5 points will be awarded if evidence is provided that supports the project service area has suffered critical service disruption or demonstrated economic impacts by flooding or erosion.

2. Up to five points will be awarded based on the current or pending Federal Emergency Management Agency (FEMA) Flood Zone(s) in which the project will be located. If a project

Commented [ed16]: If a project is a road elevation in a residential neighborhood or a stormwater project in a residential neighborhood how will this be evaluated against a stormwater project in a small commercial area where the "assets" are private assets vs. those defined in S. 380.093(2)(a)? And what if the asset is a large natural area where the importance is measured by acreage of critical habitat v. (1) designated habitat area- a site specific v. acreage quantity?

Just strike this and combine into one section with above.

Commented [ed17]: The way this is structured either you get the 10 or you don't, but these aren't additive. There is almost no way you can do both and add these to get to 10.

Commented [ed18]: Defined "upland damage" to capture private property v. critical assets. Also, is it assumed that if the project incorporates new or enhanced features or natural system restoration and revegetation that it will reduce upland damage costs.

Commented [ed19]: This needs to be current, because if its pending it may change and there is no certainty as to which map is germane for rule interpretation.

is located within two or more of the following zones, the zone that represents the higher risk will prevail. If the zone is not listed below, two points will be awarded. A pending or recently modeled FEMA flood zone can be utilized with a properly documented basis submitted to the department. The Coastal A Zone is the area located landward of a V Zone, or an open coast without mapped V zones, where wave heights can reach between 1.5 and three feet in height during a base flood event and is delineated by the Limit of Moderate Wave Action on the current Digital Flood Insurance Rate Map. Points will be allocated in the following manner:

- a. Zero points will be awarded for projects located in X Zones (unshaded), or
- b. One point will be awarded for projects located in X Zones (shaded), or
- c. Two points will be awarded for projects located in A Zones (without Base Flood Elevation), or
- d. Three points will be awarded for projects located in AH Zones, or
- e. Four points will be awarded for projects located in AE Zones or for projects that relocate critical or regionally significant assets outside of these areas. For projects that do not involve relocation of a critical or regionally significant asset in the AE Zone, an explanation must be provided to demonstrate why it is not practicable to relocate the asset and why hardening the asset in its present Zone is preferable, or
- f. Five points will be awarded for projects located within Coastal A Zones or V Zones, or if located for projects that enhance the functionality of a within a Regulatory Floodway or for projects that relocate critical or regionally significant assets outside of these areas. For projects that do not involve relocation of a critical or regionally significant assets in the A Zone, V Zone or Regulatory Floodway, an explanation must be provided to demonstrate why it is not practicable to relocate the asset and why hardening the asset in its present Zone or location is preferable.

(b) Up to 7.5 points will be awarded for readiness of the project to proceed in a timely manner.

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, or
 - b. One point will be awarded if a partial design draft is submitted, or
 - c. 3.75 points will be awarded if signed and sealed properly certified and approved drawings or plans are submitted.
2. Up to 2.75 points will be awarded based on the project's permitting status and status of any needed lands or easements. Points will be allocated in the following manner:
 - a. One point will be awarded if proof of application for necessary permits or approval from the authority having jurisdiction over such permitting is submitted with proposed project, or
 - b. 2.75 points will be awarded if proof is submitted to the Department showing either that all necessary permit(s) and lands or easements have been authorized and/or obtained or that permitting and/or lands or easements are not required.
3. One point will be awarded if local funding sources are committed as match as evidenced by an approved line-item in an adopted Capital Improvement Plan, a letter from the Chief Executive Officer of the eligible entity, a resolution from the governing board committing funding to the project if selected, or any other comparable document or evidence of availability of funds.

Commented [ed20]: Basically, as written there is a higher score for projects that are located in areas with higher existing flood risk, as delineated by FEMA. That's a recipe for "throwing good money after bad..."

Ideally, there should be a reward for projects that relocate critical infrastructure out of the floodplain and a demonstration of why it's infeasible to relocate infrastructure when asking for funds to harden infrastructure that's located in V, AE, or Coastal Z zones.

Commented [ed21]: Define or this will widely vary

Commented [ed22]: Not every project is signed and sealed. What about a restoration project designed by a biologist?

Commented [ed23]: What about acquisition of land? Not all projects can be performed on just an easement interest in real estate.

Commented [ed24]: This is somewhat confusing here but I get why- statutory.

- (c) Up to 7.5 points will be awarded for environmental habitat enhancement or nature-based solutions for resilience.
1. A total of 3.75 points will be awarded if the project enhances natural systems or includes nature-based solutions as evidenced by ~~an environmental report~~ best available science and ~~references environmental reports~~ specific to the project or ~~a peer-reviewed academic study is provided that demonstrates the type of project meets the goals stated above~~ published research, and
 2. A total of 3.75 points will be awarded if the project is in an area that is a state or federally designated critical habitat for threatened or endangered species.
- (d) A total of 7.5 points will be awarded if a reasonable analysis provided with the proposal demonstrates that the project is cost-effective. A cost-effective analysis provided for this criterion must consider (a) whether contingencies are reasonable for the estimated total project costs, (b) potential monetary benefits and costs of alternative approaches, (c) ~~avoided~~ ~~may consider the project cost compared to~~ economic loss due to failure or inability to operate due to flooding or sea level rise, ~~the project costs compared to~~ cost to repair damage from flooding or erosion, ~~the size of the population directly impacted, loss or gain of ecosystem services, the total project cost to the state (e.g. higher match percent), or other relevant metrics to demonstrate that the project is cost-effective~~ reasonably foreseeable losses using accepted economic models, (d) recognizing future costs and benefits using appropriate discount rates as published by FEMA or other sources. The basis for cost effectiveness shall be provided.

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

(a) Up to five points will be awarded for available local or federal match, points will be allocated in the following manner:

1. Zero points will be awarded if the application does not demonstrate that a source for the required 50% match has been specifically identified unless the community is a financially disadvantaged small community as defined in Section 380.093(5), F.S., or
2. A total of 2.5 points will be awarded if the project proposal includes specifically identified local or federal grant match, but the funds have not been appropriated or released, or
3. Five points will be awarded if the project proposal provides documentation that 50% local or federal grant match is available or if the community is a financially disadvantaged small community as defined in Section 380.093(5), F.S. Available match can be demonstrated by providing an approved line-item in an adopted Capital Improvement Plan, a letter from the Chief Executive Officer of the eligible entity, a resolution from the governing board committing funding to the project if selected, or any other comparable document or evidence of availability of funds.

Commented [ed25]: Does this mean a budget commitment but no documentation? This is why (b)3. Should be included in this section?

(b) Five points will be awarded if verification of previous state funding in the project is provided. Verification must include previously funded phases, total amount of previous state funding, and previous partial appropriations, verifiable by the participating agency.

(c) Up to 10 points will be awarded for any exceedance of Florida Building Code flood-resistant requirements and applicable floodplain management regulations.

1. Five points will be awarded if the project will exceed Florida Building Code flood-resistant requirements and applicable floodplain management regulations, and the application outlines the specific requirements and details relating to how the design criteria exceed the requirements, ~~or~~ if no Florida Building Code flood-resistant requirements and applicable floodplain management regulations apply to the project type, or
2. Ten points will be awarded if the project will exceed Florida Building Code requirements and applicable floodplain management regulations, and the specific requirements and design criteria are referenced and provided in signed, sealed drawings properly certified and approved drawings, or if no Florida Building Code flood-resistant requirements and applicable floodplain management regulations apply to the project type.

Commented [ed26]: How will this be determined if the project isn't subject to Florida Building Code or floodplain management ordinance? Like a linear facility or restoration project? A project that isn't subject to either only gets 5 points just by the nature of the project. This also seems excessive when there are 3 categories under Tier 3 (20% of total score) of which the FBC/Floodplain analysis is one of 3 categories. At most it should only be 6/7 points, not 10.

Commented [ed27]: What if the project does not have to be signed and sealed?

Commented [ed28]: Parity- you award full points under the permitting 2.75 thing if no permitting required. Projects shouldn't get discounted simply because FBC or FMO doesn't apply. This will be for vast majority of non vertical projects.

Commented [ed29]: These can be additive.

Commented [ed30]: How is this evidenced?

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

(a) Five points will be awarded if the project proposal includes innovative technologies designed to reduce project costs and provide regional collaboration. The proposal must demonstrate which specific technologies will be used and explain why they are innovative as well as identify regional collaboration, and

(b) Five points will be awarded if the critical asset or area benefited by the project serves a community with a median household income of less than the statewide average. The project proposal must include verifiable published documentation of the community's median household income referencing the most recent Census or American Community Survey (ACS) data available.