



# Protecting **FLORIDA** Together

Statewide Flooding and Sea Level Rise Resilience Plan

**62S-8 Rule Development Workshop**

May 26, 2022

## AGENDA

- Opening remarks
- Brief overview of Program and recent timeline
- Updated proposed scoring criteria
- Next steps



If you wish to provide feedback, please raise your hand or type your comments in the chat.



**“The state is particularly vulnerable to adverse impacts from flooding resulting from increases in frequency and duration of rainfall events, storm surge from more frequent and severe weather systems and sea level rise. Such adverse impacts pose economic, social, environmental, and public health and safety challenges to the state.”**

*Legislative Intent, section 380.093(1)(a), F.S.*



### THE DEPARTMENT SOLICITS PROJECTS

From local governments that address risks of flooding or sea level rise identified in vulnerability assessments and meet statutory requirements.

From water management or flood control districts that mitigate the risks of flooding or sea level rise on water supplies or water resources of the state.

That have 50% match, except if from a financially disadvantaged small community.

# RESILIENT FLORIDA

## STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN



**JULY 1**

DEP will open  
Resilient Florida  
project portal.

**SEPT. 1**

Deadline to submit  
proposed projects  
through portal.

**DEC. 1**

Statewide Flooding  
and Sea Level Rise  
Resilience Plan  
due.

On May 3, 2022, Governor DeSantis signed HB 7053: Statewide Flooding and Sea Level Rise Resilience into law (*effective July 1, 2022*)





### Timeline

- March 17: Public workshop 1
- March 17-31: Commenting period
- **Today:** Public workshop 2
- Now through June 1: Additional commenting period
- Late summer: Notice of Proposed Rule in FAR
- Later 2022: Rule effective

*To sign up for rulemaking updates, visit  
<https://floridadep.gov/rcp/resilient-florida-program> and click on  
“Click here to stay updated on the Resilient Florida Rulemaking”*



### Chapter 68S-8, F.A.C.

## Statewide Flooding and Sea Level Rise Resilience Plan

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



### 68S-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.



### 62S-8.002 Definitions

(1) “Adaptation 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, sea level rise, or other threats and vulnerabilities, as applicable, and establishes a process to implement those actions.

(2) “Compound flooding” is flooding caused by complex interactions between two or more oceanographic, hydrological, or meteorological processes such as the combination of pluvial (rainfall-induced flooding, such as flash, surface water, drain, and sewer floods), fluvial (riverine floods), coastal (sea level rise, tides, waves, storm surge, and nuisance floods), or groundwater flooding.

(3) “Comprehensive statewide flood vulnerability and sea level rise assessment” is an assessment to be completed by July 1, 2023, that identifies inland and coastal infrastructure, geographic areas, and communities in Florida that are vulnerable to flooding and sea level rise and the associated risks.



### 62S-8.002 Definitions

(4) “Comprehensive vulnerability assessment” is an evaluation that identifies risks to a community, including flooding and sea level rise, as applicable; meets all the required statutory elements for vulnerability assessments listed in paragraphs 380.093(3)(c) through (d), F.S.; and includes, but is not limited to, any supplemental plans, assessments, documents, reports, strategies, maps, or electronic databases that identify or address risks of flooding and sea level rise to critical or regionally significant assets.

(5) “Critical asset class” means the distinct groupings of critical assets as defined in subparagraphs 380.093(2)(a)1. through 4., F.S.

(6) “Department” means the Florida Department of Environmental Protection.

(7) “Eligible entity” means those entities specifically identified in paragraph 380.093(5)(d), F.S., as being eligible to submit proposed projects for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan.



### 62S-8.002 Definitions

(8) “Financially disadvantaged small community” is as defined in paragraph 380.093(5)(e), F.S.

(9) “Flooding” means a general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more real properties or parcels containing a majority of normally dry land.

~~(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.~~

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

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

(12) “Partial design” means a preliminary design that is between 30 to 90 percent complete and prepared by a qualified professional in the relevant field, which provides enough information and design criteria to make informed decisions, such as identifying impacts, benefits, costs, and other challenges with project implementation.



### 62S-8.002 Definitions

(13) “Project impact area” means the discrete area the project encompasses as well as the delineated area that will be directly benefitted by a mitigation project (such as a watershed or hydrologic basin for flood mitigation projects, a service or sub-service area for a utility, a neighborhood, a natural area, or a shoreline).

~~(8) “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.~~

~~(9) “Vulnerability assessment” means an evaluation that identifies or addresses risks of flooding and sea-level rise, as applicable, to critical assets. A “comprehensive vulnerability assessment” 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.~~

**Additional definitions included in statute and not repeated in rule**

# RESILIENT FLORIDA

## STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN



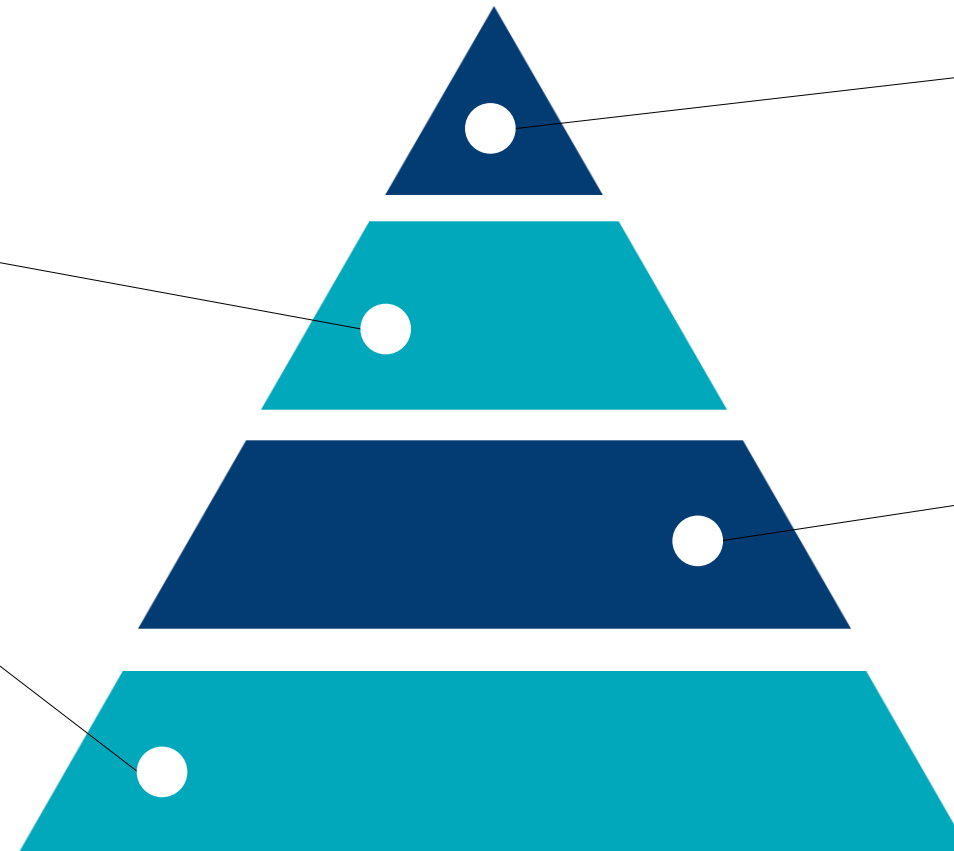
A TIERED REVIEW PROCESS FOR THE PLAN WAS CREATED IN SB 1954 AND CODIFIED IN SECTION 380.093, F.S.

### TIER 3 (20%)

*Local match, previous commitment, and exceeding minimum requirements.*

### TIER 1 (40%)

*Addressing risks to critical assets and regionally significant assets, as well as existing efforts to reduce upland costs.*



### TIER 4 (10%)

*Innovation to reduce costs, regional collaboration, and financially disadvantaged communities.*

### TIER 2 (30%)

*Existing flooding conditions, readiness to proceed, environmental options and cost effectiveness.*





### Input

- Are these the right criteria?
  - If not, what other data is available?
- Are we missing metrics?
- Are these the best metrics for the statutory requirements?
- Are point values good or bad?
- Are there better ways to weigh identified criteria?
- Are additional definitions needed?
- Additional input welcome!

### Strike Add 68S-8.003(1)

(1) All projects eligible for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan by meeting the requirements in subsection ~~Section~~ 380.093(3), 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 paragraph ~~Section~~ 380.093(5)(h), F.S. Total points awarded will determine the project rank. If an applicant fails to provide to the Department any and all documentation, calculations and maps, including any Geographic Information System data, to demonstrate it meets a specific scoring their project's ability to meet or achieve the following criteria by failing to satisfy all relevant requirements for that criteria set for in this rule, that criteria will receive a score of zero.



### 68S-8.003(1) Proposal

(1) All projects eligible for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan by meeting the requirements in subsection 380.093(3), 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 paragraph 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 for in this rule, that criteria will receive a score of zero.



### TIER 1 Statutory Language

**“Tier 1 must account for 40 percent of the total score and consist of all of the following criteria:**

- a. The degree to which the project addresses the risks posed by flooding and sea level rise identified in the local government vulnerability assessments or the comprehensive statewide flood vulnerability and sea level rise assessment, as applicable.
- b. The degree to which the project addresses risks to regionally significant assets.
- c. The degree to which the project reduces risks to areas with an overall higher percentage of vulnerable critical assets.
- d. The degree to which the project contributes to existing flooding mitigation projects that reduce upland damage costs by incorporating new or enhanced structures or restoration and revegetation projects.”



### 62S-8.003(2)(a) Modifications

**Addresses risks in the vulnerability assessment (VA) – 10 points**

- Updated draft criteria point values
- Clarified, modified, or removed language





### Strike Add 62S-8.003(2)(a)

(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. Five ~~Two~~ points will be awarded if the project addresses risks posed by flooding or sea level rise to critical assets either specifically identified in an existing a 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, which the Department is required to develop under paragraph 380.093(4)(b), F.S.; and

2. Five ~~Four~~ points will be awarded if the project addresses risks posed by compound flooding, as ~~is a flood-reducing project~~ identified in a comprehensive vulnerability assessment that shall be submitted to the Department with the proposal, to critical assets specifically identified either in a comprehensive vulnerability assessment or the comprehensive statewide flood vulnerability and sea level rise assessment, once completed. ~~and~~

3. ~~Four points will be awarded if the project addresses a risk of flooding 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.~~

### 62S-8.003(2)(a) Proposal

(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. These points will be allocated in the following manner:

1. Five points will be awarded if the project addresses risks posed by **flooding** or sea level rise to critical assets 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, which the **Department** is required to develop under paragraph 380.093(4)(b), F.S.; and

2. Five points will be awarded if the project addresses risks posed by **compound flooding**, as identified in a **comprehensive vulnerability assessment** that shall be submitted to the **Department** with the proposal, to critical assets specifically identified either in a **comprehensive vulnerability assessment** or the **comprehensive statewide flood vulnerability and sea level rise assessment**, once completed.



### 62S-8.003(2)(b) Modifications

**Addresses risks to regionally significant assets – 10 points**

- Updated draft criteria point values
- Clarified, modified, or removed language



### Strike Add 62S-8.003(2)(b)

(b) Ten ~~Six~~ points will be awarded if the project reduces ~~or mitigates~~ one or more direct risks to a regionally significant asset, as defined in paragraph 380.093(2)(d), F.S., or if the project adapts a regionally significant asset, as defined in paragraph 380.093(2)(d), F.S., to help avoid such risk. For the purpose of this paragraph, adaptation of a regionally significant asset to avoid risk may include relocation.



### 62S-8.003(2)(b) Proposal

(b) Ten points will be awarded if the project reduces one or more risks to a regionally significant asset, as defined in paragraph 380.093(2)(d), F.S., or if the project adapts a **regionally significant asset**, as defined in paragraph 380.093(2)(d), F.S., to help avoid such risk. For the purpose of this paragraph, adaptation of a regionally significant asset to avoid risk may include relocation.





### 62S-8.003(2)(c) Modifications

**Reduces risks to areas with higher percentage of vulnerable critical assets – 10 points**

- Updated draft criteria point values
- Clarified, modified, or removed language
  - Percent critical assets criteria no longer references FEMA Special Flood Hazard Area



### Strike Add 62S-8.003(2)(c)1.a.

(c) Up to ~~10~~ 14 points will be awarded for reducing risk located in ~~reduction to~~ areas with a higher percentage of critical assets considered to be vulnerable, as described by this paragraph ~~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 projects adapting to ~~directly mitigating~~ the anticipated flooding of critical assets in the project impact area, as identified in any applicable scenario outlined in paragraph 380.093(3)(d), F.S., as having medium or high vulnerability in the exposure analysis of a comprehensive vulnerability assessment, which shall be submitted to the Department with the proposal. Higher frequency storm events analyzed that are beyond the requirements of paragraph 380.093(3)(d), F.S., shall not be used to establish the percentages in these criteria. ~~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. For projects adapting flooding of critical assets identified in a comprehensive vulnerability assessment, points will be allocated in the following manner:

(I) ~~a.~~ Zero points will be awarded if no critical assets within the project impact area are identified as medium or high vulnerability; ~~are in the SFHA or the applicant fails to demonstrate the percentage of total critical assets in the SFHA, or~~

(II) ~~b.~~ Two points will be awarded if at least one critical asset but less than twenty-five percent (25%) of total critical assets within the project impact area are identified as medium or high vulnerability; ~~are in the SFHA, or~~

(III) ~~c.~~ Four points will be awarded if twenty-five percent (25%) or more, but less than twenty-six to fifty percent (26-50%), of total critical assets within the project impact area are identified as medium or high vulnerability; ~~are in the SFHA, or~~

(IV) ~~d.~~ Six points will be awarded if ~~more than~~ fifty percent (50%) or more of total critical assets within the project impact area are identified as medium or high vulnerability ~~are in the SFHA.~~



### Strike Add 62S-8.003(2)(c)1.b.

b. Prior to August 31, 2024, in lieu of the requirements of sub-subparagraph (c)1.a. above, applicants without a comprehensive vulnerability assessment shall receive points based on critical assets in the project impact area at risk of flooding based on an assessment, report, evaluation, or other documentation of risk that addresses flooding or sea level rise in the project impact area. The documentation used to support this criterion shall be submitted with the proposal. Points will be allocated in the following manner:

(I) Zero points will be awarded if no critical assets within the project impact area are at risk of flooding based on best available data;

(II) Two points will be awarded if at least one critical asset but less than twenty-five percent (25%) of total critical assets within the project impact area are at risk of flooding based on best available data;

(III) Four points will be awarded if twenty-five percent (25%) or more, but less than fifty percent (50%), of total critical assets within the project impact area are at risk of flooding based on best available data; or

(IV) Six points will be awarded if fifty percent (50%) or more of total critical assets within the project impact area are at risk of flooding based on best available data.

### Strike Add 62S-8.003(2)(c)2.

2. A maximum of four ~~eight~~ points will be awarded for the total number of critical assets served by the project as demonstrated by the proposal. For the purpose of this paragraph, a critical asset is “served” when a project eliminates or alleviates a current or future risk of adverse impacts from flooding or erosion as demonstrated by a comprehensive vulnerability assessment, if available, or the proposal.

- a. One ~~Two~~ points will be awarded if one critical asset is served; ~~or~~
- b. Two ~~Four~~ points will be awarded if two critical assets are served; or
- c. Four ~~Six~~ points will be awarded if three or more critical assets are served; ~~or~~
- d. ~~Eight points will be awarded if four or more critical assets are served.~~

### 62S-8.003(2)(c)1.a. Proposal

(c) Up to 10 points will be awarded for reducing risk located in areas with a higher percentage of critical assets considered to be vulnerable, as described by this paragraph. Points will be allocated in the following manner:

1. Up to six points will be awarded for projects adapting to the anticipated **flooding** of critical assets in the **project impact area**, as identified in any applicable scenario outlined in paragraph 380.093(3)(d), F.S., as having medium or high vulnerability in the exposure analysis of a **comprehensive vulnerability assessment**, which shall be submitted to the **Department** with the proposal. Higher frequency storm events analyzed that are beyond the requirements of paragraph 380.093(3)(d), F.S., shall not be used to establish the percentages in these criteria.

a. For projects adapting **flooding** of critical assets identified in a **comprehensive vulnerability assessment**, points will be allocated in the following manner:

- (I) Zero points will be awarded if no critical assets within the **project impact area** are identified as medium or high vulnerability;
- (II) Two points will be awarded if at least one critical asset but less than twenty-five percent (25%) of total critical assets within the **project impact area** are identified as medium or high vulnerability;
- (III) Four points will be awarded if twenty-five percent (25%) or more, but less than fifty percent (50%), of total critical assets within the **project impact area** are identified as medium or high vulnerability; or
- (IV) Six points will be awarded if fifty percent (50%) or more of total critical assets within the **project impact area** are identified as medium or high vulnerability.





### 62S-8.003(2)(c)1.b. Proposal

b. Prior to August 31, 2024, in lieu of the requirements of sub-subparagraph (c)1.a. above, applicants without a **comprehensive vulnerability assessment** shall receive points based on critical assets in the **project impact area** at risk of **flooding** based on an assessment, report, evaluation, or other documentation of risk that addresses **flooding** or sea level rise in the **project impact area**. The documentation used to support this criterion shall be submitted with the proposal. Points will be allocated in the following manner:

- (I) Zero points will be awarded if no critical assets within the **project impact area** are at risk of **flooding** based on best available data;
- (II) Two points will be awarded if at least one critical asset but less than twenty-five percent (25%) of total critical assets within the **project impact area** are at risk of **flooding** based on best available data;
- (III) Four points will be awarded if twenty-five percent (25%) or more, but less than fifty percent (50%), of total critical assets within the **project impact area** are at risk of **flooding** based on best available data; or
- (IV) Six points will be awarded if fifty percent (50%) or more of total critical assets within the **project impact area** are at risk of **flooding** based on best available data.

### 62S-8.003(2)(c)2. Proposal

2. A maximum of four points will be awarded for the total number of critical assets served by the project as demonstrated by the proposal. For the purpose of this paragraph, a critical asset is “served” when a project eliminates or alleviates a current or future risk of adverse impacts from **flooding** or erosion as demonstrated by a **comprehensive vulnerability assessment**, if available, or the proposal.

- a. One points will be awarded if one critical asset is served;
- b. Two points will be awarded if two critical assets are served; or
- c. Four points will be awarded if three or more critical assets are served.



### 62S-8.003(2)(d) Modifications

**Contributes to existing flood mitigation projects to reduce upland damage costs – 10 points**

- Updated draft point criteria values
- Clarified, modified, or removed language



### Strike Add 62S-8.003(2)(d)

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

1. Six Five points will be awarded if the project contributes ~~does so~~ by incorporating new or enhanced structures; ~~and~~
2. Six Five points will be awarded if the project contributes ~~does so~~ by incorporating natural system restoration and revegetation; or
3. 10 points will be awarded if the project contributes by incorporating both new or enhanced structures and natural system restoration or revegetation.



### 62S-8.003(2)(d) Proposal

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

1. Six points will be awarded if the project contributes by incorporating new or enhanced structures;
2. Six points will be awarded if the project contributes by incorporating **natural system restoration** and revegetation; or
3. 10 points will be awarded if the project contributes by incorporating both new or enhanced structures and **natural system restoration** or revegetation.

**END OF TIER 1**





### TIER 2 Statutory Language

**“Tier 2 must account for 30 percent of the total score and consist of all of the following criteria:**

- a. The degree to which flooding and erosion currently affect the condition of the project area.
- b. The overall readiness of the project to proceed in a timely manner, considering the project’s readiness for the construction phase of development, the status of required permits, the status of any needed easement acquisition, and the availability of local funding sources.
- c. The environmental habitat enhancement or inclusion of nature-based options for resilience, with priority given to state or federal critical habitat areas for threatened or endangered species.
- d. The cost-effectiveness of the project.”



### 62S-8.003(3)(a) Modifications

#### **Flooding and erosion currently affecting project area – 7.5 points**

- Updated draft point criteria values
- Clarified, modified, or removed language
  - Removed reference to current or pending Federal Emergency Management Agency (FEMA) Flood Zone(s)

### Strike Add 62S-8.003(3)(a)1.

(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 impact area. provided area. Points will be allocated in the following manner:

provided area. Points will be allocated in the following manner:

1. Up to 3.75 ~~2.5~~ points will be awarded based on the current ~~extent and~~ frequency of flooding or ~~and~~ erosion in ~~at~~ the project impact area 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 in at the project site, or

b. One ~~One~~ points 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 ~~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.

### Strike Add 62S-8.003(3)(a)2.

2. Up to 3.75 five points will be awarded based on the severity of flooding or erosion in the project impact area ~~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 if the proposal does not demonstrate the current extent of flooding or erosion in the project impact area; ~~for projects located in X Zones (unshaded), or~~

b. Two ~~One~~ points will be awarded if the proposal describes how the project impact area experienced flooding estimated greater than 3 inches in the last three years or has ever experienced unmitigated erosion; ~~for projects located in X Zones (shaded), or~~

c. A total of 3.75 ~~Two~~ 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 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, but is not limited to, reports of flooding or erosion recorded by the jurisdiction(s) in which the project impact area is located, local news reports or source(s), documentation by a local official such as recorded high-water marks or inspection results, or any other similar document or report. ~~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.

### 62S-8.003(3)(a)1. Proposal

(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 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:

a. Zero points will be awarded if the proposal does not demonstrate the current frequency of **flooding** or erosion in the **project impact area**;

b. Two points will be awarded if the proposal describes how the **project impact area** has experienced **flooding** or erosion in the last three years; or

c. 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 more than three times within the last five years or is experiencing ongoing erosion. Documentation may include, but is not limited to, reports of **flooding** or erosion recorded by the jurisdiction(s) in which the **project impact area** is located, local news reports or source(s), documentation by a local official such as recorded high-water marks or inspection results, or any other similar document or report.



### 62S-8.003(3)(a)2. Proposal

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 3 inches in the last three years or has ever experienced unmitigated erosion; or
- c. 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 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, but is not limited to, reports of **flooding** or erosion recorded by the jurisdiction(s) in which the **project impact area** is located, local news reports or source(s), documentation by a local official such as recorded high-water marks or inspection results, or any other similar document or report.



### 62S-8.003(3)(b) Modifications

#### **Readiness of project to proceed in a timely manner – 7.5 points**

- Updated draft point criteria values
- Clarified, modified, or removed language



### Strike Add 62S-8.003(3)(b)

(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 3.75 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 or other site-specific environmental or geotechnical report that demonstrates the furtherance of a readiness to proceed draft is submitted; ~~or~~

c. 3.75 points will be awarded if drawings or plans that are properly certified (e.g., engineer's certification, signed and sealed by registered professional, etc.) by a professional in the relevant field drawings are submitted.

2. Up to 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 if proof of all permits and easements application for necessary for completion of permits or approval from the authority having jurisdiction over such permitting is submitted with proposed project, if applicable; ~~or~~

b. A total of 1.5 points will be awarded if proof of application for necessary permits or approval from at least one authority having legal jurisdiction over such permitting is submitted with the proposed project; or

c. A total of 2.75 points will be awarded if proof is submitted to the Department showing either that all necessary permit(s) and easement(s) easements have been authorized and/or obtained or if that permitting and/or easement(s) easements are not required.

3. One point will be awarded if local funding sources are committed as cost share, match as demonstrated evidenced by relevant documentation including, but not limited to, an approved and line item in an adopted capital improvement plan Capital Improvement Plan, a signed letter from the Chief Executive Officer (or equivalent) of the eligible entity, a draft resolution or agenda item to be presented to from the governing board committing funding to the project if selected, or any other comparable document showing ~~or evidence of~~ availability of funds. One point will be awarded to financially disadvantaged small communities.



### 62S-8.003(3)(b) Proposal

(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 3.75 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. 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. 3.75 points will be awarded if drawings or plans that are properly certified (e.g., engineer's certification, signed and sealed by registered professional, etc.) by a professional in the relevant field are submitted.

2. Up to 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 1.5 points will be awarded if proof of application for necessary permits or approval from at least one authority having legal jurisdiction over such permitting is submitted with the proposed project; or

c. A total of 2.75 points will be awarded if all necessary permit(s) and easement(s) have been authorized or obtained or if permitting or easement(s) are not required.

3. One point will be awarded if local funding sources are committed as cost share, as demonstrated by relevant documentation including, but not limited to, an approved and adopted capital improvement plan, a signed letter from the Chief Executive Officer (or equivalent) of the **eligible entity**, a draft resolution or agenda item to be presented to the governing board committing funding to the project if selected, or any other comparable document showing availability of funds. One point will be awarded to **financially disadvantaged small communities**.





### 62S-8.003(3)(c) Modifications

#### **Environmental habitat enhancement or nature-based solutions – 7.5 points**

- Clarified, modified, or removed language





### Strike Add 62S-8.003(3)(c)

(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 environmental habitat ~~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 impact ~~is in an area~~ extends into an area that is identified as a state or federal ~~federally designated~~ critical habitat for threatened or endangered species at the time the applicant submits its proposal to the Department.



### 62S-8.003(3)(c) Proposal

(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 environmental habitat or includes **nature-based solutions**; and

2. A total of 3.75 points will be awarded if the **project impact area** extends into an area that is identified as a state or federal critical habitat for threatened or endangered species at the time the applicant submits its proposal to the **Department**.



### 62S-8.003(3)(d) Modifications

#### **Cost effectiveness – 7.5 points**

- Clarified, modified, or removed language



### Strike Add 62S-8.003(3)(d)

(d) A total of 7.5 points will be awarded if a reasonable analysis provided to the Department with the proposal that demonstrates that the project is cost-effective. The basis for cost effectiveness shall be provided by the applicant. A statement demonstrating cost-effectiveness ~~A cost-effective analysis~~ provided for this criterion must address one or more of ~~may consider~~ the following:

1. A comparison of contingencies and the estimated total project cost; compared to
2. Costs of alternative approaches or explanation of why there are no feasible alternative approaches;
3. Avoided economic loss due to failure or inability to operate due to flooding or sea level rise, the project costs compared to costs 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~~ reasonably foreseeable losses using industry standard economic models; and
4. Future costs and benefits calculated using the relevant discount rate, net present value, or other metrics measuring future costs and benefits to support the proposal ~~relevant metrics to demonstrate that the project is cost effective.~~



### 62S-8.003(3)(d) Proposal

(d) A total of 7.5 points will be awarded if a statement is provided to the **Department** with the proposal that demonstrates the project is cost-effective. The basis for cost effectiveness shall be provided by the applicant. A statement demonstrating cost-effectiveness provided for this criterion must address one or more of the following:

1. A comparison of contingencies and the estimated total project cost;
2. Costs of alternative approaches or explanation of why there are no feasible alternative approaches;
3. Avoided economic loss due to failure or inability to operate due to **flooding** or sea level rise, the project costs compared to costs to repair damage from **flooding** or erosion, or other reasonably foreseeable losses using industry standard economic models; and
4. Future costs and benefits calculated using the relevant discount rate, net present value, or other metrics measuring future costs and benefits to support the proposal.

**END OF TIER 2**







### TIER 3 Statutory Language

**“Tier 3 must account for 20 percent of the total score and consist of all of the following criteria:**

- a. The availability of local, state, and federal matching funds, considering the status of the funding award, and federal authorization, if applicable.**
- b. Previous state commitment and involvement in the project, considering previously funded phases, the total amount of previous state funding, and previous partial appropriations for the proposed project.**
- c. The exceedance of the flood-resistant construction requirements of the Florida Building Code and applicable flood plain management regulations.”**



### 62S-8.003(4)(a) Modifications

**Available local, state, or federal match – 6.5 points**

- Updated draft point criteria values
- Clarified, modified, or removed language



### Strike Add 62S-8.003(4)(a)

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

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

1. Zero points will be awarded if the proposal ~~application~~ does not demonstrate that a source for the required 50% cost share 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 3.25 ~~2.5~~ points will be awarded if the project proposal includes specifically identified local, state, or federal cost share grant match, but the funds have not been appropriated or released at the time the applicant submits it's proposal to the Department; or

3. A total of 6.5 points will be awarded if the project proposal provides documentation that 50% cost share ~~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 cost share match can be demonstrated by providing an approved and line item in an adopted capital improvement plan ~~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 comparable document showing ~~or evidence of~~ availability of funds.



### 62S-8.003(4)(a) Proposal

(4) 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 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 applicant submits its proposal 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 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 comparable document showing availability of funds.



### 62S-8.003(4)(b) Modifications

#### **Previous State funding for project – 6.5 points**

- Updated draft point criteria values
- Clarified, modified, or removed language





### Strike Add 62S-8.003(4)(b)

(b) A total of 6.5 Five points will be awarded if verification of ~~previous~~ state funding previously awarded to in the project is provided to the Department with the proposal. Verification must include previously funded phases, ~~total~~ amount of prior ~~previous~~ state funding, and previous partial appropriations, and must be submitted in a format that is verifiable by the participating agency. 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 paragraph 380.093(2)(c), 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.

### 62S-8.003(4)(b) Proposal

(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 participating agency. 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 paragraph 380.093(2)(c), 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.



### 62S-8.003(4)(c) Modifications

#### **Exceedance of flood-resistant requirements in Florida Building Code – 7 points**

- Updated draft point criteria values
- Clarified, modified, or removed language

### Strike Add 62S-8.003(4)(c)

(c) Up to seven ~~10~~ points will be awarded for any exceedance of the ~~Florida Building Code~~ 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 as the Florida Building Code, or local and applicable floodplain management regulations, whichever is more restrictive.

1. A total of 3.5 ~~Five~~ points will be awarded if the project will exceed Florida Building Code flood-resistant requirements or local and applicable floodplain management regulations, whichever is more restrictive, and the proposal ~~application~~ outlines the specific requirements and details relating to how the design ~~criteria~~ exceeds the criteria; requirements, or if no Florida Building Code flood-resistant requirements and applicable floodplain management regulations apply to the project type, or

2. Seven ~~Ten~~ points will be awarded if the project will exceed Florida Building Code requirements and local applicable floodplain management regulations, so long as the proposal references and the specific requirements and design criteria to be exceeded ~~are referenced and provided in its project proposal; or~~ ~~signed, sealed drawings~~

3. Seven points will be awarded if the proposal states that no Florida Building Code flood-resistant requirements or local floodplain management regulations apply to the project.



### 62S-8.003(4)(c) Proposal

(c) Up to seven points will be awarded for any 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 as the Florida Building Code, or local floodplain management regulations, whichever is more restrictive.

1. A total of 3.5 points will be awarded if the project will exceed Florida Building Code flood-resistant requirements or local floodplain management regulations, whichever is more restrictive, and the proposal outlines the specific requirements and details relating to how the design exceeds the criteria;
2. Seven points will be awarded if the project will exceed Florida Building Code requirements and local floodplain management regulations, so long as the proposal references the specific requirements and design criteria to be exceeded in its project proposal; or
3. Seven points will be awarded if the proposal states that no Florida Building Code flood-resistant requirements or local floodplain management regulations apply to the project.

**END OF TIER 3**





### TIER 4 Statutory Language

“Tier 4 must account for 10 percent of the total score and consist of all of the following criteria:

- a. The proposed innovative technologies designed to reduce project costs and provide regional collaboration.
- b. The extent to which the project assists financially disadvantaged communities.”



### 62S-8.003(5)(a) Modifications

**Innovative technologies are used to reduce project cost and provide regional collaboration – 5 points**

- Clarified, modified, or removed language
- Program guidance document to address innovative technologies and regional collaboration



### Strike Add 62S-8.003(5)(a)

(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 Department determines that 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 how they will reduce cost and provide ~~identify~~ regional collaboration; and



### 62S-8.003(5)(a) Proposal

(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 Department determines that 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 how they will reduce cost and provide regional collaboration; and



### 62S-8.003(5)(b) Modifications

#### **Financially disadvantaged community – 5 points**

- Clarified, modified, or removed language





### Strike Add 62S-8.003(5)(b)

(b) Five points will be awarded if the proposal demonstrates that the critical asset or ~~area benefited by the~~ project impact area is located in serves a financially disadvantaged 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.~~



### 62S-8.003(5)(b) Proposal

(b) Five points will be awarded if the proposal demonstrates that the critical asset or the **project impact area** is located in a financially disadvantaged community.

END OF TIER 4





### Next Steps

- Public workshop – Today
  - Commenting period through June 1
    - Submit comments to [Krista.Shipley@FloridaDEP.gov](mailto:Krista.Shipley@FloridaDEP.gov)
- Notice of Proposed Rule in FAR – late summer
- Rule effective – later-2022

*To sign up for rulemaking updates, visit  
<https://floridadep.gov/rcp/resilient-florida-program> and click on  
“Click here to stay updated on the Resilient Florida Rulemaking”*



**THANK YOU**