

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

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BILL #: [CS/CS/CS/HB 1535](#)

TITLE: Emergencies

SPONSOR(S): McFarland

COMPANION BILL: [CS/CS/SB 180](#) (DiCeglie)

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 106 Y's 0 N's

GOVERNOR'S ACTION: Pending

SUMMARY

Effect of the Bill:

The bill amends various provisions related to emergency management to improve the state's ability to respond to and recover from natural emergencies, including hurricanes. The bill requires each county and municipality to post certain information pertaining to storm preparation and recovery online, including a post-storm permitting plan and recovery guide. The bill requires the Division of Emergency Management (DEM) to assist local governments by creating a template for emergency management plans and guidance on the creation of mutual aid agreements. The bill amends provisions related to shelters to ensure shelter needs are addressed at the county level. The bill prohibits certain local government actions post-hurricane that place a moratorium or other restrictions on development and prohibits local governments from adopting a statewide substantial improvement lookback period for purposes of the National Flood Insurance Program. The bill also revises the maximum evacuation clearance time for residents of the Florida Keys Area.

Fiscal or Economic Impact:

This bill creates new responsibilities and requirements for DEM, the Department of Environmental Protection, and local governments relating to emergency preparedness and response. The impact of these provisions is indeterminate. This bill contains no appropriations and it is anticipated that any workload or need for increased expenditures will be absorbed within existing department or local operational resources.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

ANALYSIS

EFFECT OF THE BILL:

CS/CS/CS/HB 1535 passed as [CS/CS/SB 180](#).

Emergency Management

The bill amends various provisions related to emergency management. Specifically, the bill requires the [Division of Emergency Management](#) (DEM) to:

- Develop a template for comprehensive emergency management plans, including plans for natural disasters, and guidance on the development of mutual aid agreements as part of its efforts to assist local governments in preparing for emergencies. (Section 7)
- Take steps to maximize the availability and expedite the distribution of financial assistance from the federal government to state and local agencies. (Section 13)
- Conduct, by April 1 of each year, a hurricane readiness session in each region of the state. (Section 7)

The bill requires each county and municipality to post certain information related to emergency response and preparation on its publicly accessible website, including:

- Frequently asked questions related to natural emergency response, emergency preparedness, and public relief for residents following an emergency.
- A disaster supply list and a list of emergency shelters.
- Links to information about flood zones.
- A checklist for residents explaining the next steps to take during post-disaster recovery.
- Information specific to persons with disabilities, including, but not limited to, guidelines for special needs

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DATE: 5/14/2025

shelter registration and post disaster assistance or resources available to persons with disabilities impacted by a disaster. (Section 16)

The bill requires DEM to specify the minimum number of training hours that county and municipal administrators, county or municipal managers, county or municipal public works directors, or other officials responsible for the construction and maintenance of public infrastructure must complete biennially. (Section 7)

To facilitate coordination with DEM, the bill requires each agency emergency coordination officer and each local government emergency contact, which includes the county emergency management director, to be identified by May 1 annually. (Sections 11 and 15)

Effective January 1, 2026, the bill requires all state and local government contracts for goods or services related to emergency response entered into, renewed, or amended on or after July 1, 2025, include a provision that, upon breach during an emergency recovery period, the contractor is required to pay a \$5,000 penalty and damages, which may be either actual and consequential damages or liquidated damages. The bill defines “emergency recovery period” as the one-year period that begins on the date the Governor initially declared a state of emergency for a natural emergency. (Section 19)

Debris Management

The bill creates new provisions related to debris management that:

- Encourage local governments to add an addendum to existing solid waste contracts or franchise agreements for the collection of storm-generated debris. (Section 24)
- Require each county and municipality to apply to the Department of Environmental Protection (DEP) for authorization for at least one debris management site and annually seek preauthorization for such site. The bill allows a municipality to jointly apply with a county or an adjacent municipality if the parties develop and approve a memorandum of understanding. (Section 24)

Hoisting Equipment and Crane Safety

When a tower or mobile crane is on a worksite, the bill requires a hurricane preparedness plan for that crane to be available for inspection. The bill provides emergency procedures and practices for hoisting devices and tower cranes that must occur 24 hours before the anticipated impacts of a hurricane. The bill provides that a contractor who violates these safety provisions is subject to discipline by the Department of Business and Professional Regulation (DBPR). Finally, the bill requires the Florida Building Commission to establish best practices for the utilization of tower cranes and hoisting equipment on construction jobsites during hurricane season and report its findings to the Legislature by December 31, 2026. (Section 25)

Rebuild and Repair

The bill lays out several new provisions that address repair and rebuilding after a natural disaster. The bill:

- Requires each county and municipality to develop a post-storm permitting plan to expedite recovery and rebuilding by providing for special building permit and inspection procedures after a hurricane or tropical storm. The plan must ensure sufficient personnel are prepared and available for building inspection, permitting, and enforcement tasks; account for multiple or alternate locations where building permit services may be offered; and specify a protocol to expedite permits and, if practicable, for the waiver or reduction of fees. (Section 16)
- Requires each county and municipality to publish a hurricane and tropical storm recovery permitting guide to assist homeowners in determining the types of post-storm repairs that require a permit, the types of repairs that do not require a permit, and the permitting process. (Section 16)
- Prohibits a county or municipality within an area where a state of emergency for a hurricane or tropical storm has been declared from increasing a building permit or inspection fee for 180 days. (Section 16)
- Requires DEM to consult with local governments, DBPR, DEP, and any other appropriate agencies to develop recommendations for statutory changes necessary to streamline the permitting process for repairing and rebuilding structures damaged during natural emergencies. These recommendations must be presented to the President of the Senate and the Speaker of the House of Representatives by July 1, 2026. (Section 27)

- Prevents a local government, school district, or special district from assessing an [impact fee](#) for the reconstruction or replacement of a previously existing structure if the replacement structure is of the same land use as the original structure and does not increase the impact on public facilities beyond that of the original structure. However, if the replacement structure increases the demand on public facilities due to a significant increase in size, intensity, or capacity of use, a local government, school district, or special district may assess an impact fee in an amount proportional to the difference in the demand between the replacement structure and the original structure. Any such fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the reconstruction or replacement of a previously existing structure. (Section 3)
- Requires each county and municipality directly impacted by a natural emergency to open a permitting office as soon as reasonably practicable following the landfall and passage of a hurricane or tropical storm where residents can access government services for at least 40 hours per week. (Section 16)
- No later than May 1, 2026, requires each county and municipality to provide an online option for receiving, reviewing, and accessing [substantial damage and substantial improvement letters](#). The county or municipality must allow a homeowner to provide an email address to obtain these digital copies. (Section 16)
- Revises the term “renovated building” to provide that the estimated costs of a renovation must exceed 75 percent of the fair market value of the building prior to the natural disaster before a home must be rebuilt to current thermal efficiency standards if the damage is the result of a declared state of emergency. (Section 26)
- Tolls the formal determination of the delineation of the extent of wetlands retroactively to January 1, 2023. (Section 10)

The bill renames the natural hazards interagency workgroup as the natural hazards risks and mitigation interagency coordinating group. The bill identifies specific agency heads, or the designee of such person, to participate in the coordinating group. DEM, on behalf of the coordinating group, must provide an annual report to the Governor and the Legislature. In part, the report must contain recommendations regarding statutory changes and funding needs that may assist the state in addressing or mitigating risks and impacts of natural hazards. (Section 12)

For homestead [property assessments](#) for homes that have been damaged or destroyed by misfortune or calamity, the bill provides that the assessment should remain at the property’s assessed value as of the January 1 immediately before the date on which the property was damaged or destroyed when the square footage as changed or improved does not exceed 130 percent of the square footage before the damage or destruction or the total square footage does not exceed 2,000 square feet, rather than 110 percent and 1,500 square feet. (Section 4)

For a local government that is participating in the [National Flood Insurance Program \(NFIP\)](#), the bill provides that the local government may not adopt a cumulative substantial improvement period (also known as “lookback” period”). The bill defines “cumulative substantial improvement period” as the period during which an aggregate of improvements or repairs are considered for purposes of determining substantial improvement. (Section 2)

For one year after a hurricane makes landfall, the bill prohibits a county listed in a federal disaster declaration, or a municipality located within such a county, located entirely or partially within 100 miles of a hurricane’s track from proposing or adopting:

- A moratorium on construction, reconstruction, or redevelopment of any property;
- A more restrictive or burdensome amendment to its comprehensive plan or land development regulations; or
- A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order. (Section 18)

The bill provides the following exceptions to the above prohibition:

- If the associated application is initiated by a private party other than the impacted local government and the property is owned by the initiating private party;
- If the proposed comprehensive plan amendment was submitted to reviewing agencies before landfall; or

- If the proposed comprehensive plan amendment or land development regulation is approved by the state land planning agency (related to areas of critical state concern). (Section 18)

If these provisions are not followed, the bill provides a procedure for a person to file suit against a local government for declaratory and injunctive relief. Before a plaintiff can sue, however, the plaintiff must provide the local government 14 days to withdraw or revoke the action or otherwise declare it void. Ultimately, if the matter is resolved after a suit, the prevailing plaintiff is entitled to reasonable attorney fees and costs. (Section 18)

For Hurricane Debby, Hurricane Helene, and Hurricane Milton, the bill provides similar prohibitions on construction moratoriums and burdensome or restrictive comprehensive plan amendments. The provisions apply until October 1, 2027, and are applied retroactively to August 1, 2024. (Section 28)

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study on actions taken by local governments after hurricanes that are related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders. The study must focus on the impact that such local government actions may have had on construction, reconstruction, or redevelopment of any property damaged by hurricanes. OPPAGA must submit the report to the Legislature by December 1, 2025. (Section 18)

Flood-risk Inventory

The bill requires DEP to work with water management districts, local governments, and operators of stormwater management systems to create a report related to an infrastructure flood-risk inventory. The initial report must be submitted to DEM by September 1, 2026. The report must be updated biannually to include updated information based on storm events, new flooding occurrences, and the implementation of new projects. (Section 20)

Shelters

The bill provides that for purposes of the Hurricane Loss Mitigation Program, DEM must prioritize the use of funds for shelters located in counties, rather than regional planning councils, that have a shelter deficit, and for projects that are publicly owned, other than schools. (Section 5)

The bill requires the state comprehensive emergency management plan to include a shelter component that, at a minimum, contains strategies to ensure the availability of adequate public shelter space in each county, rather than in each region of the state. (Section 7)

The bill adds the Department of Veterans' Affairs to the list of entities that must provide registry information to their special needs clients or caregivers. The bill also requires the Florida Housing Finance Corporation to enter into a memorandum of understanding with the Department of Elderly Affairs and with the Agency for Persons with Disabilities to ensure special needs registry information is provided to residents of low income senior independent living facilities and independent living properties for persons with intellectual or developmental disabilities. (Section 8)

The bill provides that a caregiver of a person with special needs who is eligible for admission to a special needs shelter, and all persons for whom he or she is the caregiver, must be allowed to shelter together in the special needs shelter. If a person with special needs is responsible for the care of an individual without special needs, both must be allowed to use the special needs shelter. (Section 8)

The bill requires DEM to submit a shelter report to the Governor and Legislature annually, rather than biennially, that projects the shelter needs of the state for the next five years. It requires the Department of Health and the Agency for Persons with Disabilities to assist DEM with the report in determining the estimated need for special needs shelter space, including space to accommodate persons with developmental disabilities such as autism. (Section 17)

Financing

The bill provides that if DEM intends to accept or apply for federal funds for a DEM-administered program that is new, that will be implemented in a manner that is innovative or significantly different from the manner in which

the program is typically administered, or that will require a state match for which DEM will be required to seek new budget authority, DEM must notify the Legislature of its intent to accept or apply for the federal funds. (Section 13)

Audits

Effective January 1, 2026, the bill amends provisions relating to audits of emergency management expenditures. The bill requires all contracts executed to support the response to a declared state of emergency to be posted on the secure contract tracking system. It also requires DEM, annually by January 15, to report to the Legislature on the expenditures related to emergencies incurred over the past year, including a summary of the event, detailed expenditures, and an accounting of all inventory and assets purchased. (Section 9)

Medical Officer Authorization

The bill provides that a servicemember trained to provide medical care who is serving under the direction of the Florida National Guard State Surgeon and is assigned to a military duty position and authorized by the Florida National Guard to provide medical care within the scope of the servicemember's professional licensure by virtue of such duty position may provide such care to military personnel and civilians within the state. (Section 6)

Access to Unusable Property

The bill provides that when a rented premise is damaged or destroyed so that the enjoyment of the premise is substantially impaired, other than by wrongful or negligent act of the tenant, the tenant must be given an opportunity to collect his or her belongings or notice of a date by which the tenant will be able to do so. (Section 1)

Florida Keys Hurricane Evacuation Timeframes

The bill extends the hurricane evacuation time for the [Florida Keys Area](#) to 24.5 hours from 24 hours. It also requires the Department of Commerce to conduct a baseline modeling scenario to determine the number of building permit allocations to be distributed in the Florida Keys Area based upon the new hurricane evacuation clearance time. The permit allocations must be distributed to counties and municipalities based on the number of vacant buildable lots within each jurisdiction. The permit allocations must be distributed over a period of at least 10 years and may not exceed 900. The bill provides that permits must be issued for vacant, buildable parcels, of which only one may be awarded for any parcel, and the distribution of which must prioritize owner-occupied residences, affordable housing, and workforce housing. (Sections 21 and 22)

Effective Date

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law, except as otherwise provided. (Section 30)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill requires DEM to develop a template for comprehensive emergency management plans, including plans for natural disasters, and guidance on the development of mutual aid agreements as part of its efforts to assist local governments in preparing for emergencies. The fiscal impact of this provision is indeterminate but is expected to be absorbed within existing department resources. While the impact of this workload is indeterminate, it is expected to be absorbed within existing resources. DEM has not provided a fiscal impact or policy analysis for this bill.

The bill requires DEP to work with various entities to create a report related to an infrastructure flood-risk inventory. The impact of this provision is indeterminate but expected to be absorbed within existing operational resources. DEP has not provided a fiscal impact or policy analysis for this bill.

LOCAL GOVERNMENT:

The bill will have an indeterminate fiscal impact on local government expenditures. The bill requires emergency management training and increased transparency by local governments for emergency response activities. Local

governments may have to absorb the costs of upgrading databases to comply with the requirements of the bill. The bill also requires local governments to develop a post-storm permitting plan to expedite recovery.

PRIVATE SECTOR:

The bill may have a positive, yet indeterminate fiscal impact on private sector businesses that engage in construction related services. The bill encourages streamlining of permitting, transparency, and access to permit locations post-storm, and prohibits certain local government development restrictions.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Emergency Management

The State Emergency Management Act (act) governs emergency management and establishes the legal framework for the state's emergency management activities. The act confers upon the Governor, the Division of Emergency Management (DEM), and the governing body of each county and municipality certain emergency powers in the event of emergencies and disasters resulting from natural, technological, or human causes to ensure preparations of the state will be adequate to deal with, reduce vulnerability to, and recover from such emergencies and disasters; to provide for the common defense and to protect the public peace, health, and safety; and to preserve the lives and property of the people of the state.¹

The act authorizes the Governor to assume or delegate direct operational control over all or any part of emergency management functions in the event of an emergency.² This authority includes issuing executive orders, proclamations, and rules that have the force and effect of law.³ The act specifically authorizes the Governor to use all resources of state government and each political subdivision of the state as reasonably necessary to cope with the emergency.⁴ In addition, the act authorizes the Governor to:

- Suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business or the orders or rules of any state agency, if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency.
- Transfer the direction, personnel, or functions of state departments and agencies or units thereof to perform or facilitate emergency services.
- Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles; however, the Governor may not seize, take, or confiscate firearms that are lawfully possessed, unless a person is engaged in the commission of a criminal act.
- Make provision for the availability and use of temporary emergency housing.
- Take effective measures for limiting or suspending lighting devices and appliances, gas and water mains, electric power distribution, and all other utility services in the general public interest.
- Take measures concerning the conduct of civilians, the movement and cessation of movement of pedestrian and vehicular traffic at certain times, the calling of public meetings and gatherings, and the evacuation and reception of the civilian population, as provided in the emergency management plan of the state and counties and municipalities.
- Authorize businesses and their employees who sell commodities to exceed the times of curfews for ensuring that the supply of commodities is made available to the public and direct local law enforcement to assist and accommodate those businesses and their employees in ensuring that commodities are available in coping with the emergency.⁵

The Governor must delegate emergency responsibilities to officers and agencies of the state and to counties and municipalities prior to an emergency or threat of an emergency and must use the services and facilities of existing officers and agencies of the state and of the political subdivisions thereof as the primary emergency management

¹ S. [252.32, F.S.](#)

² S. [252.36\(1\)\(a\), F.S.](#)

³ S. [252.36\(1\)\(b\), F.S.](#)

⁴ S. [252.36\(6\), F.S.](#)

⁵ *Id.*

forces of the state. All such officers and agencies must cooperate with and extend their services and facilities to DEM, as it may require.⁶

[Division of Emergency Management](#)

DEM is responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities and emergency powers under the act. DEM must administer programs to rapidly apply all available aid to communities stricken by an emergency.⁷ DEM must maintain the statewide comprehensive plan for emergency management and coordinate efforts of the Federal Government with state and local government and private agencies.⁸ In addition, DEM is responsible for:

- Adopting standards and requirements for county emergency management plans, assisting counties and municipalities in preparing and maintaining the plans, and periodically reviewing the plans for consistency with state standards.
- Cooperating with the President, the heads of the Armed Forces, and various federal emergency management agencies.
- Implementing training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. The training must include a continuous training program for agencies and individuals that will be called on to perform key roles in state and local post-disaster response and recovery efforts and for local government personnel on federal and state post-disaster response and recovery strategies and procedures.
- Prioritizing technical assistance and training to fiscally constrained counties on aspects of safety measures, preparedness, prevention, response, recovery, and mitigation relating to natural disasters and emergencies.
- Planning for and either procuring supplies, medicines, materials, and equipment or entering into a memorandum of agreement or open purchase orders to ensure the availability of such supplies.
- Reporting biennially to the Governor and Legislature on the status of emergency management capabilities of the state and its political subdivisions.
- Creating, implementing, administering, adopting, amending, and rescinding rules, programs, and plans needed to carry out emergency management.
- Doing other things necessary, incidental, or appropriate for implementing emergency management.⁹

Counties and Municipalities

Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each county and municipality of the state. Counties and municipalities have certain duties and responsibilities to provide effective and orderly governmental control and coordination of emergency operations, including a requirement that counties adopt an emergency management plan that is coordinated and consistent with the state's comprehensive emergency management plan and program.¹⁰

Counties must establish a local emergency management agency that serves the entire county. The director of the local emergency management agency must coordinate emergency management activities, services, and programs within the county and must serve as liaison to DEM and other local emergency management agencies. Each local emergency management agency must perform emergency management functions within the county in accordance with state and county emergency management plans and pursuant to the act.¹¹

Counties and municipalities have the authority to declare a state of local emergency if an emergency affects only one political subdivision, which triggers the ability to request state assistance or invoke emergency-related

⁶ S. [252.36\(9\), F.S.](#)

⁷ S. [252.35\(2\), F.S.](#)

⁸ S. [252.35\(1\), F.S.](#)

⁹ S. [253.35, F.S.](#)

¹⁰ S. [253.38, F.S.](#)

¹¹ S. [253.38\(1\), F.S.](#)

mutual-aid assistance. The duration of a local state of emergency is seven days, but may be extended in seven-day increments as necessary.¹²

Counties and municipalities may make, amend, and rescind orders and rules as are necessary for emergency management purposes that are not inconsistent with any orders or rules adopted by DEM or by any state agency exercising a power delegated to it by the Governor or DEM.¹³ All orders and rules adopted by any county or municipality have the full force and effect of law when filed in the office of the clerk or recorder of the political subdivision; however, any order or rule inconsistent with the act or the Florida Emergency Planning and Community Right-to-Know Act will be suspended to the extent that such conflict exists.¹⁴ Furthermore, any person violating any rule or order issued pursuant to either act is guilty of a second-degree misdemeanor and may be punished by a term of up to 60 days in jail and fines up to \$500.¹⁵

To carry out these emergency functions, counties and municipalities can receive advanced training for comprehensive approaches to managing emergency and disaster incidents from DEM or from the Federal Emergency Management Agency (FEMA). In addition, last year, the Legislature created minimum education, experience, and training standards for all county emergency directors.¹⁶ Specifically, by June 30, 2026, each county emergency management director must meet the following minimum training and education qualifications:

- Fifty hours of training in business or public administration, business or public management, or emergency management or preparedness. A bachelor's degree may be substituted for this training requirement.
- Four years of verifiable experience in comprehensive emergency management services, including improving preparedness for emergency and disaster protection, prevention, mitigation, response, and recovery. This must include direct supervisory responsibility for at least one emergency or disaster.¹⁷
- Completion of 150 hours of comprehensive emergency management training provided through or approved by FEMA or its successor, including completion of the specified National Incident Management System (NIMS) courses.¹⁸ All required training must be completed no earlier than 10 years preceding a person's appointment as a county director, regardless of whether it is an initial appointment or a reappointment.
- A valid driver license. If the license is not issued by Florida, the director must obtain a Florida driver license within 30 days after being appointed as director.¹⁹

Shelters

DEM must prepare a Statewide Emergency Shelter Plan (SESP) by January 31 of each even-numbered year.²⁰ The SESP must identify the general location and square footage of existing general population and special needs shelter space, by regional planning council region, and projected space needs during the next five years.²¹ DEM also maintains a special needs registry; individuals can register through a website maintained by the Department of Health.²²

¹² S. [252.38\(3\)\(a\)5, F.S.](#)

¹³ S. [252.46\(1\), F.S.](#)

¹⁴ S. [252.46\(2\), F.S.](#)

¹⁵ S. [252.50, F.S.](#)

¹⁶ CS/CS/HB 1567 (2024), which was codified in s. [252.38, F.S.](#)

¹⁷ A master's degree in one or more certain specified fields may be substituted for two years of the required experience, but not for the required supervisory experience. Alternatively, a valid accreditation as a Certified Master Exercise Practitioner by FEMA, a Certified Emergency Manager, or a Florida Professional Emergency Manager may substitute for the required experience but the accreditation must be kept in good standing until the actual time and experience requirements may be satisfied.

¹⁸ The Emergency Management Institute, run by FEMA, is the primary center for developing and delivering emergency management training nationally, emphasizing programs such as NIMS. NIMS is intended to apply across all jurisdictional levels and functional disciplines for the management of all potential incidents, hazards, and impacts regardless of size, location, or complexity.

¹⁹ S. [252.38, F.S.](#)

²⁰ S. [252.385\(2\)\(b\), F.S.](#)

²¹ *Id.*

²² S. [252.355, F.S.](#)

Hurricane Loss Mitigation Program

In 1999, the Legislature created the Hurricane Loss Mitigation Program within DEM to fund programs for improving the wind resistance of residences and mobile homes.²³ The program is funded by an annual appropriation of \$10 million from the Florida Hurricane Catastrophe Fund.²⁴ Of that money, \$3 million must be directed toward retrofitting existing facilities used as public hurricane shelters. DEM must prioritize the use of the funds for projects included in the annual shelter retrofit report. On January 1 of each year, DEM must submit a report and an accounting of activities under the program and an evaluation of the activities. The program expires on June 30, 2032.²⁵

Audits

When an emergency exceeds 90 days, contracts executed by the Executive Office of the Governor or the appropriate agency to support the response to the declared state of emergency must be submitted to the Legislature within 72 hours.²⁶ For contracts executed within the first 90 days of the emergency being declared, such contracts must be submitted to the Legislature within 120 days of the declaration. The Executive Office of the Governor or the appropriate agency must submit monthly reports to the Legislature of all state expenditures, revenues received, and funds transferred by an agency during the previous month to support the emergency. Once an emergency exceeds one year, the Auditor General must conduct a financial audit of all associated expenditures and a compliance audit of all associated contracts entered into during the declared emergency. The audit must be updated annually until the emergency has ended.²⁷

National Flood Insurance Program

As most property insurance policies do not cover flooding damage, people need another way to protect their homes, businesses, and possessions from floods. To fill this gap, the National Flood Insurance Program (NFIP) is a FEMA-managed program where property owners and renters in participating communities can purchase insurance against flood losses in exchange for those communities adopting and enforcing regulations to reduce flood damage.²⁸ When the NFIP is looking to estimate repair costs for a damaged facility, it compares the cost of the repair to the facility's estimated market value before the damage occurred.

There are two assessments made by local governments for the NFIP's determination:

- *Substantial Damage*: "Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred."
- *Substantial Improvement*: "Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred 'substantial damage,' regardless of the actual repair work performed. The term does not, however, include either:
 - Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
 - Any alteration of a 'historic structure,' provided that the alteration will not preclude the structure's continued designation as a 'historic structure.'"²⁹

²³ Chapter 99-305, L.O.F.; codified as s. [215.559, F.S.](#)

²⁴ S. [215.559, F.S.](#)

²⁵ *Id.*

²⁶ S. [252.3611, F.S.](#)

²⁷ *Id.*

²⁸ FEMA and NFIP, National Flood Insurance Program Media Toolkit, *available at* <https://agents.floodsmart.gov/sites/default/files/fema-nfip-media-toolkit-10-2024.pdf> (last visited Feb. 28, 2025).

²⁹ FEMA, *Substantial Improvement/Substantial Damage Desk Reference* at Appendix D (May 2010), *available at* https://www.fema.gov/sites/default/files/documents/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf (last visited Feb. 25, 2025).

To make the 50 percent determination, the local government compares the cost to improve or repair to the market value of the building (excluding land, accessory structures, and landscaping).³⁰ If the resulting ratio equals or exceeds 50 percent, the existing building must be brought into compliance with current local floodplain management standards, state standards, and NFIP requirements for new construction (New Standards).³¹

$$\frac{\text{Cost of Improvement or Cost to Repair to Pre-Damage Condition}}{\text{Market Value of Building}} \geq 50\%$$

32

In addition to estimated market value, local governments can enact their own substantial improvement periods (also known as “look back periods”), which are set periods of time where they “look back” at the amount of permitted improvements and work on a facility when calculating its estimated market value for the 50 percent threshold discussed above.³³ If repairs or permitted work is done during a “look back period,” then the cost of that work decreases the amount of money needed to reach the 50 percent rule. For example, if a home is valued at \$200,000 with no permitted work, its repair costs for the NFIP would have to exceed \$100,000 in order to be forced to be brought up to these New Standards. On the other hand, if it was in a city with a “look back period” and the homeowners had \$25,000 worth of permitted work during that “look back period,” the homeowners would only have had to spend \$75,000 to trigger the 50 percent rule.

Finally, these determinations are memorialized in [substantial damage and substantial improvement letters](#) written by the assessing local government and may be needed for claims under NFIP.³⁴

[Hoisting Equipment and Crane Safety](#)

Presently, the state preempts any local law or regulation, including, but not limited to, a local building code or building permit requirement that pertains to hoisting equipment, including power-operated cranes, derricks, hoists, elevators, and conveyors used in construction, demolition, or excavation work that the Occupational Safety and Health Administration does not already preempt under 29 C.F.R. parts 1910 and 1926. This includes, but is not limited to, local worksite regulation regarding hurricane preparedness or public safety.^{35,36}

³⁰ *Id.*

³¹ See FEMA, *Substantial Damage Quick Guide* (Jan. 21, 2025), available at <https://www.fema.gov/fact-sheet/substantial-damage-quick-guide> (last visited Feb. 25, 2025) and FEMA, *Substantial Improvement/Substantial Damage Desk Reference* at 6-3 (May 2010), available at https://www.fema.gov/sites/default/files/documents/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf (last visited Feb. 25, 2025).

³² *Id.* at Appendix D.

³³ These “look back periods” are set by each local jurisdiction and can range in time.

³⁴ *Substantial Improvement/Substantial Damage Desk Reference* at 5-16 (May 2010), available at https://www.fema.gov/sites/default/files/documents/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf (last visited Feb. 25, 2025).

³⁵ This subsection does not apply to the regulation of elevators under [Chapter 399, F.S.](#) (Elevator Safety) or to airspace height restrictions in [Chapter 333, F.S.](#) (Airport Zoning) See s. [489.113\(11\), F.S.](#)

³⁶ S. [489.113\(11\), F.S.](#)

Impact Fees

Local governments impose impact fees to fund infrastructure³⁷ needed to expand local services to meet the demands of population growth caused by new growth.³⁸ Impact fees must meet the following minimum criteria when adopted:

- The fee must be calculated using the most recent and localized data.³⁹
- The local government adopting the impact fee must account for and report impact fee collections and expenditures. If the fee is imposed for a specific infrastructure need, the local government must account for those revenues and expenditures in a separate accounting fund.⁴⁰
- Charges imposed for the collection of impact fees must be limited to the actual costs.⁴¹
- All local governments must give notice of a new or increased impact fee at least 90 days before the new or increased fee takes effect, but need not wait 90 days before decreasing, suspending, or eliminating an impact fee. Unless the result reduces total mitigation costs or impact fees on an applicant, new or increased impact fees may not apply to current or pending applications submitted before the effective date of an ordinance or resolution imposing a new or increased impact fee.⁴²
- A local government may not require payment of the impact fee before the date of issuing a building permit for the property that is subject to the fee.⁴³
- The impact fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.⁴⁴
- The impact fee must be reasonably connected to, or have a rational nexus with, the expenditures of the revenues generated and the benefits accruing to the new residential or commercial construction.⁴⁵
- The local government must specifically earmark revenues generated by the impact fee to acquire, construct, or improve capital facilities to benefit new users.⁴⁶
- The local government may not use revenues generated by the impact fee to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.⁴⁷

The types of impact fees charged and the timing of their collection after issuing a building permit are within the discretion of the local government or special district authorities choosing to impose the fees.⁴⁸ In general, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building.⁴⁹ A development permit pertains to any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.⁵⁰ Local governments providing an exception or waiver of impact fees for the development or construction of affordable housing are not required to use any revenues to offset the impact of such development.⁵¹

Local governments must credit against impact fee collections any contribution related to public facilities or infrastructure on a dollar-for-dollar basis at fair market value for the general category or class of public facilities

³⁷ "Infrastructure" means the fixed capital expenditure or outlay for the construction, reconstruction, or improvement of public facilities with a life expectancy of five or more years, together with specific other costs required to bring the public facility into service but excluding the costs of repairs or maintenance. The term also includes specific equipment.

S. [163.31801\(3\), F.S.](#)

³⁸ S. [163.31801\(2\), F.S.](#) Water and sewer connection fees are not impact fees. S. [163.31801\(12\), F.S.](#)

³⁹ S. [163.31801\(4\)\(a\), F.S.](#)

⁴⁰ S. [163.31801\(4\)\(b\), F.S.](#)

⁴¹ S. [163.31801\(4\)\(c\), F.S.](#)

⁴² S. [163.31801\(4\)\(d\), F.S.](#)

⁴³ S. [163.31801\(4\)\(e\), F.S.](#)

⁴⁴ S. [163.31801\(4\)\(f\), F.S.](#)

⁴⁵ S. [163.31801\(4\)\(g\), F.S.](#)

⁴⁶ S. [163.31801\(4\)\(h\), F.S.](#)

⁴⁷ S. [163.31801\(4\)\(i\), F.S.](#)

⁴⁸ See s. [163.31801\(2\), F.S.](#)

⁴⁹ S. [553.79\(1\)\(a\), F.S.](#)

⁵⁰ S. [163.3164\(16\), F.S.](#)

⁵¹ S. [163.31801\(11\), F.S.](#)

or infrastructure for which the contribution was made. If no impact fee is collected for that category of public facility or infrastructure for which the contribution is made, no credit may be applied.⁵² Credits for impact fees may be assigned or transferred at any time once established, from one development or parcel to another within the same impact fee zone or district or within an adjoining impact fee zone or district within the same local government jurisdiction.⁵³

Property Assessments

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of a property as of January 1 of each year. The property appraiser annually determines the “just value” of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.” The State Constitution prohibits the state from levying ad valorem taxes and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.

In general, changes, additions, or improvements to real property are assessed at just value as of the first January 1 after they are substantially completed.⁵⁴ However, when property is damaged or destroyed by calamity or misfortune, the property may be repaired or replaced without the change, addition, or improvement being assessed at just value; rather, the change, addition, or improvement is assigned the taxable value and other tax characteristics that the damaged or replaced property had before being damaged or destroyed. For homestead property, there are two limitations: 1) the change, addition, or improvement may not exceed 110 percent of the square footage of the property before it was damaged or destroyed; or 2) the total square footage of the property as changed or improved may not exceed 1,500 square feet.⁵⁵ Any square footage greater than 110 percent of the replaced property or beyond a total of 1,500 square feet is assessed at just value.

Florida National Guard Medical Officer Authorization

The Florida National Guard (FLNG) is the organized militia of the state.⁵⁶ Its mission includes maintaining readiness to support national and state security efforts, as well as leading or assisting in humanitarian and logistical operations, including hurricane preparation and recovery. Current law provides that physicians holding an active license to practice medicine in any other state, a U.S. territory, or the District of Columbia, while serving as medical officers in the FLNG pursuant to federal or state orders, may practice medicine on military personnel or civilians during an emergency, declared disaster, or during federal military training.⁵⁷

Florida Keys Area of Critical State Concern

In 1975, the [Florida Keys Area](#) was designated as an Area of Critical State Concern (ACSC), which includes unincorporated Monroe County and its municipalities, including Islamorada, Marathon, Layton, and Key Colony Beach.⁵⁸ In 1984, the City of Key West was also designated as an ACSC.⁵⁹ The designation is intended to:

- Establish a land use management system that protects the natural environment of the Florida Keys, conserves and promotes the community character of the Florida Keys, promotes orderly and balanced growth in accordance with the capacity of available and planned public facilities and services, and promotes and supports a diverse and sound economic base.
- Provide affordable housing in close proximity to places of employment in the Florida Keys.
- Protect the constitutional rights of property owners to own, use, and dispose of their real property.

⁵² S. [163.31801\(5\), F.S.](#)

⁵³ S. [163.31801\(10\), F.S.](#) In an action challenging an impact fee or a failure to provide proper credits, the local government has the burden of proof to establish the imposition of the fee or the credit complies with the statute, and the court may not defer to the decision or expertise of the government. S. [163.31801\(9\), F.S.](#)

⁵⁴ Ss. [193.155\(4\)\(a\)](#), [193.1554\(6\)\(a\)](#), and [193.1555\(6\)\(a\), F.S.](#)

⁵⁵ S. [193.155\(4\)\(b\), F.S.](#)

⁵⁶ S. [250.02\(2\), F.S.](#)

⁵⁷ S. [250.375, F.S.](#)

⁵⁸ Section [380.0552, F.S.](#); Florida Commerce, *2023 Florida Keys Area of Critical State Concern Annual Report*, available at <https://www.myflorida.com/myflorida/cabinet/agenda23/0326/ADCOM.pdf> (last visited Mar. 7, 2025).

⁵⁹ The City of Key West challenged the designation as a critical area and after litigation in 1984 was given its own area of critical state concern designation. *See Id.*

- Promote coordination and efficiency among governmental agencies that have permitting jurisdiction over land use activities in the Florida Keys.
- Promote an appropriate land acquisition and protection strategy for environmentally sensitive lands within the Florida Keys.
- Protect and improve the nearshore water quality of the Florida Keys through the construction and operation of wastewater management facilities, as applicable.
- Ensure that the population of the Florida Keys can be safely evacuated.⁶⁰

Development Plans

State, regional, and local governments in the Florida Keys Area must coordinate development plans and conduct programs and activities consistent with principles for guiding development that, among other topics, strengthen local government capabilities for managing land use and development so that local governments are able to achieve local objectives without continuing the ACSC designation and make available adequate, affordable housing for all sectors of the population of the Florida Keys Area.⁶¹ A land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the Department of Commerce (Commerce).⁶²

Building Permits

Monroe County and various municipalities within the Florida Keys Area have adopted growth control ordinances based on the Florida Keys Area carrying capacity.⁶³ The carrying capacity is the lowest time required to safely evacuate the Florida Keys Area in the event of a hurricane, which is based on a 24-hour evacuation model.⁶⁴ These ordinances, referred to as rate of growth ordinances⁶⁵ or building permit allocation systems,⁶⁶ use a point system to allot permits.⁶⁷

The current permit allocations for Monroe County and its municipalities are as follows:

- Monroe County: 197 annually with a minimum of 71 units being allocated for affordable housing.⁶⁸
- City of Key West: 91 per year over 10 years from 2013 to 2023.⁶⁹
- City of Marathon: 30 annually.⁷⁰
- Village of Islamorada: 22 annually allocated to market rate units and six to affordable units.⁷¹

Hurricane Evacuation Clearance Times

Amendments to local comprehensive plans must be reviewed for compliance with, among other considerations, the goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours. The

⁶⁰ Section [380.0552\(2\)\(a\)-\(j\), F.S.](#)

⁶¹ Section [380.0552\(7\), F.S.](#)

⁶² Section [380.0552\(9\)\(a\), F.S.](#)

⁶³ Monroe County, *ROGO/NROGO System*, <https://www.monroecounty-fl.gov/186/ROGONROGO-System> (last visited Mar. 7, 2025).

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ See Village of Islamorada, *Building Permit Allocation System (BPAS)*, <https://www.islamorada.fl.us/308/Building-Permit-Allocation-System-BPAS> (last visited Mar. 7, 2025).

⁶⁷ See City of Marathon, *Building Permit Allocation System Residential Development Summary Scoring Sheet*, available at https://www.ci.marathon.fl.us/sites/default/files/fileattachments/planning/page/4751/residential_score_sheet_220714.pdf (last visited Mar. 7, 2025).

⁶⁸ Rule 28-20.140(2)(b), F.A.C.

⁶⁹ City of Key West, *Annual Allocation Schedule*, <https://www.cityofkeywest-fl.gov/345/Annual-Allocation-Schedule> (last visited Mar. 7, 2025).

⁷⁰ Rule 28-18.400(2)(a), F.A.C.

⁷¹ Rule 28-19.400(2)(a), F.A.C.

hurricane evacuation clearance time must be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by Commerce.⁷²

In 2011, the Administration Commission directed Commerce and DEM enter into a Memorandum of Understanding (MOU) with Monroe County, the Village of Islamorada, and the cities of Marathon, Key West, Key Colony Beach, and Layton regarding hurricane evacuation modeling.⁷³ The MOU is the basis for an analysis of the maximum build-out capacity of the Florida Keys Area while maintaining the ability of the permanent population⁷⁴ to evacuate within 24 hours.⁷⁵

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/HB 1567	Grant	Collins	This bill took effect on July 1, 2024.
2023	CS/CS/SB 250	Giallombardo	Martin	This bill took effect on July 1, 2023.

⁷² Section [380.0552\(9\)\(a\)2., F.S.](#)

⁷³ Commerce, *2023 Florida Keys Hurricane Evacuation Modeling Report*, page 2, available at https://www.floridajobs.org/docs/default-source/community-planning-development-and-services/evacuation-modeling-report-final-with-appendices79bb3ca4cbbb61cbb02aff01004f56df.pdf?sfvrsn=47005db0_10 (last visited Mar. 7, 2025).

⁷⁴ Mobile home residents are not considered permanent residents for purposes of evacuation clearance time. Section [380.0552\(9\)\(a\)2.a., F.S.](#)

⁷⁵ Commerce, *2023 Florida Keys Hurricane Evacuation Modeling Report*, available at https://www.floridajobs.org/docs/default-source/community-planning-development-and-services/evacuation-modeling-report-final-with-appendices79bb3ca4cbbb61cbb02aff01004f56df.pdf?sfvrsn=47005db0_10 (last visited Mar. 7, 2025).