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FLORIDA POISED TO RECEIVE MAJOR INVESTMENTS IN INFRASTRUCTURE RESILIENCE

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On Friday, May 28, 2021, President Biden unveiled a $6 trillion infrastructure plan. With the Biden Administration's focus on climate change, substantial funds will be made available to address sea-level rise, and this presents significant opportunities for Florida businesses. Moreover, the Florida Legislature passed several bills during the 2021 session (see, e.g., SB 1954 and 2514) designed to make grant funds available, primarily to local governments, for infrastructure hardening in coastal areas.

The 2021 legislation compliments Florida's 2020 Sea Level Impact Projection ("SLIP") study legislation (SB178), which requires SLIP studies to be performed for projects funded by the government in coastal areas to ensure that the impacts of sea-level rise are adequately considered for new projects. The Florida Department of Environmental Protection ("FDEP") is currently engaged in rulemaking to implement section 161.551, Fla. Stat., regarding the SLIP study requirements, to be codified at Rule 62S-7.010, F.A.C.

The state budget proposed by the Florida legislature in 2021 includes over $12 million in funds related to coastal assessment and hardening efforts and this number may be supplemented contingent on Florida receiving additional COVID-19 relief from the federal government. Those funds should be increased significantly with the passage of Senate Bill 1954, which will direct $100 million per year to fight flooding and other climate risks in coastal and inland communities. In addition, the Biden Administration's proposed infrastructure spending plan is poised to enhance the available funds substantially. Much of President Biden's proposed American Jobs Plan focuses on addressing climate change's impacts, including coastal resiliency.

According to a White House fact sheet, the Plan includes $50 billion in dedicated investments to improve infrastructure resilience and targets 40 percent of the benefits of climate and clean infrastructure investments on disadvantaged communities. This means that rural coastal communities in Florida may see a boost in investment. While the 2021 Florida legislation, such as the Resilient Florida Grant Program, codified at section 380.093(3), Fla. Stat., and the Annual Sea Level Rise Plan, codified at §380.093(5), Fla. Stat., primarily target local government projects, the private industry stands to benefit from these programs by providing design, engineering, and construction services.

State funds are likely to become available starting in October of 2021. Should Congress pass President Biden's American Jobs Plan, Florida design, infrastructure, and construction businesses stand to see even more investment in coastal resiliency projects, including coastal armoring, transportation and utility infrastructure hardening and other projects designed to mitigate the risks posed by sea-level rise and increased storm impacts resulting from global climate change. Suppose your business focuses on design, engineering, utility, transportation, or construction services. In that case, you should carefully track the status of grant applications and projects proposed by the local government to position your business for successful bidding strategically. With so many resources poised for deployment in Florida in the coming months, Berger Singerman's Government and Regulatory Team can help you by providing grant and project monitoring, public procurement planning and execution services, and litigation support.

Should President Biden’s American Jobs Plan be passed by Congress, those in the construction industry are not the only ones who stand to benefit. So, whether your business installs utilities, addresses sea-level rise, focuses on clean energy, or provides broadband, workforce training, affordable housing, or childcare, you, among many others, stand or benefit from the Plan. Stay tuned for updates to the legislation, as well as other articles focused on how to obtain any future infrastructure work and issues related to the various categories of anticipated projects.

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