

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

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**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) "Adaptation pPlan" 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; and establishes a process to implement those actions.

(2) "Critical Asset Class" means the distinct groupings of critical assets as defined in subparagraph 380.093(2)1, through 4., F.S.

(3) "Department" means the Florida Department of Environmental Protection.

(4) "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 Sstrategy" means the development of policies, plans and projects that may facilitate the reduction of vulnerabilities and risks associated with flooding and sea-level rise.

(6) "Natural Ssystem Enhancement" means a process that protects, creates, improves or restores habitat by modifying the natural environment.

(7) "Nature-based Ssolutions" 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.

(8) "Regionally Ssignificant 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.

(9) "Vulnerability Aassessment" means an evaluation that identifies or addresses risks of flooding and sea-level rise, as applicable, to critical assets. A "Ccomprehensive Vvulnerability Aassessment" is informed by and meets all statutory requirements of Section 380.093, F.S., and may include, but is not limited to, any plans, assessments, documents, reports, strategies, maps, and electronic databases that identify or address risks of flooding and sea-level rise to critical assets.

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

**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 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.

(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 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 or sea-level rise mitigation project identified in a comprehensive vulnerability assessment, and

3. Four points will be awarded if the project addresses a risk of flooding or sea-level rise to a critical asset that is identified in the top five mitigation strategies for implementation within its own critical asset class, as evidenced in an adaptation or mitigation action plan.

Draft date: March 4, 2022

**Commented [LD1]:** Some projects will just address flooding and others sea level rise. The definition should be changed to "and/or" as a local government may only need to have a strategy to address sea level rise.

**Commented [LD2]:** This definition should only refer to the definition in statute in case the statute is changed in the future.

**Commented [LD3]:** Same comment as comment regarding mitigation strategy.

**Commented [TH4]:** Is this something different than the "comprehensive statewide flood vulnerability and sea-level rise assessment" below in (2)(a)?

**Commented [TH5]:** See above

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**Commented [TH6]:** Sea Level Rise will present more than just increased "flooding" challenges. Saltwater incursions into freshwater sources are a known concern as the combination of sea-level rise and the expectation of reduced upstream flow as a result of climate change-related droughts raise concerns that the reliability of regional drinking water sources will diminish. Projects that address sea-level rise (not just flooding) should be included. This comment will be repeated throughout the scoring criteria document.

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(b) Six points will be awarded if the project reduces or mitigates one or more direct risks to a regionally significant asset.  
(c) Up to 14 points will be awarded for risk reduction to areas with a higher percentage of vulnerable critical assets as demonstrated in the local vulnerability assessments. Points will be allocated in the following manner:

1. Up to six points will be awarded for directly mitigating the anticipated flooding of critical assets identified in a Federal Emergency Management Agency Special Flood Hazard Area (SFHA), which is an area that will be inundated by a flood event that has a one percent chance of being equaled or exceeded in any given year.

a. Zero 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, or

b. Two 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, or

c. Four points will be awarded if twenty-six to fifty percent (26%-50%) of total critical assets are in the SFHA, or

d. Six points will be awarded if more than fifty percent (51%-100%) of total critical assets are in the SFHA.

2. A maximum of eight 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

c. 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 or sea-level rise projects that reduce upland damage costs in one of the ways identified below. Points will be allocated in the following manner:

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

2. Five points will be awarded if the project does so by incorporating natural system restoration and revegetation.

(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 or sea-level rise currently affect the condition of the project area or beneficial use of critical assets. 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, 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 area has been flooded or experienced erosion over the last year is provided to the Department, or

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

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 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. 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 a 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

f. Five points will be awarded for projects located within Coastal A Zones, V Zones, or if located within a Regulatory Floodway.

(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 drawings are submitted.

2. Up to 2.75 points will be awarded based on the project's permitting status and status of any needed 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

**Commented [TH7]:** This is good language - not specific to either Flooding or SLR.

**Commented [TH8]:** This only refers to Flooding (SFHA)

**Commented [TH9]:** How is the "total number of critical assets" determined? Our PRF Expansion Project will include: a new reservoir / water treatment plant / Intake and PS on the River and conveyance system. Potentially reducing risks to numerous critical assets like the existing WTP/ASR System/Reservoir etc.

**Commented [TH10]:** What about siltation / deposition? The opposite of erosion occurs when flooding also causes material/sand to deposit (silt) at our river intake. We have reports/documents/permits to back this up that could be included for points.

**Commented [TH11]:** Good

**Commented [TH12]:** Large infrastructure projects go through Feasibility Studies and Preliminary Investigations (Environmental/Geotechnical/Surveying/Cultural Reports) prior to going to Design. Please include verbiage tied to readiness other than just "design".

**Commented [TH13]:** Application for necessary permits could occur at 30% / 90% / 100% design milestones depending upon the type of permit required. A large infrastructure project may have multiple years of permitting submittals - ACOE / ERP / NEPA - and several agencies that have authority / jurisdiction to issue such permits. These points would be unavailable to such a project.

b. 2.75 points will be awarded if proof is submitted to the Department showing either that all necessary permit(s) and easements have been authorized and/or obtained or that permitting and/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.

(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 specific to the project or a peer-reviewed academic study is provided that demonstrates the type of project meets the goals stated above, 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 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, the total project cost to the state (e.g. higher match percent), or other relevant metrics to demonstrate that the project is cost effective.

(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.

(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.

(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 documentation of the community's median household income

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

**Commented [LD14]:** Oftentimes a permit may be issued without easements in place but with a requirement that activities may not occur until such time as there are easements. How will this be addressed?

**Commented [LD15]:** Some projects that are needed and important may not be able to provide that there is an environmental enhancement or nature-based solution.

**Commented [LD16]:** Please consider including specific criteria related to when a WMD has determined the project to be cost effective? Some WMD funding programs already include this analysis.

**Commented [LD17]:** Awarding 5 points out of 20 points seem to benefit those local governments that receive state funding. This may result in projects that have influential legislators or lobbyists receiving more funding to the detriment of other projects. Also, what if there is a new project that has been identified. There could be a project that does not need state funding and is being funded on a regional and local level.

**Commented [TH18]:** What if the project does not fall under either of these requirements? Ie- Reservoir construction would not require FBC or Floodplain Management regulations - but does have ACOE permitting requirements that address flood impact design criteria?