



December 11, 2014

Will So-Called King Tide Cost Us Millions?

By Jennifer LeClaire

GlobeSt.com caught up with attorney Mark Lynn to get his thoughts on this somewhat controversial topic in the first installment of this **EXCLUSIVE** interview.



"Developers need to know that this is happening," says Mark Lynn.

There's been plenty of talk about the cost of rising tides in South Florida. But is just talk? Or should developers and governments be making some serious preparations?

GlobeSt.com caught up with **Mark Lynn**, a senior associate at the Fort Lauderdale, FL law firm **Greenspoon Marder**, to get his thoughts on this somewhat controversial topic in the first installment of this exclusive interview. Be sure to come back to this afternoon's Miami edition, where Lynn will sound off on what steps have local cities and counties taken to address sea rise.

GlobeSt.com: Why should real estate developers be concerned about sea rise now? Isn't this a "far off" issue?

Lynn: I understand that politically this is a sensitive subject. But there are two facts that are impossible to ignore.

The first is that sea levels—including those in South Florida—have risen at least eight inches over the past century, and are projected to rise at least another foot this century. The second is that over 2 million people and 1 million homes sit within four feet of the local high tide line.

In fact, South Florida has the fourth largest population vulnerable to sea rise in the world, based on a University of Miami study. Developers need to know that this is happening—not to create worry, but to recognize the innate advantages to developers who are aware of these issues and how to deal with them.

For example, there will be a value to real estate improvements that can better withstand floods and water encroachment, and cooperate with local governments to create a resilient community. Contractors who can market themselves as specialists in the construction of resilient communities would have a huge advantage.

There could be even greater value in finding innovative ways to affordably and efficiently modify existing structures to withstand sea rise events. There are tremendous opportunities here.

GlobeSt.com: What laws have been passed in Florida to address sea rise?

Lynn: In 2011 the Florida legislature added to Chapter 163 the term “adaptation action area” and authorized local governments to enact code provisions developing an adaptation action area designation.

GlobeSt.com: What is an Adaptation Action Area?

Lynn: An adaptation action area is a designation within the local government’s comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge and are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning. The idea is for local governments to better define at-risk areas and then better allocate resources for public infrastructure projects which will, in turn, better protect and increase the resiliency of vulnerable communities.

GlobeSt.com: How are Adaptation Action Areas funded?

Lynn: Right now most funding for adaptation action areas, as well as most resiliency projects, are funded through local governments via stormwater and related charges. Eventually, funding could come from state and federal grants. Right now we are early in the game.