

**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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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**BILL:** CS/SB 180

**INTRODUCER:** Community Affairs Committee and Senator DiCeglie

**SUBJECT:** Emergency Preparedness and Response

**DATE:** March 13, 2025      **REVISED:** \_\_\_\_\_

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	Fav/CS
2.			AP	

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**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 180 makes various changes throughout Florida Statutes regarding 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 projects other than schools.
- Allows Florida National Guard servicemembers to provide medical care to military personnel and civilians during emergencies.
- Revises legislative intent and provisions related to 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 FDEM emergency expenditure auditing and reporting requirements.
- Revises requirements for agencies and their emergency coordination officers to notify and coordinate with 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 FDEM related to federal funds, including specifically FEMA Public Assistance and Hazard Mitigation Grant Program funds.
- Requires political subdivisions to annually notify FDEM of their designated emergency contact.
- Revises FDEM public shelter space reporting, planning, and funding requirements.
- Creates requirements for county and municipal post-storm permitting and operations.
- 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 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.<sup>1</sup> All emergency and disaster declarations are made at the discretion of the President of the United States.<sup>2</sup> There are two types of disaster declarations: emergency declarations and major disaster declarations.<sup>3</sup> Both declarations allow for federal assistance to states and local governments, however they differ in scope, types, and amount of assistance available.<sup>4</sup>

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.<sup>5</sup>

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

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<sup>1</sup> 42 U.S.C. §§ 5121-5207.

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

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

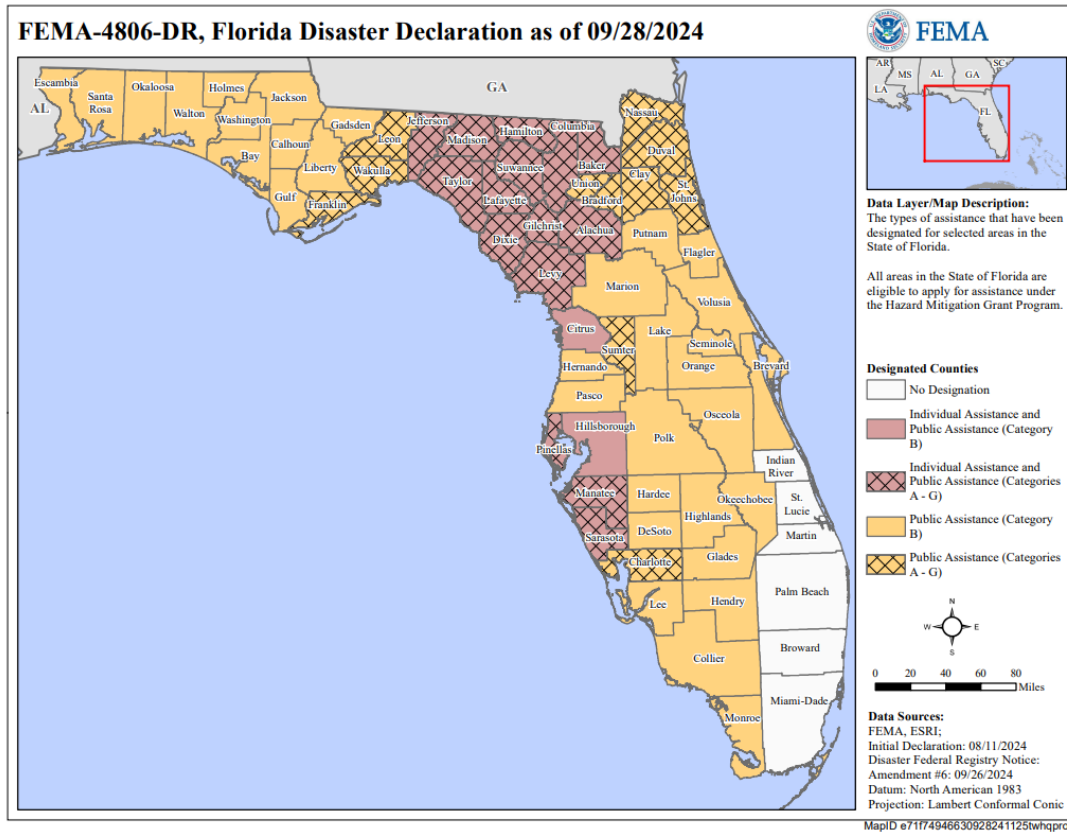
<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

### 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.<sup>8</sup> Hurricane Debby made landfall near Steinhatchee in Taylor County around 7am on August 5, 2024.<sup>9</sup> 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.<sup>10</sup> Debby’s primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> Flooding along the Suwannee River continued 3 weeks after landfall.<sup>14</sup>



Disaster Declaration Map for Hurricane Debby

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

<sup>9</sup> *Id.*  
<sup>10</sup> *Id.*  
<sup>11</sup> *Id.*  
<sup>12</sup> *Id.*  
<sup>13</sup> *Id.*  
<sup>14</sup> *Id.*

### *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.<sup>15</sup> 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.<sup>16</sup> While the storm moved quickly across the state, this did not lessen the impacts.<sup>17</sup> 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.<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup> Many counties across the Panhandle reported flooding and washed-out roads.<sup>21</sup> The combination of Helene's large size and extremely fast forward motion contributed to catastrophic storm surge in the southeast Big Bend area and along the west coast of Florida.<sup>22</sup> 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.<sup>23</sup> Preliminary data for Taylor and Dixie counties estimated more than 15 ft of surge, while areas near Tampa saw levels over 6 ft.<sup>24</sup>

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<sup>15</sup> 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).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

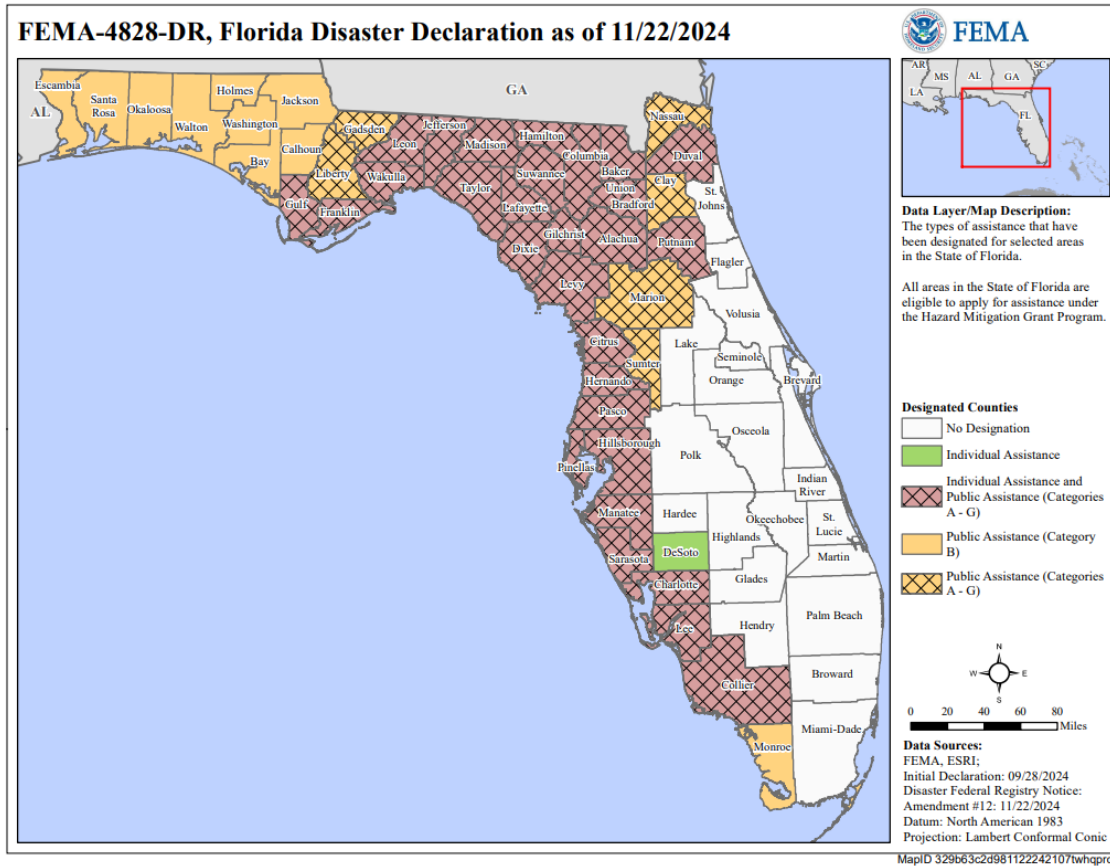
<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> 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).

<sup>24</sup> *Id.*



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.<sup>25</sup> At landfall, Milton was a category 3 hurricane with maximum sustained winds of 120 mph.<sup>26</sup> 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.<sup>27</sup> Though Milton moved quickly across the state, it produced extreme rainfall, with the highest amounts, nearly 20 inches, measured in the Clearwater Beach and St. Petersburg areas.<sup>28</sup> In the days and weeks following the storm, rainfall caused rivers and tributaries to reach major flood stages.<sup>29</sup> 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.<sup>30</sup> Storm surge in many areas was less than Hurricane Ian in 2022, but higher than experienced during Helene.<sup>31</sup> NOAA gages in Ft. Myers and Naples Bay North measured

<sup>25</sup> National Weather Service, *Hurricane Milton Impacts to East Central Florida*, [https://www.weather.gov/mlb/HurricaneMilton\\_Impacts](https://www.weather.gov/mlb/HurricaneMilton_Impacts) (last visited Mar. 9, 2025).

<sup>26</sup> 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).

<sup>27</sup> *Id.*

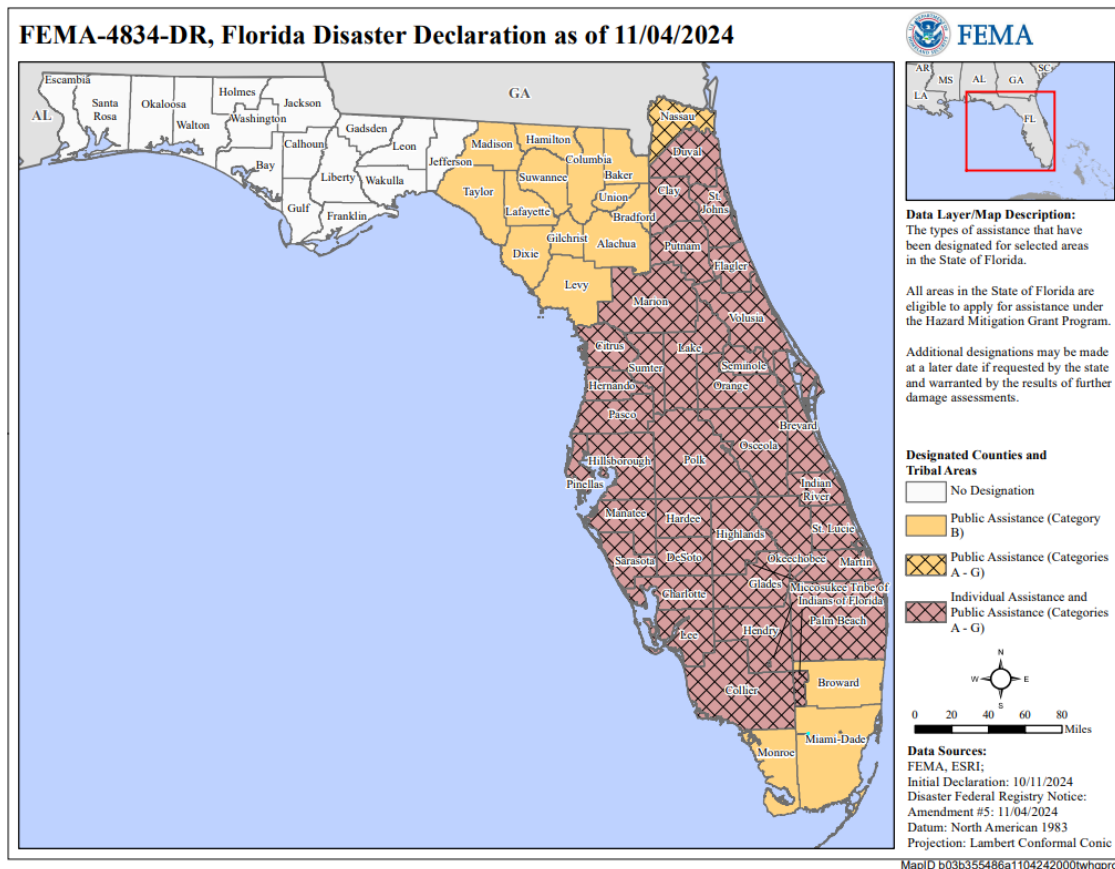
<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

storm surge above 5 feet.<sup>32</sup> 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.<sup>33</sup>



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 producing \$8.66 billion of agricultural products.<sup>34</sup> 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.<sup>35</sup> Preliminary estimates of cumulative agricultural production losses in Florida for the 2024 hurricane season are between \$402.3

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> 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](https://www.flsenate.gov/Committees/Show/AG/MeetingPacket/6223/10896_MeetingPacket_6223.pdf) (last visited Mar. 9, 2025).

<sup>35</sup> *Id.*

million and \$975.8 million.<sup>36</sup> 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.<sup>37</sup>

### **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.<sup>38</sup> 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.<sup>39</sup>

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 emergency<sup>40</sup> has occurred or is imminent, he or she must declare a state of emergency.<sup>41</sup> An executive order or proclamation of a state of emergency shall identify whether the state of emergency is due to a minor,<sup>42</sup> major,<sup>43</sup> or catastrophic<sup>44</sup> disaster.<sup>45</sup> 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.<sup>46</sup> Additionally, the Legislature may end a state of emergency by passing a concurrent resolution.<sup>47</sup>

### **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.<sup>48</sup> 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.<sup>49</sup> In doing so, the FDEM coordinates

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> Section 252.311(1), F.S.

<sup>39</sup> Section 252.311(2) and (3), F.S.

<sup>40</sup> "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.

<sup>41</sup> Section 252.36(2), F.S.

<sup>42</sup> "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.

<sup>43</sup> "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.

<sup>44</sup> "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.

<sup>45</sup> Section 252.36(4)(c), F.S.

<sup>46</sup> Section 252.36(2), F.S.

<sup>47</sup> Section 252.36(3), F.S.

<sup>48</sup> Section 14.2016(1), F.S.

<sup>49</sup> Section 252.35(1) and (2), F.S.



efforts with and among the federal government, other state agencies, local governments, school boards, and private agencies that have a role in emergency management.<sup>50</sup> 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.<sup>51</sup> 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.<sup>52</sup> Each agency within the executive branch, each water management district, and the Florida Public Service Commission must designate a liaison to the workgroup.<sup>53</sup> 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.<sup>54</sup> 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.<sup>55</sup>

There are 25 agencies required to participate in the Workgroup. In its 2024 Annual Report, FDEM stated that nine agencies attended all four meetings, and five agencies attended three of the meetings.<sup>56</sup> Despite offering virtual attendance options, four agencies attended only one meeting, and six agencies attended no meetings in 2023.<sup>57</sup> Required agency attendance was down overall from 2022.<sup>58</sup>

### ***Emergency Shelters***

FDEM is required to prepare a Statewide Emergency Shelter Plan (SESP).<sup>59</sup> The SESP is submitted to the Governor and Cabinet for approval by January 31 of each even-numbered year.<sup>60</sup> 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.<sup>61</sup>

<sup>50</sup> Section 252.35(1), F.S.

<sup>51</sup> Chapter 2017-48, Laws of Fla.

<sup>52</sup> Section 252.3655(1)(a), F.S.

<sup>53</sup> Section 252.3655(1)(b), F.S.

<sup>54</sup> Section 252.3655(2), F.S.

<sup>55</sup> Section 252.3655(2)(c), F.S.

<sup>56</sup> 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).

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> Sections 252.385(2)(b) and 1013.372(2) F.S.

<sup>60</sup> Section 252.385(2)(b), F.S.

<sup>61</sup> 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](https://www.floridadisaster.org/globalassets/final_statewide-emergency-shelter-plan_2024.pdf) (last visited Mar. 8, 2025).



Beginning with publication of the 2006 SESP, the FDEM monitors the status of the statewide inventory of special needs shelters.<sup>62</sup> Historically, special needs estimates were included in the total population hurricane evacuation shelter demand estimates and hurricane evacuation shelter capacities.<sup>63</sup> 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.<sup>64</sup> 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 for caregivers and medical equipment.<sup>65</sup>

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

### ***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.<sup>68</sup>

The HLMP is funded by an annual appropriation of \$10 million from the Florida Hurricane Catastrophe Fund.<sup>69</sup> 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.<sup>70</sup> 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.<sup>71</sup>
- \$3 million must be directed toward retrofitting existing facilities used as public hurricane shelters. FDEM must prioritize the use of these funds for projects included in the annual Shelter Retrofit Report.<sup>72</sup>

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.<sup>73</sup> 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.<sup>74</sup>

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<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> Section 252.355, F.S.

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

<sup>68</sup> Chapter 99-305, Laws of Fla.

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

<sup>70</sup> Section 215.559(1)(a), F.S.

<sup>71</sup> Section 215.559, F.S.

<sup>72</sup> Section 215.559(1)(b), F.S.

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

<sup>74</sup> Section 215.559(1)(b), F.S.

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.<sup>75</sup>

On January 1 of each year, FDEM must submit an annual report and accounting of activities under the HLMP and an evaluation of the activities.<sup>76</sup> 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.<sup>77</sup> The Office of Insurance Regulation (OIR) must review the report and make recommendations to the insurance industry as deemed appropriate.<sup>78</sup>

The HLMP expires on June 30, 2032.<sup>79</sup>

### **FEMA Mitigation Grant Programs**

FEMA was established in 1979 to centralize federal emergency and disaster activities.<sup>80</sup> The latter of 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.<sup>81</sup> FEMA administers several mitigation grant programs designed to reduce and mitigate future natural disaster losses.<sup>82</sup>

Some of the FEMA mitigation grant programs are authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).<sup>83</sup> These programs include the Hazard Mitigation Grant Program, the Hazard Mitigation Grant Program Post Fire, Pre-Disaster Mitigation (PDM) grant program, Safeguarding Tomorrow Revolving Loan Fund Program, the Public Assistance Grant Program, and the Building Resilient Infrastructure and Communities program.<sup>84</sup> 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.<sup>85</sup> Funds received from any one of these grants can be used for hazard mitigation planning, mitigation activities, and management costs.<sup>86</sup>

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<sup>75</sup> 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).

<sup>76</sup> 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).

<sup>77</sup> Section 215.559(6), F.S.

<sup>78</sup> Section 215.559(6), F.S.

<sup>79</sup> Section 215.559(7), F.S.

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

<sup>81</sup> 44 C.F.R. s. 201.2.

<sup>82</sup> 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](https://www.fema.gov/sites/default/files/documents/fema_hma_guide_082024.pdf) (last visited Mar. 9, 2025).

<sup>83</sup> 42 U.S.C. 5121 et seq.

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

<sup>85</sup> *Id.*

<sup>86</sup> 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](https://www.fema.gov/sites/default/files/documents/fema_hma_guide_082024.pdf) (last visited Mar. 9, 2025).

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 FEMA that conforms to a specified set of requirements.<sup>87</sup> 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.<sup>88</sup> Jurisdictions must update their plans and re-submit them to FEMA every 5 years to maintain eligibility.<sup>89</sup>

### **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 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, 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 FDEM, which evaluates eligibility for PA with FEMA.<sup>90</sup>

### **Florida Recovery Obligation Calculation**

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, 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.<sup>91</sup>

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<sup>87</sup> *Id.*

<sup>88</sup> 42 U.S.C. s. 5165(b)(2).

<sup>89</sup> 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).

<sup>90</sup> 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).

<sup>91</sup> 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](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).

## Florida National Guard Medical Officer Authorization

The Florida National Guard (FLNG) is the organized militia of the state.<sup>92</sup> 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.<sup>93</sup> The FLNG has an Army component and an Air component, each of which has an Assistant Adjutant General who is also its Commander.<sup>94</sup>

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.<sup>95</sup> The Act provides specific authorization and emergency powers to counties, 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.<sup>96</sup> Municipalities are encouraged to create their own emergency management plans but must coordinate with the county emergency management agency.<sup>97</sup>

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.<sup>98</sup> The county emergency management director may be a county constitutional officer<sup>99</sup> or an employee of such an officer.<sup>100</sup> 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 FDEM and other local emergency management entities.<sup>101</sup>

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<sup>92</sup> 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.

<sup>93</sup> Section 250.06(1), F.S.

<sup>94</sup> Florida National Guard, *Leadership*, <https://fl.ng.mil/leadership/Pages/Assistant-Adjutant-General-Air.aspx> (last visited Mar. 12, 2025).

<sup>95</sup> Section 252.311(3), F.S.

<sup>96</sup> Section 252.38(1)(a), F.S.

<sup>97</sup> Section 252.38(2), F.S.

<sup>98</sup> Section 252.38(1)(b), F.S.

<sup>99</sup> 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.

<sup>100</sup> Section 252.38(1)(b), F.S.

<sup>101</sup> Section 252.38(1)(b), F.S.

Under the Act, the governing body of each political subdivision, defined as counties and municipalities,<sup>102</sup> 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.<sup>103</sup> After executing a mutual aid agreement, a copy must be sent to FDEM.<sup>104</sup> Mutual aid agreements must be consistent with the state comprehensive emergency management plan and program.<sup>105</sup> When an emergency occurs, the parties to the agreement have a duty to render assistance in accordance with the agreement.<sup>106</sup>

### **Community Planning**

The Community Planning Act provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.<sup>107</sup> Each county and municipality must maintain a comprehensive plan to guide future development.<sup>108</sup>

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.<sup>109</sup> A comprehensive plan provides the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area.<sup>110</sup>

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.<sup>111</sup>

A comprehensive plan is implemented through the adoption of land development regulations<sup>112</sup> that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.<sup>113</sup> 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.<sup>114</sup> Substantially affected persons have the right to maintain administrative

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<sup>102</sup> Section 252.34(10), F.S.

<sup>103</sup> Section 252.40(1), F.S.

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> Section 163.3167(1), F.S.

<sup>108</sup> Section 163.3167(2), F.S.

<sup>109</sup> Section 163.3194(3), F.S.

<sup>110</sup> Section 163.3177(1), F.S.

<sup>111</sup> Section 163.3177(6), F.S.

<sup>112</sup> "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.

<sup>113</sup> Section 163.3202, F.S.

<sup>114</sup> *Id.*

actions which assure that land development regulations implement and are consistent with the comprehensive plan.<sup>115</sup>

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.<sup>116</sup>

### ***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."<sup>117</sup> 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."<sup>118</sup> Once a local government has officially granted or denied a development permit, the official action constitutes a development order.<sup>119</sup> A development order vests certain rights related to the land.<sup>120</sup>

### **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.<sup>121</sup>

Every local government must enforce the Florida Building Code and issue building permits.<sup>122</sup> 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.<sup>123</sup> 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.<sup>124</sup> Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.<sup>125</sup> 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

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<sup>115</sup> Section 163.3213, F.S.

<sup>116</sup> Sections 163.3174(4)(a) and 163.3184, F.S.

<sup>117</sup> Section 163.3164(14), F.S.

<sup>118</sup> Section 163.3164(16), F.S.

<sup>119</sup> See s. 163.3164(15), F.S.

<sup>120</sup> See s. 163.3167(3), F.S.

<sup>121</sup> Section 553.72, F.S.

<sup>122</sup> Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

<sup>123</sup> Sections 125.56(4)(a), 553.79(1), F.S.

<sup>124</sup> Section 553.80 F.S.

<sup>125</sup> *Id.*

inspections.<sup>126</sup> Local governments must post all building permit and inspection fee schedules on its website.<sup>127</sup>

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.<sup>128</sup> Construction work may not be done beyond a certain point until it passes an inspection.<sup>129</sup>

Current law provides a set of deadlines for the ordinary processing of building permits depending on the type of permit.<sup>130</sup> 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.<sup>131</sup>

### **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 January 1 of each year.<sup>132</sup> The property appraiser annually determines the “just value”<sup>133</sup> of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”<sup>134</sup> The state constitution prohibits the state from levying ad valorem taxes<sup>135</sup> and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.<sup>136</sup>

### ***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.<sup>137</sup> All tangible personal property is subject to ad valorem taxation unless expressly exempted.<sup>138</sup>

<sup>126</sup> Section 553.80(7)(a)(1), F.S.

<sup>127</sup> Sections 125.56(4)(c) F.S. and 166.222(2) F.S.

<sup>128</sup> 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](https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec110) (last visited Mar. 9, 2025).

<sup>129</sup> *Id.* at s. 110.6.

<sup>130</sup> Section 553.792(1)(a), F.S.

<sup>131</sup> See sections 403.973(3), 420.5087(6)(c)8., and 553.80(6)(b)2., F.S.

<sup>132</sup> 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.

<sup>133</sup> 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).

<sup>134</sup> See ss. 192.001(2) and (16), F.S.

<sup>135</sup> FLA. CONST. art. VII, s. 1(a).

<sup>136</sup> See FLA. CONST. art. VII, s. 4.

<sup>137</sup> Section 192.001(11)(d), F.S.

<sup>138</sup> Section 196.001(1), F.S.



Household goods and personal effects,<sup>139</sup> items of inventory,<sup>140</sup> and up to \$25,000 of assessed value for each tangible personal property tax return<sup>141</sup> 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.<sup>142</sup>

### **Beach Funding**

Funding for Florida's critically eroded beaches is managed by the Beach Management Funding Assistance Program.<sup>143</sup> 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.<sup>144</sup> These projects protect upland structures and infrastructure, provide critical habitat for threatened and endangered species, provide recreational opportunities, and support local economies through tourism.<sup>145</sup>

The Department of Environmental Protection (DEP) accepts funding requests on an annual basis from local governments and municipalities for beach and inlet management projects.<sup>146</sup> 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 DEP as a critically eroded beach, and be consistent with the state's Strategic Beach Management Plan.<sup>147</sup>

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.<sup>148</sup> 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.<sup>149</sup>

### **Solid Waste**

Counties have the authority to provide and regulate waste and sewage collection and disposal.<sup>150</sup> A county may require that any person within the county demonstrate the existence of some

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<sup>139</sup> Section 196.181, F.S.

<sup>140</sup> Section 196.185, F.S.

<sup>141</sup> Section 196.183, F.S.

<sup>142</sup> Section 193.4615, F.S.

<sup>143</sup> Fla. Dep't of Environmental Protection, *About the Beaches Funding Program*, <https://floridadep.gov/rcp/beaches-funding-program> (last visited Mar. 9, 2025).

<sup>144</sup> Section 161.101(1), F.S.

<sup>145</sup> Fla. Dep't of Environmental Protection, *About the Beaches Funding Program*, <https://floridadep.gov/rcp/beaches-funding-program> (last visited Mar. 9, 2025).

<sup>146</sup> Fla. Admin. Code R. 62B-36.005.

<sup>147</sup> 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).

<sup>148</sup> Fla. Dep't of Environmental Protection, *About the Beaches Funding Program*, <https://floridadep.gov/rcp/beaches-funding-program> (last visited Mar. 9, 2025).

<sup>149</sup> *Id.*

<sup>150</sup> Section 125.01(1)(k), F.S.

arrangement or contract by which the person's solid waste<sup>151</sup> will be disposed of in a manner consistent with county ordinance or state or federal law.<sup>152</sup> 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.<sup>153</sup>

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.<sup>154</sup> 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.<sup>155</sup>

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 county<sup>156</sup> and may contract with other persons to fulfill some or all of its solid waste responsibilities.<sup>157</sup> 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.<sup>158</sup> 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.<sup>159</sup> Local governments are expressly prohibited from discriminating against privately owned solid waste management facilities solely because they are privately owned.<sup>160</sup>

### III. Effect of Proposed Changes:

#### State Emergency Management Act and FDEM Duties

**Section 3** amends s. 215.559, F.S., to require FDEM to give funding priority for shelter retrofit projects located in counties that have shelter deficits and to projects that are publicly owned other than schools.

**Section 5** amends s. 252.35, F.S., to revise 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

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<sup>151</sup> 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.

<sup>152</sup> Section 125.01(1)(k)2., F.S.

<sup>153</sup> Section 403.706(1), F.S.

<sup>154</sup> Section 403.705, F.S.

<sup>155</sup> Section 403.705(2)(a), F.S.

<sup>156</sup> Section 403.706(1), F.S.

<sup>157</sup> Section 403.706(8), F.S.

<sup>158</sup> Section 403.706(3), F.S.

<sup>159</sup> Section 403.7063, F.S.

<sup>160</sup> *Id.*

coordinate to the greatest extent possible in the provision of emergency management efforts through 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 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.

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

The requirement for 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 FDEM to implement training programs is clarified to include the purpose of maintaining Florida's status as a national leader in emergency management. 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.

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

The bill requires 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 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.

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

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

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 FDEM for regional use.

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 FDEM rule.

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 FDEM administer a HMGP grant the county receives and may request FDEM assistance in applying for HMGP grants.

FDEM is required to adopt rules to implement the section.

**Section 13** amends s. 252.38, F.S., to direct political subdivisions to notify 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 FDEM. The annual requirement for 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. 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 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 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. During the same time period, counties and municipalities are required to have personnel available during business hours to process permits.

**Section 18** 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.

### **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 17** 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 20** 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 State 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,<sup>161</sup> which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.

The Revenue Estimating Conference has not yet adopted an impact estimate concerning the assessment limitation on agricultural equipment in section 2. If the estimated reduction in authority exceeds \$2.4 million, the mandates provisions may apply. If the bill does qualify as a mandate, the bill must be approved by a two-thirds vote of the membership of each house.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

Section 19 of Article VII, 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 has not yet reviewed this bill.

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<sup>161</sup> 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).

**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 may receive reduced property tax revenues due to the assessment limitation on agricultural equipment unable to be used due to hurricanes in 2024.

**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, 400.063, and 403.7071.

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

This bill reenacts s. 252.55, F.S.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**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 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 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 FDEM to standardize and streamline the application process for the federal Public Assistance Program and use federal funds to implement the requirement.
- Provides that 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.