

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 180

INTRODUCER: Appropriations Committee, Community Affairs Committee and Senator DiCeglie

SUBJECT: Emergency Preparedness and Response

DATE: April 4, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shuler</u>	<u>Fleming</u>	<u>CA</u>	Fav/CS
2.	<u>Griffin</u>	<u>Sadberry</u>	<u>AP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 180 makes various changes relating to the preparation and response activities of state and local government when emergencies impact the state.

Specifically, the bill:

- Provides that the Department of Environmental Protection may waive or reduce the beach management project match requirements for counties impacted by erosion caused by Hurricane Debby, Hurricane Helene, or Hurricane Milton.
- Provides that certain agricultural equipment that was unable to be used for 60 days due to Hurricane Debby, Hurricane Helene, or Hurricane Milton would be assessed at salvage value on the 2025 property tax roll.
- Requires the Florida Division of Emergency Management (FDEM) to prioritize shelter retrofit funding for projects in counties with shelter deficits and certain publicly owned projects.
- Allows Florida National Guard servicemembers to provide medical care to military personnel and civilians during emergencies.
- Revises legislative intent and provisions related to the FDEM's planning and emergency management duties.
- Requires the Department of Veterans' Affairs to annually provide information on the special needs registry to their special needs clients and caregivers.
- Revises the FDEM emergency expenditure auditing and reporting requirements.
- Revises requirements for agencies and their emergency coordination officers to notify and coordinate with the FDEM.

- Renames the Natural Hazards Interagency Workgroup as the “Natural Hazards Risks and Mitigation Interagency Coordinating Group” and substantially revises the duties of the group.
- Specifies administrative requirements for the FDEM related to federal funds, including specifically the FEMA Public Assistance and Hazard Mitigation Grant Program funds.
- Requires political subdivisions to annually notify the FDEM of their designated emergency contact.
- Revises the FDEM public shelter space reporting, planning, and funding requirements.
- Creates requirements for county and municipal post-storm permitting and operations.
- Amends the evacuation time for the Florida Keys area of critical state concern.
- Prohibits the adoption of local lookback ordinances and voids existing lookback ordinances.
- Revises authorizations and requirements related to storm-generated debris.
- Prohibits counties and municipalities listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton from adopting moratoriums or more restrictive or burdensome amendments or procedures to their comprehensive plans or land development regulations concerning review, approval, or issuance of a site plan, development permit, or development order before August 1, 2024, and provides a cause of action to residents and business owners.

The bill may have a negative fiscal impact on state and local revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect on July 1, 2025, unless otherwise expressly provided.

II. Present Situation:

Presidential Disaster and Emergency Declarations

When there is a disaster in the United States, the Governor of an affected state must request an emergency and major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.¹ All emergency and disaster declarations are made at the discretion of the President of the United States.² There are two types of disaster declarations: emergency declarations and major disaster declarations.³ Both declarations allow for federal assistance to states and local governments, however they differ in scope, types, and amount of assistance available.⁴

The President can declare an emergency for any occasion where federal assistance is deemed necessary, and emergency declarations provide emergency services from the federal government in such cases. The total amount of assistance from an emergency declaration cannot exceed \$5 million unless reported to Congress.⁵

Following a request from the Governor, the President can declare a major disaster for any natural event, including hurricanes if the President deems that the disaster is of such a severity that it is

¹ 42 U.S.C. §§ 5121-5207.

² FEMA, *How a Disaster Gets Declared*, <https://www.fema.gov/disaster/how-declared> (last visited Mar. 9, 2025).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

beyond the combined capabilities of state and local governments to respond.⁶ A major disaster declaration makes a wide range of federal assistance resources available for individuals and states for emergency and permanent work.⁷

2024 Hurricane Season

Hurricane Debby

Forming into a tropical depression on August 3, 2024, Debby intensified into a Category 1 hurricane less than 12 hours before landfall.⁸ Hurricane Debby made landfall near Steinhatchee in Taylor County around 7am on August 5, 2024.⁹ Debby brought storm surge of 3 to 5 feet across portions of the Nature Coast and the southeast Big Bend, causing damage to areas where many were still recovering from Hurricane Idalia from the year before.¹⁰ Debby's primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.¹¹ Rainfall amounts of 8 to 12 inches resulted in widespread flooding in southeast Madison and eastern Lafayette counties, while in Suwannee and Gilchrist counties, rainfall amounts approaching 15" were observed.¹² Flooding lasted for several weeks in Madison county after landfall due to the influx of rainfall putting pressure on the groundwater system, which subsequently triggered new flooding as water came up from the ground.¹³ Flooding along the Suwannee River continued 3 weeks after landfall.¹⁴

⁶ *Id.*

⁷ *Id.*

⁸ National Weather Service, *Hurricane Debby Strikes the Florida Big Bend August 5, 2024*, <https://www.weather.gov/tae/HurricaneDebby2024> (last visited Mar. 9, 2025).

⁹ *Id.*

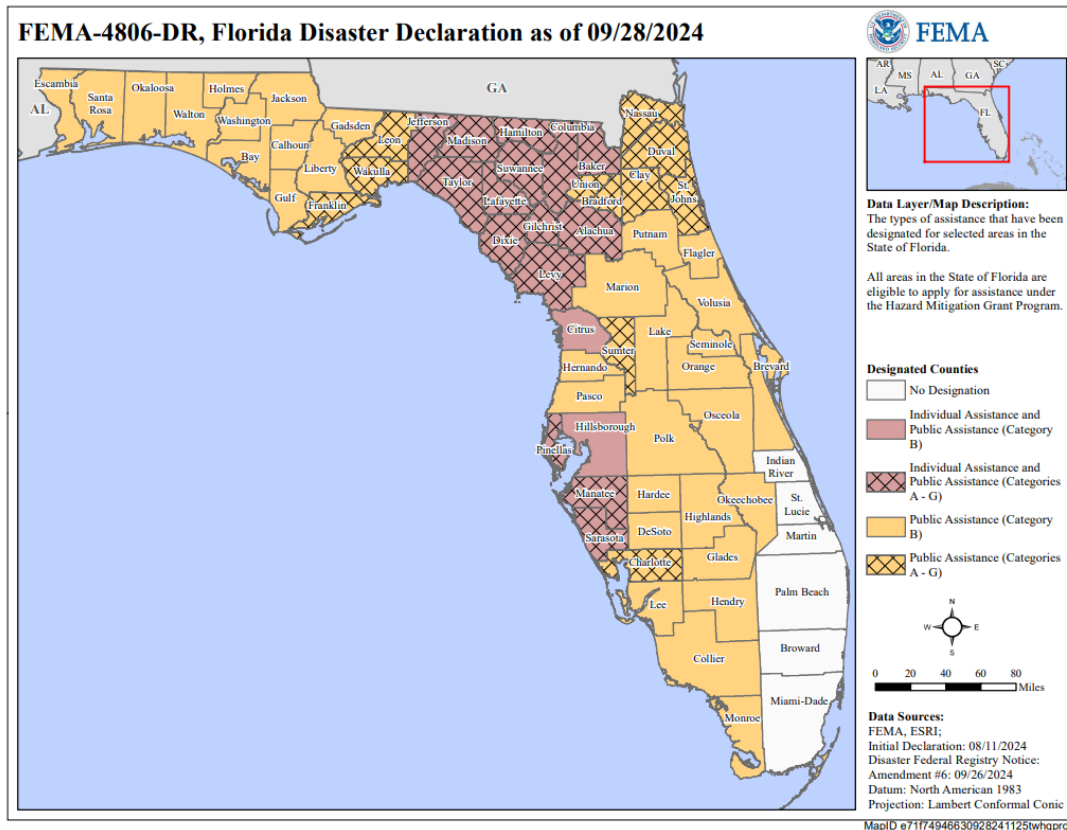
¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*



Disaster Declaration Map for Hurricane Debby

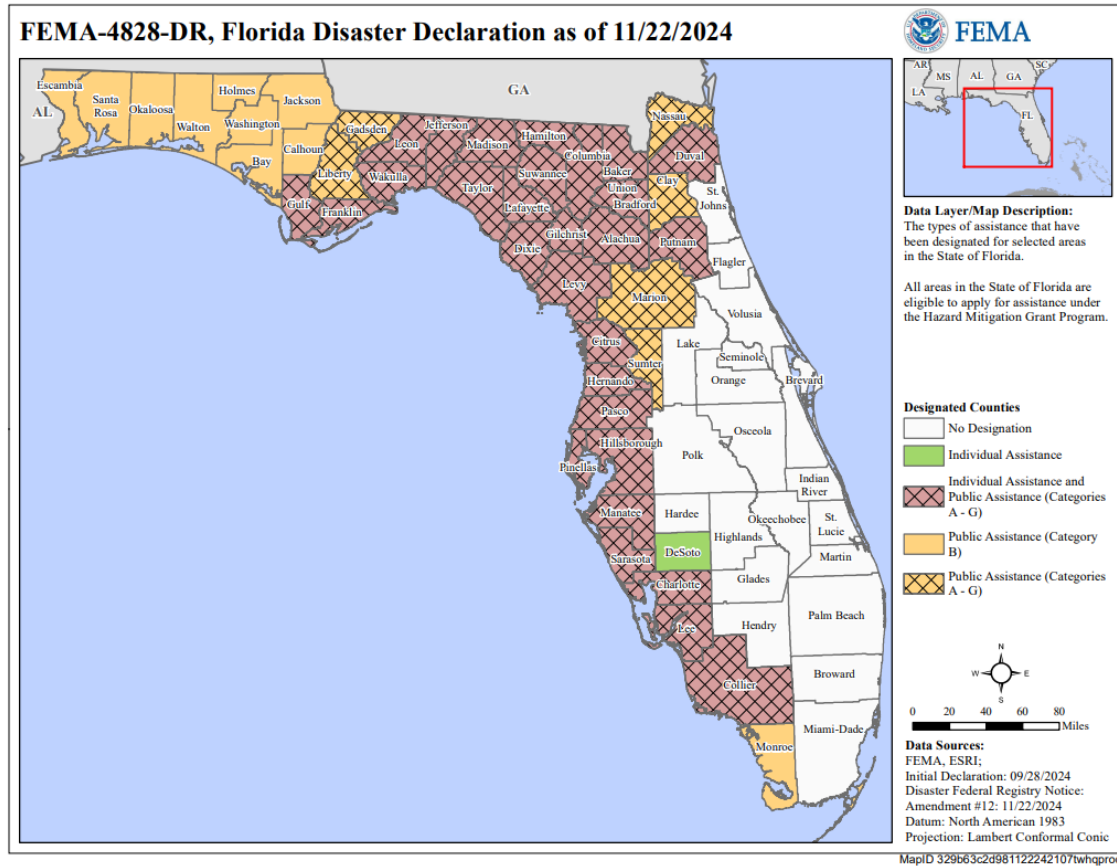
Hurricane Helene

Due to high oceanic heat and the abatement of wind shear, conditions were favorable for Helene to rapidly intensify from a category 1 hurricane into a category 4 hurricane from September 25 to September 26, 2024.¹⁵ Helene hit a maximum of 140 mph for sustained winds just before making landfall near Perry, Florida, just east of the mouth of the Aucilla River around 11:10pm on September 26, 2024.¹⁶ While the storm moved quickly across the state, this did not lessen the impacts.¹⁷ The wind field of Helene was among the top 10% of all recorded storms resulting in widespread wind impacts and hurricane-force gusts extending further inland than most systems.¹⁸ Much of the area affected by the storm experienced 4-8 inches of rainfall, but the heaviest amounts were observed near the Apalachicola State Forest where radar estimates indicated 10 to 18 inches of rain.¹⁹ A large upper-level trough to the west of Helene helped funnel abundant tropical moisture northward well before landfall, creating conditions that led to significant impacts from heavy rainfall and flooding.²⁰ Many counties across the Panhandle reported flooding and washed-out roads.²¹ The combination of Helene’s large size and extremely fast

¹⁵ National Weather Service, *Hurricane Helene Makes Landfall in the Florida Big Bend September 26-27, 2024*, <https://www.weather.gov/tae/helene2024> (last visited Mar. 9, 2025).

¹⁶ *Id.*
¹⁷ *Id.*
¹⁸ *Id.*
¹⁹ *Id.*
²⁰ *Id.*
²¹ *Id.*

forward motion contributed to catastrophic storm surge in the southeast Big Bend area and along the west coast of Florida.²² In Cedar Key, the storm surge level of 9.3 ft exceeded the level of 6.89 ft observed during Hurricane Idalia the previous year.²³ Preliminary data for Taylor and Dixie counties estimated more than 15 ft of surge, while areas near Tampa saw levels over 6 ft.²⁴



Disaster Declaration Map for Hurricane Helene

Hurricane Milton

Just shy of 2 weeks after Hurricane Helene’s landfall in Florida, Hurricane Milton made landfall around 8:30 pm on October 9, 2024 in Siesta Key, Florida in Sarasota County.²⁵ At landfall, Milton was a category 3 hurricane with maximum sustained winds of 120 mph.²⁶ Hurricane Milton spawned a record tornado outbreak, resulting in a total of 47 confirmed tornados on October 9, 2024, covering 400 miles and causing 7 deaths and 14 injuries.²⁷ Though Milton moved quickly across the state, it produced extreme rainfall, with the highest amounts, nearly 20

²² *Id.*

²³ Emily Powell, Florida Climate Center, *Hurricane Helene Post-Storm Summary Report*, (Oct. 7, 2024), <https://climatecenter.fsu.edu/images/docs/Hurricane-Helene-Summary-Report.pdf> (last visited Mar. 9, 2025).

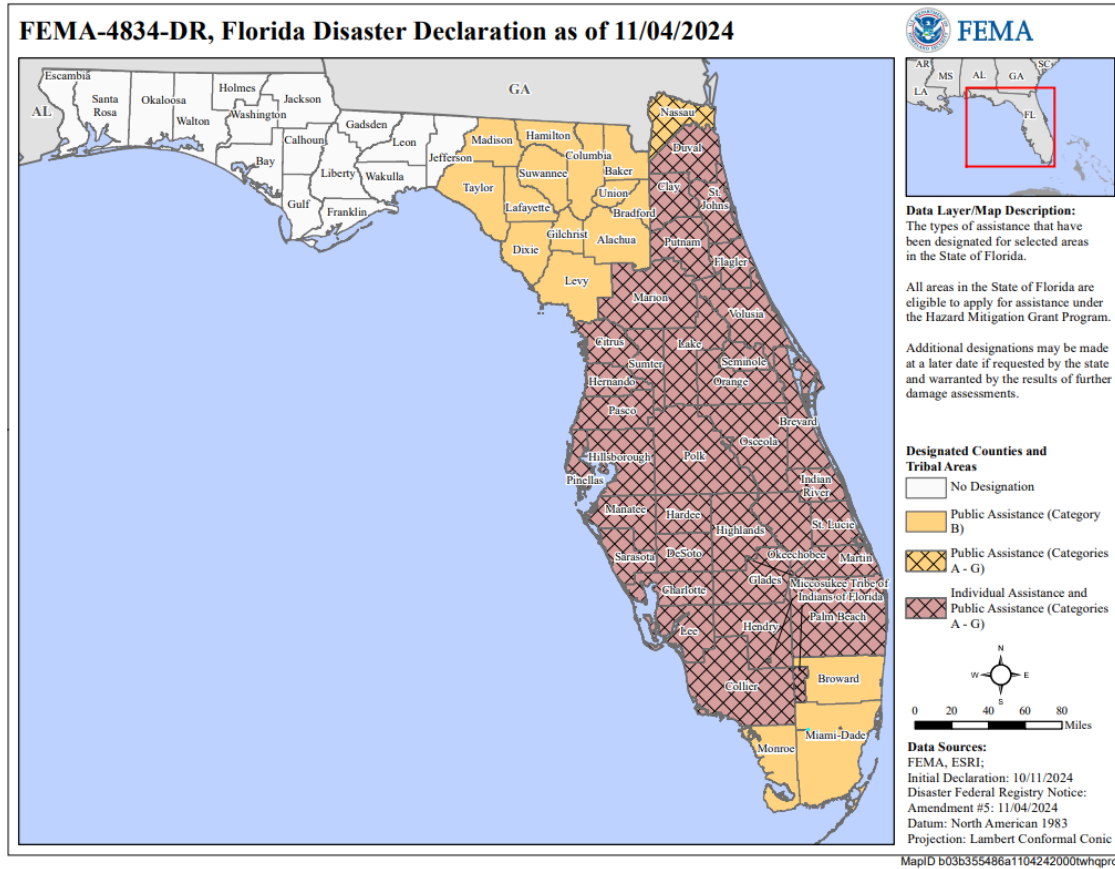
²⁴ *Id.*

²⁵ National Weather Service, *Hurricane Milton Impacts to East Central Florida*, https://www.weather.gov/mlb/HurricaneMilton_Impacts (last visited Mar. 9, 2025).

²⁶ Emily Powell, Florida Climate Center, *Post-Storm Summary Report on Hurricane Milton*, (Oct. 31, 2024), <https://climatecenter.fsu.edu/images/docs/Hurricane-Milton-Report.pdf> (last visited Mar. 9, 2025).

²⁷ *Id.*

inches, measured in the Clearwater Beach and St. Petersburg areas.²⁸ In the days and weeks following the storm, rainfall caused rivers and tributaries to reach major flood stages.²⁹ The hydrograph at Astor for the St. Johns River showed a new record high level on October 10, 2024, of 4.81 ft, while the Hillsborough River crested at a new record of 38.16 ft at Morris Bridge on October 12, 2024.³⁰ Storm surge in many areas was less than Hurricane Ian in 2022, but higher than experienced during Helene.³¹ NOAA gages in Ft. Myers and Naples Bay North measured storm surge above 5 feet.³² Enormous amounts of sand were displaced along Florida’s west-central coast following Hurricanes Helene and Milton, which eroded beaches and undid previous beach renourishment projects.³³



Disaster Declaration Map for Hurricane Milton

Agricultural Losses Related to the 2024 Hurricane Season

Hurricanes Debby, Helene, and Milton caused significant impacts on agricultural production throughout the state. Debby impacted 2.2 million acres of agricultural lands that annually produce \$3.17 billion in agricultural products; Helene affected 6.1 million acres with \$8.74 billion of annual agricultural production; and Milton impacted 5.7 million acres annually

²⁸ *Id.*
²⁹ *Id.*
³⁰ *Id.*
³¹ *Id.*
³² *Id.*
³³ *Id.*

producing \$8.66 billion of agricultural products.³⁴ In terms of value, the three storms impacted the field and row crops, animals and animal products, vegetables, melons and potatoes, and greenhouse and nursery commodity groups the most.³⁵ Preliminary estimates of cumulative agricultural production losses in Florida for the 2024 hurricane season are between \$402.3 million and \$975.8 million.³⁶ Survey respondents have reported damage or destruction to a variety of agricultural assets, including livestock sheds and watering points, irrigation systems, honeybee boxes, tractors, vehicles, and heating and cooling systems for greenhouses.³⁷

State Emergency Management Act

The State Emergency Management Act (Act), ch. 252, F.S., was enacted to be the legal framework for this state's emergency management activities, recognizing the state's vulnerability to a wide range of emergencies, including natural, manmade, and technological disasters.³⁸ In order to reduce the state's vulnerability to these circumstances and to prepare to respond to them, the act promotes the state's emergency readiness through enhanced coordination, long-term planning, and adequate funding.³⁹

The Act also delineates the Governor's authority to declare a state of emergency, issue executive orders, and otherwise lead the state during emergencies. If the Governor finds that an emergency⁴⁰ has occurred or is imminent, he or she must declare a state of emergency.⁴¹ An executive order or proclamation of a state of emergency shall identify whether the state of emergency is due to a minor,⁴² major,⁴³ or catastrophic⁴⁴ disaster.⁴⁵ The state of emergency must continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist, but no state of emergency may continue for longer than 60 days unless renewed by the Governor.⁴⁶ Additionally, the Legislature may end a state of emergency by passing a concurrent resolution.⁴⁷

³⁴ Christa D. Court, et. al., UF/IFAS, *Estimated Agricultural Losses Resulting from the 2024 Atlantic Hurricane Season, Presentation before the Florida Senate Committee on Agriculture*, (January 14, 2025), available at https://www.flsenate.gov/Committees/Show/AG/MeetingPacket/6223/10896_MeetingPacket_6223.pdf (last visited Mar. 9, 2025).

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Section 252.311(1), F.S.

³⁹ Section 252.311(2) and (3), F.S.

⁴⁰ "Emergency" means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property. *See s. 252.34(4)*, F.S.

⁴¹ Section 252.36(2), F.S.

⁴² "Minor disaster" means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance. *See s. 252.34(2)(c)*, F.S.

⁴³ "Major disaster" means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance. *See s. 252.34(2)(b)*, F.S.

⁴⁴ "Catastrophic disaster" means a disaster that will require massive state and federal assistance, including immediate military involvement. *See s. 252.34(2)(a)*, F.S.

⁴⁵ Section 252.36(4)(c), F.S.

⁴⁶ Section 252.36(2), F.S.

⁴⁷ Section 252.36(3), F.S.

Florida Division of Emergency Management

The Florida Division of Emergency Management (FDEM) administers programs to rapidly apply all available aid to impacted communities stricken by emergency.⁴⁸ The FDEM is responsible for carrying out the State Emergency Management Act and maintaining a comprehensive statewide program of emergency management to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts.⁴⁹ In doing so, the FDEM coordinates efforts with and among the federal government, other state agencies, local governments, school boards, and private agencies that have a role in emergency management.⁵⁰ The FDEM also serves as the administrator of federal funds awarded to the state and local governments through the Federal Emergency Management Agency (FEMA)'s mitigation grant programs.

Natural Hazards Interagency Workgroup

In 2017, the Legislature created the Natural Hazards Interagency Workgroup.⁵¹ The group was created for the purpose of sharing information on the current and potential impacts of natural hazards throughout the state, coordinating the ongoing efforts of state agencies in addressing the impacts of natural hazards, and collaborating on statewide initiatives to address the impacts of natural hazards.⁵² Each agency within the executive branch, each water management district, and the Florida Public Service Commission must designate a liaison to the workgroup.⁵³ The FDEM is responsible for preparing an annual progress report on behalf of the workgroup on the implementation of the state's enhanced hazard mitigation plan, developed and submitted in accordance with 42 U.S.C. s. 5165 and any implementing regulations, as it relates to natural hazards.⁵⁴ The annual report is due to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1 of each year.⁵⁵

There are 25 agencies required to participate in the Workgroup. In its 2024 Annual Report, the FDEM stated that nine agencies attended all four meetings, and five agencies attended three of the meetings.⁵⁶ Despite offering virtual attendance options, four agencies attended only one meeting, and six agencies attended no meetings in 2023.⁵⁷ Required agency attendance was down overall from 2022.⁵⁸

⁴⁸ Section 14.2016(1), F.S.

⁴⁹ Section 252.35(1) and (2), F.S.

⁵⁰ Section 252.35(1), F.S.

⁵¹ Chapter 2017-48, Laws of Fla.

⁵² Section 252.3655(1)(a), F.S.

⁵³ Section 252.3655(1)(b), F.S.

⁵⁴ Section 252.3655(2), F.S.

⁵⁵ Section 252.3655(2)(c), F.S.

⁵⁶ Florida Division of Emergency Management, *Florida Natural Hazards Interagency Workgroup 252.3655 Florida Statutes 2023 Annual Report*, (Jan. 1, 2024) available at <https://portal.floridadisaster.org/mitigation/MitigateFL/External/F.S.%20252.3655%20Annual%20Reports/Florida%20Natural%20Hazards%20Interagency%20Work%20Group%20F.S.%20252.3655%202022%20Annual%20Report%201-1-2024.pdf> (last visited Mar. 9, 2025).

⁵⁷ *Id.*

⁵⁸ *Id.*

Emergency Shelters

The FDEM is required to prepare a Statewide Emergency Shelter Plan (SESP).⁵⁹ The SESP is submitted to the Governor and Cabinet for approval by January 31 of each even-numbered year.⁶⁰ The SESP identifies the general location and square footage of existing General Population and Special Needs shelter space, by Regional Planning Council (RPC) region, and projected space needs during the next 5 years.⁶¹

Beginning with publication of the 2006 SESP, the FDEM monitors the status of the statewide inventory of special needs shelters.⁶² Historically, special needs estimates were included in the total population hurricane evacuation shelter demand estimates and hurricane evacuation shelter capacities.⁶³ The FDEM was asked to separate the two shelter types and monitor progress toward improvement, following the 2004 hurricane season which revealed the need to improve special needs shelters.⁶⁴ Special needs shelter requirements differ from general population shelters, as they require the provision of standby electric power, supported air-conditioning, and additional space per client to accommodate caregivers and medical equipment.⁶⁵

To ensure the needs of persons requiring special needs shelters are met, the FDEM maintains a special needs registry.⁶⁶ Individuals can register through a website maintained by the Florida Department of Health.⁶⁷

Hurricane Loss Mitigation Program

In 1999, the Legislature created the Hurricane Loss Mitigation Program (HLMP) within the FDEM for funding programs for improving the wind resistance of residences and mobile homes.⁶⁸

The HLMP is funded by an annual appropriation of \$10 million from the Florida Hurricane Catastrophe Fund.⁶⁹ Specifically, current law requires the funds to be used as follows:

- \$7 million must be directed toward programs that improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; educating persons concerning the Florida Building Code; and other efforts to prevent or reduce losses or reduce the cost of building after a disaster.⁷⁰ Of this funding, 40 percent must be used to inspect and improve tie-downs for mobile homes and 10 percent shall be allocated to the Florida International University center dedicated to hurricane research.⁷¹

⁵⁹ Sections 252.385(2)(b) and 1013.372(2) F.S.

⁶⁰ Section 252.385(2)(b), F.S.

⁶¹ Florida Division of Emergency Management, *Statewide Emergency Shelter Plan: State of Florida 2024*, available at https://www.floridadisaster.org/globalassets/final_statewide-emergency-shelter-plan_2024.pdf (last visited Mar. 8, 2025).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ Section 252.355, F.S.

⁶⁷ Fla. Dep't of Health, *Florida Special Needs Registry*, <https://snr.flhealthresponse.com/> (last visited Mar. 9, 2025).

⁶⁸ Chapter 99-305, Laws of Fla.

⁶⁹ Section 215.559(1), F.S. See ch. 2024-231, Specific Appropriation 2716, Laws of Fla.

⁷⁰ Section 215.559(1)(a), F.S.

⁷¹ Section 215.559, F.S.

- \$3 million must be directed toward retrofitting existing facilities used as public hurricane shelters. The FDEM must prioritize the use of these funds for projects included in the annual Shelter Retrofit Report.⁷²

Of the funds dedicated to the Shelter Retrofit Program, the FDEM must prioritize the use of the funds for projects included in the annual Shelter Retrofit Report.⁷³ The FDEM must similarly prioritize these funds to projects in regional planning council regions with shelter deficits and projects that maximize the use of state funds.⁷⁴

In Fiscal Year 2021-2022, the FDEM reports that 1 new shelter retrofit agreement was executed and 8 projects were completed. At the end of the fiscal year, projects for 12 recipients were active in communities in 61 different locations across the state.⁷⁵

On January 1 of each year, the FDEM must submit an annual report and accounting of activities under the HLMP and an evaluation of the activities.⁷⁶ The report must be submitted to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate.⁷⁷ The Office of Insurance Regulation (OIR) must review the report and make recommendations to the insurance industry as deemed appropriate.⁷⁸

The HLMP expires on June 30, 2032.⁷⁹

FEMA Mitigation Grant Programs

The FEMA was established in 1979 to centralize federal emergency and disaster activities.⁸⁰ The latter of the FEMA's primary mission areas, hazard mitigation, is defined as any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards.⁸¹ The FEMA administers several mitigation grant programs designed to reduce and mitigate future natural disaster losses.⁸²

Some of the FEMA mitigation grant programs are authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).⁸³ These programs include the Hazard Mitigation Grant Program, the Hazard Mitigation Grant Program Post Fire, Pre-Disaster

⁷² Section 215.559(1)(b), F.S.

⁷³ The Shelter Retrofit Report is prepared annually and submitted to the Governor and the Legislature. *See* s. 252.385, F.S.

⁷⁴ Section 215.559(1)(b), F.S.

⁷⁵ Division of Emergency Management, *Florida Hurricane Loss Mitigation Program: 2022 Annual Report* (January 1, 2023), <https://www.floridadisaster.org/dem/mitigation/hurricane-loss-mitigation-program/> (last visited Mar. 9, 2025).

⁷⁶ Section 215.559(6), F.S. Hurricane Loss Mitigation Reports reside on the FDEM website: <https://www.floridadisaster.org/dem/mitigation/hurricane-loss-mitigation-program/> (last visited Mar. 9, 2025).

⁷⁷ Section 215.559(6), F.S.

⁷⁸ Section 215.559(6), F.S.

⁷⁹ Section 215.559(7), F.S.

⁸⁰ FEMA, *About the Agency* (May 11, 2016), available at <https://www.fema.gov/about/history> (last visited Mar. 9, 2025).

⁸¹ 44 C.F.R. s. 201.2.

⁸² FEMA, *Hazard Mitigation Assistance Program and Policy Guide*, (July 30, 2024), available at https://www.fema.gov/sites/default/files/documents/fema_hma_guide_082024.pdf (last visited Mar. 9, 2025).

⁸³ 42 U.S.C. 5121 et seq.

Mitigation (PDM) grant program, Safeguarding Tomorrow Revolving Loan Fund Program, the Public Assistance Grant Program, and the Building Resilient Infrastructure and Communities program.⁸⁴ The National Flood Insurance Act authorizes the Flood Mitigation Assistance grant, which was created with the goal of reducing or eliminating repetitive flood damage under the National Flood Insurance Program.⁸⁵ Funds received from any one of these grants can be used for hazard mitigation planning, mitigation activities, and management costs.⁸⁶

Under most circumstances, in order for state, tribal, and local governments to receive a FEMA mitigation grant, the applicant must produce a hazard mitigation plan approved by the FEMA that conforms to a specified set of requirements.⁸⁷ At a minimum, a hazard mitigation plan must outline processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.⁸⁸ Jurisdictions must update their plans and re-submit them to FEMA every 5 years to maintain eligibility.⁸⁹

FEMA Public Assistance Grant Program

The FEMA Public Assistance (PA) Grant Program provides funding and direct assistance such as supplies and personnel to states, tribes, and territories to assist them in responding to and recovering from presidentially-declared major disasters or emergencies. PA is intended to supplement state and local resources when an incident exceeds their ability to respond and recover. PA is only available after the President declares an emergency or major disaster upon request by the governor of the affected state. Preliminary damage assessments by the FEMA, in collaboration with state, local, and tribal governments, are used to determine if the estimated cost of assistance exceeds certain thresholds and whether PA should be authorized. In Florida, once PA is authorized, the FDEM becomes the primary PA grant recipient. State, tribal, and local governments, as well as eligible nonprofit entities, may then apply for funding as “Applicants.” Applicants must submit a request for grant funds to the FDEM, which evaluates eligibility for PA with the FEMA.⁹⁰

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.⁹¹ The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables homeowners, business owners, and renters in flood-prone areas to

⁸⁴ See FEMA, *Learn About HMA* (Feb. 18, 2025), <https://www.fema.gov/grants/mitigation/learn> (last visited Mar. 9, 2025).

⁸⁵ *Id.*

⁸⁶ FEMA, *Hazard Mitigation Assistance Program and Policy Guide*, at 44-45 (July 30, 2024), available at https://www.fema.gov/sites/default/files/documents/fema_hma_guide_082024.pdf (last visited Mar. 9, 2025).

⁸⁷ *Id.*

⁸⁸ 42 U.S.C. s. 5165(b)(2).

⁸⁹ FEMA, *Create a Hazard Mitigation Plan*, (Feb. 25, 2025) <https://www.fema.gov/emergency-managers/risk-management/hazard-mitigation-planning/create-hazard-plan> (last visited Mar. 9, 2025).

⁹⁰ Congressional Research Service, *A Brief Overview of FEMA’s Public Assistance Program*, available at <https://crsreports.congress.gov/product/pdf/IF/IF11529> (last visited Mar. 12, 2025).

⁹¹ The National Flood Insurance Act of 1968, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. 4001 et seq.). See also FEMA, *Laws and Regulations*, <https://www.fema.gov/flood-insurance/rules-legislation/laws> (last visited Apr. 2, 2025).

purchase flood insurance protection from the federal government.⁹² Participation in the NFIP by a community is voluntary.⁹³ To join, a community must complete an application; adopt a resolution of intent to participate and cooperate with the FEMA; and adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.⁹⁴

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.⁹⁵ An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).⁹⁶ The SFHA is intended to distinguish the flood risk zones where properties have a risk of 1 percent or greater risk of flooding every year⁹⁷ and at least a 26 percent chance of flooding over the course of a 30-year mortgage.⁹⁸ In a community that participates in the NFIP, owners of properties in the mapped SFHA are required to purchase flood insurance as a condition of receiving a federally backed mortgage.⁹⁹

Community Floodplain Management

Key conditions of the NFIP minimum floodplain management standards include, among things, that communities:

- Require permits for development in the SFHA;
- Require elevation of the lowest floor of all new residential buildings in the SFHA to or above the base flood elevation (BFE);¹⁰⁰
- Restrict development in floodways to prevent increasing the risk of flooding; and
- Require certain construction materials and methods that minimize future flood damage.¹⁰¹

The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices that exceed the minimum requirements of the NFIP.¹⁰² Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.¹⁰³ Premium discounts range

⁹² See FEMA, *Flood Insurance*, <https://www.fema.gov/flood-insurance> (last visited Apr. 2, 2025).

⁹³ FEMA, *Participation in the NFIP*, <https://www.fema.gov/about/glossary/participation-nfip> (last visited Apr. 2, 2025).

⁹⁴ *Id.*

⁹⁵ See Congressional Research Service, *Introduction to the National Flood Insurance Program*, 3 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593> (last visited Apr. 2, 2025).

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6, available at https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf (last visited Apr. 2, 2025).

⁹⁹ Congressional Research Service, *Introduction to the National Flood Insurance Program*, 10 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593> (last visited Apr. 2, 2025). Such lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae, Freddie Mac, and federally regulated lending institutions, such as banks covered by the Federal Deposit Insurance Corporation or the Office of the Comptroller of the Currency. *Id.* at 10.

¹⁰⁰ The "base flood elevation" is the elevation of surface water resulting from a flood that has a 1 percent chance of happening annually. See FEMA, *Base Flood Elevation (BFE)*, (Mar. 5, 2020), <https://www.fema.gov/about/glossary/base-flood-elevation-bfe> (last visited Apr. 2, 2025).

¹⁰¹ Congressional Research Service, *Introduction to the National Flood Insurance Program*, 6 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593> (last visited Apr. 2, 2025).

¹⁰² FEMA, *Community Rating System*, <https://www.fema.gov/floodplain-management/community-rating-system> (last visited Apr. 2, 2025).

¹⁰³ *Id.*

from 5 to 45 percent based on a community's CRS credit points.¹⁰⁴ Communities earn credit points by implementing a variety of activities that fall into one of four categories: public information activities, mapping and regulations, flood damage reduction activities, and warning and response.¹⁰⁵ One option for earning credits is a local ordinance that includes a cumulative substantial improvements provision.¹⁰⁶

In communities participating in the NFIP, local officials must determine whether a proposed repair or construction project qualifies as substantial improvement or repair of substantial damage (a "SI/SD determination").¹⁰⁷

- Substantial improvement (SI) 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 (or smaller percentage if established by the community) before the start of construction of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed.¹⁰⁸
- Substantial damage (SD) 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. Work on structures that are determined to be substantially damaged is considered to be substantial improvement, regardless of the actual repair work performed.¹⁰⁹

Known as the "50 percent rule," if officials determine that the proposed work equals or exceeds 50 percent of the building's market value, then the entire building must be brought into compliance with NFIP requirements for new construction, including the requirement that the lowest floors be elevated to or above the BFE.¹¹⁰

A local ordinance with a cumulative substantial improvements provision "considers improvements over a set time period [] such that it compares the aggregate improvements or repairs made over a certain number of years to guarantee that the total value of the improvements or repairs is not greater than 50 percent of the building value. The number of years considered is called the lookback period."¹¹¹ Communities that have adopted a "lookback ordinance" requiring that improvements or repairs be aggregated over 5 years may earn 20 points under the CRS, while a 10-year lookback ordinance is worth 40 points.¹¹²

¹⁰⁴ *Id.*

¹⁰⁵ Florida Office of Insurance Regulation, *Cumulative Substantial Improvement Period Study Final Report*, (Nov. 26, 2024) 19, available at <https://floir.com/docs-sf/default-source/property-and-casualty/other-property-casualty-reports/final-report.pdf> (last visited Apr. 2, 2025).

¹⁰⁶ *Id.*

¹⁰⁷ FEMA, *Substantial Improvement/Substantial Damage Desk Reference* (May 2010), available at https://www.fema.gov/sites/default/files/documents/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf (last visited Mar. 18, 2025).

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ Florida Office of Insurance Regulation, *Cumulative Substantial Improvement Period Study Final Report*, (Nov. 26, 2024) 19, available at <https://floir.com/docs-sf/default-source/property-and-casualty/other-property-casualty-reports/final-report.pdf> (last visited Apr. 2, 2025).

¹¹² *Id.*

Florida Recovery Obligation Calculation

The FDEM has developed the Florida Recovery Obligation (F-ROC) for the purpose of standardizing, streamlining, and simplifying the PA process for Applicants in Florida. As part of F-ROC, the FDEM has standardized all forms that applicants use to apply for PA. Applicants who participate agree to complete certain procurement activities before and after a disaster event. Participating applicants are required to have a recovery plan that specifies procedures, and ensure the plan is updated. A significant feature of F-ROC is the Disaster Readiness Assessment (DRA) that allows applicants to gain insight into their preparedness for disaster events. By answering a series of questions in the DRA about their experience, planning, and policies, applicants receive a Disaster Readiness Score. Applicants also receive points from a Post-Disaster Questionnaire. The combination of points from the applicant's baseline, the DRA, and the Post-Disaster Questionnaire may allow the applicant to receive up to 80 percent of their funding up front. The remainder of their funding is granted once supporting documents are validated.¹¹³

Florida National Guard Medical Officer Authorization

The Florida National Guard (FLNG) is the organized militia of the state.¹¹⁴ Its mission includes maintaining readiness to support national and state security efforts, as well as leading or assisting in humanitarian and logistical operations. These operations include hurricane preparation and recovery and currently include assistance with the pandemic response. The Governor is the commander in chief of the FLNG and the Adjutant General is its chief of staff.¹¹⁵ The FLNG has an Army component and an Air component, each of which has an Assistant Adjutant General who is also its Commander.¹¹⁶

Section 250.375, F.S., 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, are expressly authorized to practice medicine on military personnel or civilians during an emergency, declared disaster, or during federal military training.

Emergency Management - Counties and Municipalities

State policy for responding to disasters is to support local emergency response efforts while also recognizing the needs of residents and communities will likely be greater than can be met by local resources.¹¹⁷ The Act provides specific authorization and emergency powers to counties,

¹¹³ Division of Emergency Management, *F-ROC Approach and Overview for Leaders*, available at https://portal.floridadisaster.org/projects/FROC/FROC_Documents/2.%20F-ROC%20Training%20Materials/Phase%201%20-%20Approach%20and%20Overview%20for%20Leaders/F-ROC%20Approach%20and%20Overview%20for%20Leaders.pdf (last visited Mar. 12, 2025).

¹¹⁴ Section 250.02(2), F.S. The nonorganized militia is composed of all able-bodied citizens of the state and those individuals who have declared intentions to become citizens of the United States. FLA. CONST. art. X, sec. 2(a); and s. 250.02(1), F.S.

¹¹⁵ Section 250.06(1), F.S.

¹¹⁶ Florida National Guard, *Leadership*, <https://fl.ng.mil/leadership/Pages/Assistant-Adjutant-General-Air.aspx> (last visited Mar. 12, 2025).

¹¹⁷ Section 252.311(3), F.S.

requiring each county to establish and maintain an emergency management agency and develop a county emergency management plan and program consistent with the state comprehensive emergency management plan and program.¹¹⁸ Municipalities are encouraged to create their own emergency management plans but must coordinate with the county emergency management agency.¹¹⁹

County emergency management agencies must each have a director appointed by either their respective board of county commissioners or county chief administrative officer and serving at the pleasure of the appointing authority.¹²⁰ The county emergency management director may be a county constitutional officer¹²¹ or an employee of such an officer.¹²² Responsible for the organization, administration, and operation of the county emergency management agency, the director must coordinate the emergency activities, services, and programs of the agency throughout the county and serve as the county liaison to the FDEM and other local emergency management entities.¹²³

Under the Act, the governing body of each political subdivision, defined as counties and municipalities,¹²⁴ may develop and enter into mutual aid agreements for reciprocal emergency aid and assistance when emergencies are too extensive for the county or municipality to handle without assistance.¹²⁵ After executing a mutual aid agreement, a copy must be sent to the FDEM.¹²⁶ Mutual aid agreements must be consistent with the state comprehensive emergency management plan and program.¹²⁷ When an emergency occurs, the parties to the agreement have a duty to render assistance in accordance with the agreement.¹²⁸

Community Planning

The Community Planning Act provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.¹²⁹ Each county and municipality must maintain a comprehensive plan to guide future development.¹³⁰

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.¹³¹ A comprehensive plan provides the principles, guidelines, standards, and strategies for the orderly

¹¹⁸ Section 252.38(1)(a), F.S.

¹¹⁹ Section 252.38(2), F.S.

¹²⁰ Section 252.38(1)(b), F.S.

¹²¹ FLA. CONST. art. VIII, s. 1(d) requires the election of the following county officers: sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit courts.

¹²² Section 252.38(1)(b), F.S.

¹²³ Section 252.38(1)(b), F.S.

¹²⁴ Section 252.34(10), F.S.

¹²⁵ Section 252.40(1), F.S.

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Section 163.3167(1), F.S.

¹³⁰ Section 163.3167(2), F.S.

¹³¹ Section 163.3194(3), F.S.

and balanced future economic, social, physical, environmental, and fiscal development of the area.¹³²

A locality's comprehensive plan lays out the locations for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.¹³³

A comprehensive plan is implemented through the adoption of land development regulations¹³⁴ that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.¹³⁵ Such regulations must, among other prescriptions, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.¹³⁶ Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.¹³⁷

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.¹³⁸

Development Permits and Orders

The Community Planning Act defines "development" as "the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels."¹³⁹ When a party wishes to engage in development activity, they must seek a development permit from the appropriate local government having jurisdiction. Under the Community Planning Act, a development permit includes "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."¹⁴⁰ Once a local government has officially granted or denied a development permit, the official action constitutes a development order.¹⁴¹ A development order vests certain rights related to the land.¹⁴²

¹³² Section 163.3177(1), F.S.

¹³³ Section 163.3177(6), F.S.

¹³⁴ "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213. *See* s. 163.3164(26), F.S.

¹³⁵ Section 163.3202, F.S.

¹³⁶ *Id.*

¹³⁷ Section 163.3213, F.S.

¹³⁸ Sections 163.3174(4)(a) and 163.3184, F.S.

¹³⁹ Section 163.3164(14), F.S.

¹⁴⁰ Section 163.3164(16), F.S.

¹⁴¹ *See* s. 163.3164(15), F.S.

¹⁴² *See* s. 163.3167(3), F.S.

Building Permits and Inspections

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.¹⁴³

Every local government must enforce the Florida Building Code and issue building permits.¹⁴⁴ It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit.¹⁴⁵

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.¹⁴⁶ Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.¹⁴⁷ Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, building permit processing, and fire inspections.¹⁴⁸ Local governments must post all building permit and inspection fee schedules on its website.¹⁴⁹

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the building code. The building code requires certain building, electrical, plumbing, mechanical, and gas inspections.¹⁵⁰ Construction work may not be done beyond a certain point until it passes an inspection.¹⁵¹

Current law provides a set of deadlines for the ordinary processing of building permits depending on the type of permit.¹⁵² Various laws require or encourage local governments to further expedite the permitting process in certain situations, such as for the construction of public schools, state colleges and universities and affordable housing.¹⁵³

General Overview of Property Taxation

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

¹⁴³ Section 553.72, F.S.

¹⁴⁴ Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

¹⁴⁵ Sections 125.56(4)(a), 553.79(1), F.S.

¹⁴⁶ Section 553.80 F.S.

¹⁴⁷ *Id.*

¹⁴⁸ Section 553.80(7)(a)(1), F.S.

¹⁴⁹ Sections 125.56(4)(c) F.S. and 166.222(2) F.S.

¹⁵⁰ Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 110 (2023), available at https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec110 (last visited Mar. 9, 2025).

¹⁵¹ *Id.* at s. 110.6.

¹⁵² Section 553.792(1)(a), F.S.

¹⁵³ See sections 403.973(3), 420.5087(6)(c)8., and 553.80(6)(b)2., F.S.

January 1 of each year.¹⁵⁴ The property appraiser annually determines the “just value”¹⁵⁵ of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”¹⁵⁶ The state constitution prohibits the state from levying ad valorem taxes¹⁵⁷ and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.¹⁵⁸

Assessment of Damaged Agricultural Equipment

“Tangible personal property” means all goods, chattels, and other articles of value (not including vehicles) capable of manual possession and whose chief value is intrinsic to the article itself.¹⁵⁹ All tangible personal property is subject to ad valorem taxation unless expressly exempted.¹⁶⁰ Household goods and personal effects,¹⁶¹ items of inventory,¹⁶² and up to \$25,000 of assessed value for each tangible personal property tax return¹⁶³ are exempt from ad valorem taxation.

For purposes of ad valorem property taxation, agricultural equipment that is located on property classified as agricultural under s. 193.461, F.S., and is obsolete and no longer usable for its intended purpose is deemed to have a market value no greater than its value for salvage.¹⁶⁴

Florida Keys Area of Critical State Concern

In 1975, the Florida Keys were designated as an area of critical state concern. The designation includes the municipalities of Islamorada, Marathon, Layton and Key Colony Beach, and unincorporated Monroe County.¹⁶⁵ State, regional, and local governments in the Florida Keys Area of Critical State Concern are required to coordinate development plans and conduct programs and activities consistent with principles for guiding development. Principles include protecting the environmental resources, historical heritage, and water quality of the Florida Keys.¹⁶⁶

¹⁵⁴ Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

¹⁵⁵ Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. Art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See, e.g., Walter v. Schuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *S. Bell Tel. & Tel. Co. v. Dade Cnty.*, 275 So. 2d 4 (Fla. 1973).

¹⁵⁶ *See* ss. 192.001(2) and (16), F.S.

¹⁵⁷ FLA. CONST. art. VII, s. 1(a).

¹⁵⁸ *See* FLA. CONST. art. VII, s. 4.

¹⁵⁹ Section 192.001(11)(d), F.S.

¹⁶⁰ Section 196.001(1), F.S.

¹⁶¹ Section 196.181, F.S.

¹⁶² Section 196.185, F.S.

¹⁶³ Section 196.183, F.S.

¹⁶⁴ Section 193.4615, F.S.

¹⁶⁵ The City of Key West functions as a separate area of critical state concern, called the City of Key West Area of Critical State Concern, with similar restrictions. Section 380.0552, F.S.; *2020 Florida Keys Area of Critical State Concern Annual Report available at https://floridajobs.org/docs/default-source/2015-community-development/community-planning/2015-cmtty-plan-acsc/2020keysacscannualreport.pdf?sfvrsn=51c94eb0_2* (last visited Apr. 2, 2025).

¹⁶⁶ For a full list of required considerations, *see* s. 380.0552(7), F.S.

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 such actions must be approved by the Florida Department of Commerce (“Commerce”).¹⁶⁷ Amendments to local comprehensive plans must also be reviewed for compliance with several requirements: construction schedules, financing plans and compliance with construction standards for wastewater treatment and disposal facilities, and protection of public safety with maintenance of hurricane evacuation clearance time with standards developed by a hurricane evacuation study conducted under professionally accepted methodology.

Hurricane Evacuation Clearance Standards in the Florida Keys

The Florida Keys Area Protection Act¹⁶⁸ provides, in part, that comprehensive plan amendments within the covered area, which includes the majority of Monroe County, must comply with “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 hurricane evacuation clearance time must be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by Commerce.¹⁶⁹

Beach Funding

Funding for Florida’s critically eroded beaches is managed by the Beach Management Funding Assistance Program.¹⁷⁰ The program provides grants to local governments (up to 75% of project costs) for beach and inlet management projects to restore and nourish the state’s most severely eroded beaches.¹⁷¹ These projects protect upland structures and infrastructure, provide critical habitat for threatened and endangered species, provide recreational opportunities, and support local economies through tourism.¹⁷²

The Department of Environmental Protection (DEP) accepts funding requests on an annual basis from local governments and municipalities for beach and inlet management projects.¹⁷³ To be eligible for funding, projects must be accessible to the public, located on the Gulf of Mexico, Atlantic Ocean or Straits of Florida, be designated by the DEP as a critically eroded beach, and be consistent with the state’s Strategic Beach Management Plan.¹⁷⁴

The funds are cost-shared with local governments on local and federally authorized projects, with each level of government contributing about one-third of the cost of the entire program.¹⁷⁵

¹⁶⁷ Section 380.0552(9)(a), F.S.

¹⁶⁸ Section 380.0552, F.S.

¹⁶⁹ Section 380.0552(9)(a)2., F.S.

¹⁷⁰ Fla. Dep’t of Environmental Protection, *About the Beaches Funding Program*, <https://floridadep.gov/rcp/beaches-funding-program> (last visited Mar. 9, 2025).

¹⁷¹ Section 161.101(1), F.S.

¹⁷² Fla. Dep’t of Environmental Protection, *About the Beaches Funding Program*, <https://floridadep.gov/rcp/beaches-funding-program> (last visited Mar. 9, 2025).

¹⁷³ Fla. Admin. Code R. 62B-36.005.

¹⁷⁴ Fla. Admin. Code Chapter 62B-36. *See also* Fla. Dep’t of Environmental Protection, *About the Beaches Funding Program*, <https://floridadep.gov/rcp/beaches-funding-program> (last visited Mar. 9, 2025).

¹⁷⁵ Fla. Dep’t of Environmental Protection, *About the Beaches Funding Program*, <https://floridadep.gov/rcp/beaches-funding-program> (last visited Mar. 9, 2025).

This funding has resulted in the restoration and subsequent maintenance of more than 253 miles, or 58%, of the state's 432.5 miles of critically eroded beaches.¹⁷⁶

Solid Waste

Counties have the authority to provide and regulate waste and sewage collection and disposal.¹⁷⁷ A county may require that any person within the county demonstrate the existence of some arrangement or contract by which the person's solid waste¹⁷⁸ will be disposed of in a manner consistent with county ordinance or state or federal law.¹⁷⁹ Counties also have authority to adopt ordinances that govern the disposal of solid waste generated outside the county at the county's solid waste disposal facility.¹⁸⁰

The DEP is responsible for implementing and enforcing the solid waste management program, which provides guidelines for the storage, separation, processing, recovery, recycling, and disposal of solid waste throughout the state.¹⁸¹ The program is required to include procedures and requirements to ensure cooperative efforts in solid waste management by counties and municipalities and groups of counties and municipalities where appropriate.¹⁸²

Counties are responsible for operating solid waste disposal facilities, which are permitted through the DEP, in order to meet the needs of the incorporated and unincorporated areas of the county¹⁸³ and may contract with other persons to fulfill some or all of its solid waste responsibilities.¹⁸⁴ Each county must ensure that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements or other means.¹⁸⁵ In providing services or programs for solid waste management, local governments and state agencies are encouraged to use the most cost-effective means for providing services and are encouraged to contract with private entities for any or all such services or programs to assure that those services are provided on the most cost-effective basis.¹⁸⁶ Local governments are expressly prohibited from discriminating against privately owned solid waste management facilities solely because they are privately owned.¹⁸⁷

¹⁷⁶ *Id.*

¹⁷⁷ Section 125.01(1)(k), F.S.

¹⁷⁸ Section 403.703(35), F.S. "Solid waste" is defined as sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

¹⁷⁹ Section 125.01(1)(k)2., F.S.

¹⁸⁰ Section 403.706(1), F.S.

¹⁸¹ Section 403.705, F.S.

¹⁸² Section 403.705(2)(a), F.S.

¹⁸³ Section 403.706(1), F.S.

¹⁸⁴ Section 403.706(8), F.S.

¹⁸⁵ Section 403.706(3), F.S.

¹⁸⁶ Section 403.7063, F.S.

¹⁸⁷ *Id.*

III. Effect of Proposed Changes:

State Emergency Management Act and FDEM Duties

Section 3 amends s. 215.559, F.S., relating to the Hurricane Loss Mitigation Program, to require the FDEM to give funding priority for public hurricane shelter projects that are located in counties that have shelter deficits and to projects that are publicly owned other than schools in addition to projects that maximize the use of state funds.

Section 5 amends s. 252.35, F.S., to provide legislative intent to specify that other departments and agencies of state government, county and municipal governments and school boards, and private agencies have a role in emergency management and that the Legislature intends that they coordinate to the greatest extent possible in the provision of emergency management efforts through the FDEM.

The shelter planning component of the comprehensive emergency management plan is revised to require planning to ensure shelter space be available on a county basis, rather than a regional basis. The bill revises the annual requirement for the FDEM to submit the state comprehensive emergency management plan to be due on October 1 of every odd-numbered-year. A separate reporting requirement on the emergency management capabilities of the state and its political subdivisions is consolidated into this report.

The FDEM is directed to establish procedures to coordinate and monitor statewide mutual aid agreements reimbursable under federal public disaster assistance programs.

The requirement for the FDEM to assist political subdivisions in preparing and maintaining emergency management plans is clarified to include the development of a template for comprehensive management plans and guidance on the development of mutual aid agreements.

The requirement for the FDEM to implement training programs is clarified to include the purpose of maintaining Florida's status as a national leader in emergency management. The FDEM must specify minimum biennial training requirements for county or municipal administrators, county or city managers, county or municipal emergency management directors, and county or municipal public works directors or other officials responsible for the construction and maintenance of public infrastructure, in addition to minimum training already required under the Act. Training for county personnel may be provided by a foundation that is a 501(c)(3) with a governing board including county commissioners and professional county staff. FDEM must approve training provided by the foundation.

The FDEM must complete an inventory of disaster response equipment, including an inventory of portable generators as already required by the Act.

The bill requires the FDEM to conduct a hurricane readiness session by April 1 annually for the purpose of facilitating coordination between emergency management stakeholders. A session will be held in each region as designated by the FDEM. County emergency management directors (or designees) must attend, and other county or municipal personnel may attend the session. The content of the session must include guidance on timelines for preparation and

response, information on state and federal post-disaster resources and assistance, guidance to promote efficient and expedited rebuilding of the community after a hurricane, best practices for coordination and communication among entities engaged in post-disaster response and recovery, and discussion of any outstanding county or municipal preparedness or readiness needs

Section 6 amends s. 252.355, F.S., to require the Department of Veterans' Affairs to annually provide information on the special needs registry to their special needs clients and caregivers.

Section 7 amends s. 252.3611, F.S., to revise emergency expenditure auditing and reporting requirements. Requirements for the reporting of contracts executed with funding authorized for use in responding to the emergency to apply when a declaration or extension of a state of emergency by the Governor lasts longer than 90 days. Under such circumstances, all contracts to be posted on the Florida Accountability Contract Tracking System (FACTS), including those executed before the declaration for resources or services in anticipation or advance of an emergency.

The Auditor General is required to post the results of audits of expenditures associated with emergencies on his or her official website.

The FDEM is required to annually report by January 15 to the Legislature, including the appropriations committees, on expenditures incurred related to emergencies over the previous year. The report must summarize the event and actions taken by the FDEM. It must detail expenditures by event and include an accounting of inventory and assets purchased.

Section 8 amends s. 252.365, F.S., to revise the requirement for agency emergency coordination officers to coordinate with FDEM to include identifying priorities for post-disaster long-term recovery activities. The requirement for agency heads to inform the Governor of who has been designated as the agency emergency coordination officer is revised to be required by May 1 annually.

Section 9 amends s. 252.3655, F.S., to rename the Natural Hazards Interagency Workgroup as the "Natural Hazards Risks and Mitigation Interagency Coordinating Group" and substantially revise the requirements of the group. The purpose for the group is amended to include work related to risks and mitigation. Administrative and reporting requirements for the group are substantially revised.

Rather than agencies, water management districts, and the Florida Public Service Commission selecting a designee for the group, the Chief Resilience Officer of the Statewide Office of Resilience and the heads of the Department of Agriculture and Consumer Services; the Department of Commerce.; the Department of Environmental Protection; the Department of Financial Services; the Department of Law Enforcement; the Department of Highway Safety and Motor Vehicles.; the Department of Military Affairs; the Division of Emergency Management.; the Department of Transportation; the Fish and Wildlife Conservation Commission; the Office of Insurance Regulation; the Public Service Commission; and the water management districts are required to serve.

Section 10 amends s. 252.37, F.S., to require the FDEM to notify the Legislature if it intends to accept or apply for federal funds for a program administered by the FDEM that is new, will be implemented in an innovative or significantly different manner, or will require new budget authority for a state match. The notice must include detail on the program, and the intended use and amount of the funds.

The bill requires the FDEM to maximize the availability and expedite the distribution of financial assistance from the Federal Government to state and local agencies. In doing so, the FDEM must standardize and streamline the Public Assistance application process and the provision of assistance to applicants in order to mitigate the risk of noncompliance with federal requirements. The FDEM must use federal funds to implement this requirement.

Section 11 creates s. 252.3713, F.S., relating to the Hazard Mitigation Grant Program (HMGP), to specify administrative requirements for the FDEM related to HMGP funds.

The FDEM's designation as the entity responsible for administering the HMGP is explicitly codified. FDEM is limited to retaining no more than 25 percent of the total federal allocation of funds for use within the state, while the remaining 75 percent must be distributed to subrecipients in counties specified in the Presidential Disaster Declaration. Subrecipients are authorized to share their allocation with the FDEM for regional use.

The FDEM and subrecipients are directed to prioritize projects for reducing shelter deficits; mitigating impacts to public infrastructure, retrofitting of regional and local emergency management or operations centers, or other projects specified in the FDEM rule.

The FDEM is authorized to coordinate with state agencies and political subdivisions in developing and implementing innovative approaches to funding projects using HMGP grants.

Fiscally constrained counties are authorized to request that the FDEM administer a HMGP grant the county receives and may request the FDEM assistance in applying for HMGP grants.

FDEM must annually submit a report to the Legislature specifying the amount of funding received under the HMGP the previous fiscal year; projects funded by county; and the extent that the identified statutory priorities were achieved.

The FDEM is required to adopt rules to implement the section.

Section 13 amends s. 252.38, F.S., to direct political subdivisions to notify the FDEM by May 1 annually of the person designated as the emergency contact and their alternate. Counties must designate the county's emergency director as the emergency contact.

Section 14 amends s. 252.385, F.S., to revise public shelter space reporting requirements for the FDEM. The annual requirement for the FDEM to provide a list of recommended shelter facilities is combined with a biennial statewide shelter plan into a single annual report. The report must be provided annually by October 15 to the Governor and Legislature.

State funds should be maximized and targeted to projects in counties, rather than in regions. The FDEM is required to prioritize on the list of recommended facilities other state-owned, municipal-owned, and county-owned public buildings, other than schools, for retrofit using state funds.

The Agency for Persons with Disabilities is required to assist the FDEM in planning the need for special needs shelter space.

Florida National Guard Medical Officer Authorization

Section 4 amends s. 250.375, F.S., to allow servicemembers who are trained to provide medical care and are assigned to a military duty position and authorized by FLNG to provide medical care because of that duty position to provide medical care to both military personnel and civilians during emergencies or declared disasters.

Community Post-Storm Permitting and Planning

Section 15 creates s. 252.392, F.S., related to post-storm county and municipal permitting and operations. Under the section, counties and municipalities are required to develop plans for post-storm permitting to expedite recovery and rebuilding by providing for special building permit and inspection procedures after a hurricane or tropical storm and update them by May 1 annually. Counties and municipalities must plan to ensure sufficient personnel can manage building inspection, permitting, and enforcement; account for in-person locations for permitting services during business hours; protocols to expedite permitting and waive or reduce fees; and procedures to expedite debris removal.

Counties and municipalities must publish a guide on their website by May 1 annually intended for residential and commercial property owners. The guide must cover post-storm repairs that do and do not require permits and applicable fees; post-storm permitting procedures; and local rebuilding requirements.

Counties and municipalities located within 100 miles of the track of a hurricane or tropical storm and for which the Governor has declared a state of emergency are prohibited, for 180 days after the declaration of a state of emergency for a hurricane or tropical storm, from increasing building permit fees or inspection fees. As soon as practicable, such counties and municipalities are required to have personnel available during the county's or municipality's normal business hours to process permits.

Section 20 prohibits a local government from adopting a local lookback ordinance for substantial improvements or repairs to a structure which is more stringent than the Florida Building Code and provides that such an ordinance adopted before July 1, 2025 is void and unenforceable. Because the Florida Building Code does not currently include a requirement related to cumulative damage, this will have the effect of prohibiting lookback ordinances completely unless and until the Building Code is amended and will render all such ordinances in effect as of July 1, 2025 void.

Section 21 provides that a county or municipality listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton shall not propose or adopt a moratorium on construction, reconstruction, or redevelopment of property damaged by hurricanes; more restrictive or burdensome procedures to its comprehensive plan or land development regulations concerning the review, approval or issuance of a site plan, development permit, or development order. Any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure is null and void ab initio. This subsection applies retroactively to August 1, 2024. Any comprehensive plan amendment, land development regulation, development permit, or development order approved by a county or municipality under procedures adopted before the effective date of this act may be enforced under certain circumstances.

The bill creates a cause of action for residents or business owners in a county or municipality to seek declaratory and injunctive relief against the county or municipality that has proposed or enacted a moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure. The resident or business owner is entitled to a preliminary injunction until the court adjudicates the action. If the resident or business owner is successful, they are entitled to reasonable attorney fees and costs. Attorney fees and costs may not be awarded if the resident or business owner notifies the county or government that the moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure is in violation and the county or municipality withdraws the moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure within 14 days.

This section takes effect upon becoming a law.

Assessment of Damaged Agricultural Equipment

Section 2 amends s. 193.4518, F.S., providing that tangible personal property owned and operated by a farm, farm operation, or agricultural processing facility in certain counties shall be deemed to have a market value no greater than its salvage value, provided the tangible personal property was unable to be used in the operation of the facility for at least 60 days due to the effects of Hurricane Debby, Hurricane Helene, or Hurricane Milton.

This valuation will be effective only for the 2025 tax year and is limited to properties in Alachua, Baker, Bradford, Brevard, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Franklin, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Madison, Manatee, Marion, Martin, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, Suwannee, Taylor, Union, Volusia, or Wakulla counties.

The deadline to apply for this assessment is August 1, 2025. If the application is denied by the property appraiser, a petition may be filed with the value adjustment board to request the property be assessed according to this provision. The petition must be filed on or before the 25th day after the property appraiser mails the 2025 notice of assessment.

This provision is effective upon becoming a law and applies retroactively to January 1, 2025.

Hurricane Evacuation Clearance Standards in the Florida Keys

Section 16 amends s. 380.0552, F.S., to amend the hurricane evacuation clearance time which subject local governments must base comprehensive planning around from 24 to 26 hours.

Section 17 provides that the intent of the Legislature in this amendment is to accommodate the building of additional developments to ameliorate the acute affordable housing and building permit allocation shortage. The Legislature thereby intends that local governments manage growth authorized by the amendment with a focus on long-term stability and affordable housing for the local workforce.

Beach Funding

Section 1 amends s. 161.101, F.S., to provide that, for any county listed in a federal declaration of disaster in 2024 that was impacted by erosion caused by Hurricane Debby, Hurricane Helene, or Hurricane Milton, the DEP may waive or reduce the match requirements for local governments for local participation in beach management and erosion control projects. This subsection expires July 1, 2026.

Storm-generated Debris

Section 19 amends s. 403.7071, F.S., to revise authorizations and requirements related to storm-generated debris.

Local governments are authorized and encouraged to add an addendum to existing contracts or franchise agreements for collection of storm-generated debris

Counties and municipalities are required to apply to the DEP for authorization of at least one debris management site and seek annual preauthorization for previously approved sites as allowed for the department.

Municipalities are authorized to jointly apply for authorization of a debris management site with a county or an adjacent municipality, pursuant to a memorandum of understanding.

Effective Date

Section 23 provides that the bill will take effect on July 1, 2025, unless otherwise expressly provided.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) of the Florida Constitution provides that except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so

would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The mandate requirement does not apply to laws having an insignificant impact,¹⁸⁸ which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.

The Revenue Estimating Conference met on March 21st and adopted an estimated impact for a portion of CS/SB 180. Related to section 2 of the bill, the Conference estimated that the assessment limitation on agricultural equipment would have a negative \$6.7 million impact to local government property tax revenues for Fiscal Year 2025-2026.¹⁸⁹ Therefore, this bill may be a mandate subject to the requirements of Art. VII, s. 18(b) of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19 of Florida Constitution requires increased taxes or fees to be passed in a separate bill and by two-thirds vote of the membership of each house of the Legislature. This bill does not increase any taxes or fees, and thus the increased tax or fee requirements do not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference met on March 21st and adopted an estimated impact for a portion of CS/SB 180. Related to section 2 of the bill, the Conference estimated that

¹⁸⁸ FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. *See* Fla. S. Comm. on Cmty. Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 9, 2025).

¹⁸⁹ Revenue Estimating Conference, *Hurricane Damage TPP Assessments CS/SB 180*, (Mar. 21, 2025) 135-138, available at https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2025/_pdf/page135-138.pdf.

the assessment limitation on agricultural equipment would have a negative \$6.7 million impact to local government property tax revenues for Fiscal Year 2025-2026.¹⁹⁰

B. Private Sector Impact:

Agricultural producers with agricultural equipment unable to be used due to hurricanes will experience property tax relief.

Residents and businesses affected by disasters may experience quicker post-storm permit processing times and reduced or waived permit and inspection fees.

C. Government Sector Impact:

Local governments affected by beach erosion from hurricanes in 2024 will be able to implement beach management and erosion projects with a reduced match or without having to put forward match funds.

Local governments where agricultural equipment is located that was unable to be used due to hurricanes in 2024 will receive reduced property tax revenues due to the property tax assessment limitation on agricultural equipment .

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 161.101, 193.4518, 215.559, 250.375, 252.35, 252.355, 252.3611, 252.365, 252.3655, 252.37, 252.373, 252.38, 252.385, 380.0552, 400.063, 403.7071, and 553.73.

This bill creates the following sections of the Florida Statutes: 252.3713 and 252.392.

This bill reenacts section 252.55 of the Florida Statutes.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations on April 2, 2025:

The committee substitute:

- Allows a nonprofit to provide training for county officials if approved by FDEM;

¹⁹⁰ *Id.*

- Requires FDEM to annually submit a report to the Legislature on Hazard Mitigation Grant Program grants;
- Clarifies that local governments within 100 miles of the track of a hurricane or tropical storm are subject to certain fee increase prohibitions and personnel availability requirements;
- Increases the evacuation time for the Florida Keys from 24 to 26 hours; and
- Prohibits local governments from adopting a lookback period for substantial improvements or repairs that is more stringent than the Florida Building Code.

CS by Community Affairs on March 11, 2025:

The committee substitute:

- Provides that the property tax assessment limitation on ag equipment unable to be used is effective upon becoming law and applies retroactively to Jan. 1, 2025.
- Requires that the FDEM establish procedures for coordinating and monitoring statewide mutual aid agreements reimbursable under federal public disaster assistance programs.
- Revises the membership of the Natural Hazards Risks and Mitigation Interagency Coordinating Group.
- Requires the FDEM to notify the Legislature when accepting or applying for federal funds for certain new or innovative programs or that will require new budget authority.
- Requires the FDEM to standardize and streamline the application process for the federal Public Assistance Program and use federal funds to implement the requirement.
- Provides that the FDEM may retain 25 percent of the total federal allocation of funds received under the HMGP.
- Creates a cause of action for residents or business owners affected by an unlawful burdensome regulation or moratorium to seek declaratory and injunctive relief.

B. Amendments:

None.