

Thursday, March 31, 2022

Florida Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000  
via Email: [Resilience@floridadep.gov](mailto:Resilience@floridadep.gov)

Re: Comments on Rulemaking for Resilient Florida Evaluation Criteria (68S-8, F.A.C.)

Dear Ms. Shipley,

On behalf of the American Flood Coalition, I would like to thank you for the opportunity to provide comments on the upcoming rulemaking for the Resilient Florida Evaluation Criteria (68S-8, F.A.C.). First and foremost, we applaud the Resilient Florida and Department of Environmental Protection (DEP) staff for their efforts implementing this crucially important program. The grants awarded through this program will provide a direct benefit to all Floridians as we collectively improve the resilience of their communities.

We would like to call your focus to a few key items within the criteria that we feel require deeper consideration:

**(1) Use of the FEMA flood maps and special hazard areas to define the percentage of vulnerable critical assets - 62S-8.003(2)(c)**

Accounting for 14 of the 100 points of the scoring, this is the largest single point category in the rule. As part of Tier 1, projects must be rated based on criteria including “[the] degree to which the project reduces risks to areas with an overall higher percentage of vulnerable critical assets.” The proposed rule uses Special Flood Hazard Areas (SFHAs) under 62S-8.003(2)(c) from Flood Insurance Rate Maps (FIRMs) from the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP).

Current federal flood maps are often outdated, failing to account for new flood risks, such as sea level rise, increased coastal flooding, and shifting precipitation patterns. All of these changes in flood risk, and especially sea level rise, is a key component of the Resilient Florida Grant Program that would potentially be ignored as part of the choice to utilize SFHAs. A 2017 Inspector General report found that only 42% of FEMA’s maps “adequately identified the level of flood risk.” Based on an analysis of changing flood risk, First Street Foundation found that an additional 379,897 residential properties, 11,353 miles of roads, 17,302 commercial properties, 214 infrastructure facilities, and 1,534 social facilities will be at risk of becoming inoperable from the increased severity and frequency of flood events in Florida over the next 30 years.

1. [Charting unknown waters: Understanding federal flood maps](#)
2. <https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-110-Sep17.pdf>
3. <https://assets.firststreet.org/uploads/2021/09/The-3rd-National-Risk-Assessment-Infrastructure-on-the-Brink.pdf>

We urge consideration that alternative flood risk mapping sources be temporarily utilized until the Florida Flood Hub for Applied Research and Innovation has the necessary mapping information for use by local governments and the DEP, which can then be used as the basis for scoring under this section.

Alternatively, DEP could utilize a local government's vulnerability assessment to determine these percentages and add them to the guidelines for the required information for a compliant vulnerability assessment under F.S. 380.093.

It is also important to note that **current scoring biases larger communities with more assets**. A smaller community with one critical asset would have no ability to receive more than two points under the second set of points in this section. The law utilizes the phrase "higher percentage of vulnerable critical assets," the proposed rulemaking assigned points based on the *number* of assets as opposed to the percentage of assets. As written, a small community with one critical asset could take measures to reduce risk of 100% of their critical assets, but it would only be counted as one asset, and not receive total points. We recommend considering a percentage based scoring system that would be more consistent with the law.

**(2) How the points will be awarded for Florida Building Code exceedance is vague - 62S.8003(4)(c)**

The current language is vague in the sense that it could be interpreted that if a local government has stronger than the minimum floodplain management regulations and an asset is built to those standards, it may not exceed "applicable floodplain management regulations." The purpose of this section is to encourage better than the minimum flood standard for construction of assets, and therefore local governments that enact stronger than minimum standards should not be punished from a points perspective. It should be made clear how communities with strong floodplain management regulations will be eligible for points under this section.

**(3) The proposed scoring for projects that assists financially disadvantaged communities - 62S.8003(5)(b)**

The proposed language awards "five points... if the critical asset or area benefited by the project serves a community with a median household income of less than the statewide average." DEP should clarify the intended meaning of "serve," as the law uses the word "assists." DEP should consider providing points to projects that may serve a broader area, but strongly benefit or assist financially disadvantaged communities. For example, a large new stormwater park may serve the broader community from a stormwater perspective, but the park itself will be primarily used by a financially disadvantaged community.

Thank you for this opportunity to provide comments and we look forward to continued participation in the ongoing rulemaking process. We would be interested in meeting with you to further explore specific language that meets the intended goals of this legislation.

Sincerely,

**Kate Wesner**

Florida Director

American Flood Coalition