

A Missing Entity?
Florida’s Statewide Flooding and Sea Level Rise Resilience Plan Legislation
and Independent Special Districts

University of Florida Coastal Policy Lab¹

The widely acclaimed 2021 Statewide Flooding and Sea Level Rise Resilience Plan legislation creates a significant funding opportunity for specified local and regional entities to plan and pursue projects to reduce vulnerability and increase resiliency in the face of the increasing threat from flooding and sea level rise.² The resilience statute allocates these resources through a process available to certain enumerated entities only - “count[ies], municipal[itie]s, regional resilience entit[ies], water management district[s] and flood control district[s].”³ However, **the statute does not include independent special districts**, many of which serve at the front lines of the effort to increase local and regional resilience, and which would benefit from access to additional resources to plan for and address sea level rise and flooding.

In Florida, there are 1192 independent special districts,⁴ a significant number of which are actively involved in operations which will be affected by flooding and sea level rise, and which have the operational capacity to respond to flooding and sea level rise. Examples include the inland navigation districts, some port and waterway authorities, and some inlet and erosion control districts.⁵ Unlike their dependent special district cousins, independent special districts are typically self-governing, with either or elected or appointed bodies and independent financing capacity through ad valorem taxation, special assessments, and bonding authority that are independent from the local governments and regional entities currently included in the statute.⁶ Moreover, many of these districts have direct responsibility over critical assets, as defined by the statute,⁷ and provide valuable services to control flooding, reduce erosion, maintain waterways and rehabilitate and renourish beaches and shorelines, and mobilize emergency efforts after hurricanes and natural disasters.

Adding Independent Special Districts to the list of entities eligible to participate in the Statewide Flooding and Sea Level Rise Resilience planning and implementation processes should be afforded further consideration given their self-governing authority over critical assets, their ability to operationalize resiliency projects and their capacity to leverage state and other grant funds provided through their own revenue generation.

¹ A project of the University of Florida Levin College of Law Conservation Clinic; The Center for Coastal Solutions, University of Florida College of Engineering; and the Florida Sea Grant Legal Program.

² FLA. STAT. § 380.093 (2021). *See also* Erin L. Deady, *Statewide Flooding and Sea Level Rise Resilience: New Legislation and Opportunities to Implement and Fund Resiliency*, 42 FLA. BAR. J. <https://eluls.org/wp-content/uploads/2021/09/The-Environmental-and-Land-Use-Law-Section-Reporter-September-2021.pdf> (Sept. 2021)

³ FLA. STAT. §380.093(5)(f) (2021)

⁴ Official List of Special Districts, FLA. DEP’T OF ECON. OPPORTUNITY, <http://specialdistrictreports.floridajobs.org/webreports/criteria.aspx> (Select “Independent Only” under Option 2; then select “Create Your Report”)

⁵ Special Districts Sorted by Special Purpose (Summary), FLA. DEP’T OF ECON. OPPORTUNITY, <http://specialdistrictreports.floridajobs.org/webreports/sumfunctionlist.aspx> (Sept. 29, 2021)

⁶ FLA. STAT. § 189.012(3) (2021) (describing independent special districts as “a special district that is not a dependent special district as defined in [Fla Stat. § 189.012(2)]; *See also* FLA. STAT. § 189.012(2) (2021) (outlining the characteristics of a dependent special district)

⁷ FLA. STAT. § 380.029(2)(a) (2021)