

Tab 1	SJR 174 by DiCeglie ; Identical to H 01039 Assessment of Homestead Property
Tab 2	SB 176 by DiCeglie ; Similar to H 01041 Assessment of Homestead Property
Tab 3	SB 180 by DiCeglie ; Compare to H 01337 Emergency Preparedness and Response 525210 D S CA, DiCeglie Delete everything after 03/10 03:03 PM
Tab 4	CS/SB 262 by JU, Berman ; Identical to CS/H 00385 Trusts 488748 A S CA, Berman Delete L.58 - 140: 03/10 03:04 PM
Tab 5	SB 466 by Leek (CO-INTRODUCERS) Burgess, Osgood ; Identical to H 00659 Florida Museum of Black History
Tab 6	SB 582 by Leek ; Identical to H 00717 Unlawful Demolition of Historical Buildings and Structures
Tab 7	SB 608 by DiCeglie ; Similar to H 00575 Gulf of America
Tab 8	SB 1002 by Truenow ; Similar to H 01137 Utility Service Restrictions
Tab 9	SB 1128 by Ingoglia ; Similar to H 01035 Building Permits for a Single-family Dwelling 760372 D S CA, Ingoglia Delete everything after 03/10 03:56 PM
Tab 10	SB 1202 by McClain ; Similar to H 00749 Benefits for Firefighters Injured During Training Exercises
Tab 11	SB 1242 by McClain ; Identical to H 00991 Community Redevelopment Agencies

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator McClain, Chair
Senator Fine, Vice Chair

MEETING DATE: Tuesday, March 11, 2025
TIME: 4:00—6:00 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Building*

MEMBERS: Senator McClain, Chair; Senator Fine, Vice Chair; Senators Jones, Leek, Passidomo, Pizzo, Sharief, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SJR 174 DiCeglie (Similar SJR 1190, Identical HJR 1039, Compare H 1041, S 1192, Linked S 176)	Assessment of Homestead Property; Proposing amendments to the State Constitution to authorize the Legislature, by general law, to prohibit the consideration of any change or improvement made to homestead property to mitigate flood damage in determining the assessed value of such property for ad valorem taxation purposes, to limit the transfer of such value to new homestead property, and to provide an effective date, etc.	CA 03/11/2025 FT AP
2	SB 176 DiCeglie (Similar H 1041, S 1192, Compare HJR 1039, SJR 1190, Linked SJR 174)	Assessment of Homestead Property; Requiring that changes, additions, or improvements that replace or are made to elevate homestead property be assessed in a specified manner; specifying how such assessment must be calculated under certain conditions; authorizing property appraisers to require certain evidence, etc.	CA 03/11/2025 FT AP
3	SB 180 DiCeglie (Compare H 1337, S 1566)	Emergency Preparedness and Response; Authorizing the Department of Environmental Protection to waive or reduce local government match requirements under certain circumstances; providing a tangible personal property assessment limitation, during a certain timeframe and in certain counties, for certain agricultural equipment that is unable to be used due to Hurricanes Debby, Helene, or Milton; specifying conditions for applying for and receiving the assessment limitation; deleting a reference to a certain report; revising public hurricane shelter funding prioritization requirements for the Division of Emergency Management; authorizing certain servicemembers to provide medical care in specified circumstances, etc.	CA 03/11/2025 AP

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, March 11, 2025, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 262 Judiciary / Berman (Identical CS/H 385)	Trusts; Revising how an authorized trustee may exercise the power to invade principal as an authorized trustee administering a trust; providing that property devised to or from a revocable trust which is devised, given, or distributed to a donee by a settlor during the settlor's lifetime is treated as a satisfaction of devise to that donee if certain criteria are met; providing that homestead property transferred by one or both settlor spouses to a community property trust will not be treated as a change of ownership for the purposes of reassessing the property, etc.	JU 02/18/2025 Fav/CS CA 03/11/2025 RC
5	SB 466 Leek (Identical H 659)	Florida Museum of Black History; Providing legislative intent; establishing the Florida Museum of Black History Board of Directors; prohibiting specified members of the board from holding state or local elective office while serving on the board; requiring that the board work jointly with the Foundation for the Museum of Black History, Inc., etc.	CA 03/11/2025 AEG RC
6	SB 582 Leek (Identical H 717)	Unlawful Demolition of Historical Buildings and Structures; Authorizing a code enforcement board or special magistrate to impose a fine that exceeds certain limits for the unlawful demolition of certain historical buildings or structures under certain circumstances; providing that such fine may not exceed a certain percentage of just market valuation, etc.	CA 03/11/2025 GO RC
7	SB 608 DiCeglie (Similar H 575)	Gulf of America; Renaming the Gulf of Mexico as the "Gulf of America" throughout the Florida Statutes, etc.	CA 03/11/2025 FP

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, March 11, 2025, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1002 Truenow (Similar H 1137, Compare H 1523, S 1704)	Utility Service Restrictions; Including boards, agencies, commissions, and authorities of counties, municipal corporations, or other political subdivisions of the state with the entities preempted from taking certain actions that restrict, prohibit, or have the effect of restricting or prohibiting the types or fuel sources of energy produced, used, delivered, converted, or supplied by certain entities to serve customers; voiding existing specified documents and policies from governmental entities that are preempted by the act, etc.	CA 03/11/2025 RI RC
9	SB 1128 Ingoglia (Similar H 1035)	Building Permits for a Single-family Dwelling; Prohibiting the expiration of certain building permits issued by a county or a local government, respectively, before a specified event; specifying that certain permit applications are deemed approved by a local government, etc.	CA 03/11/2025 RI RC
10	SB 1202 McClain (Similar H 749)	Benefits for Firefighters Injured During Training Exercises; Providing that a firefighter and his or her spouse and dependent children are eligible for certain insurance coverage if the firefighter is totally and permanently disabled during an official training exercise, etc.	CA 03/11/2025 GO AP
11	SB 1242 McClain (Identical H 991)	Community Redevelopment Agencies; Providing for the termination of community redevelopment agencies on a specified date; removing an exception; prohibiting community redevelopment agencies from performing certain actions on or after a specified date; revising provisions relating to any outstanding bonds of a community redevelopment agency; prohibiting the creation of community redevelopment agencies on or after a specified date, etc.	CA 03/11/2025 JU RC
12	Other Related Meeting Documents		

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 Community Affairs

BILL: SJR 174

INTRODUCER: Senator DiCeglie

SUBJECT: Assessment of Homestead Property

DATE: March 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	Pre-meeting
2.			FT	
3.			AP	

I. Summary:

SJR 174 proposes an amendment to the state constitution to authorize the Legislature to prohibit the consideration of any change or improvement made to mitigate a homestead property’s susceptibility to flood damage in determining the assessed value of the property.

The Revenue Estimating Conference has not adopted an impact estimate for this bill.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2026.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2027.

II. Present Situation:

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.¹ The property appraiser annually determines the “just value”² of property

¹ 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.

² 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).

within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."³ The state constitution prohibits the state from levying ad valorem taxes⁴ and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.⁵

Homestead Exemptions

The state constitution establishes homestead protections for certain residential real estate in the state in three distinct ways. First, it provides homesteads, property owned and maintained as a person's primary residence, with an exemption from taxes.⁶ Second, the homestead provisions protect the homestead from forced sale by creditors.⁷ Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.⁸

Every person having legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to establish homestead property. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.⁹ An additional exemption applies to homestead property value between \$50,000 and \$75,000. This exemption is adjusted annually for inflation from the 2024 value of \$25,000 and does not apply to ad valorem taxes levied by school districts.¹⁰

Save Our Homes Assessment Limitation and Portability

In 1992, Florida voters approved the Save Our Homes amendment to the state constitution.¹¹ The Save Our Homes assessment limitation limits the amount that a homestead property's assessed value may increase annually to the lesser of 3 percent or the percentage increase in the Consumer Price Index.¹² The accumulated difference between the assessed value and the just value is the Save Our Homes benefit. The Save Our Homes assessment limitation is considered portable because a homestead property owner may transfer this benefit when moving from one homestead property to another.¹³ Due to the homestead exemption effects and the Save Our Homes assessment limitation, many homestead properties enjoy significant tax savings.

³ See ss. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ See FLA. CONST. art. VII, s. 4.

⁶ FLA. CONST. art. VII, s. 6.

⁷ FLA. CONST. art. X, s. 4.

⁸ *Id.* at (c).

⁹ FLA. CONST. art. VII, s. 6(a).

¹⁰ *Id.* The percent change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100 is used to adjust the exemption, if such percent change is positive. *Id.* For the 2025 tax year, the exemption amount is \$25,722. See Volusia County Property Appraiser, Homestead Exemption, <https://vcpa.vcgov.org/exemption/homestead> (last visited Mar. 8, 2025).

¹¹ FLA. CONST. art. VII, s. 4(d). The Florida Legislature implemented the Save Our Homes amendment in s. 193.155, F.S.

¹² FLA. CONST. art. VII, s. 4(d).

¹³ See FLA. CONST. art. VII, s. 4(d)(8); see also s. 193.155, F.S.

Resistance to Flood Damage

Florida faces the year-round risk of flooding from slow-moving and severe storms and hurricanes, and sea level rise may increase the risk.¹⁴ Florida is among the top five states with coastal populations, with 16.2 million residents in coastal counties as of 2020.¹⁵ The South Atlantic Coastal Study predicts that coastal areas of the state are at risk of \$9,000,000,000 in damages annually from storm surge, and \$24,000,000,000 in the future with three feet of sea level rise.¹⁶ As of 2023, Florida held over one-third of the flood insurance policies issued by the National Flood Insurance Program (NFIP), a federal entity created in 1968 to provide standardized flood insurance.¹⁷ Over 1.7 million Floridian policyholders carry \$342 billion in NFIP coverage.¹⁸

Flood damage can be mitigated by homeowners using a variety of strategies. These might include improvements such as elevating the home on posts, columns, or fill.¹⁹ It may also entail reinforcing basement walls, applying waterproof sealants or membranes, anchoring the home to its foundation, and installing sump pumps.²⁰ They might also include non-structural mitigation as well, such as berms and floodwalls and elevating all utilities above flood elevation.²¹

III. Effect of Proposed Changes:

The joint resolution proposes an amendment to the state constitution to authorize the Legislature to prohibit the consideration of any change or improvement made to mitigate a homestead property's susceptibility to flood damage in determining the property's assessed value.

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2026.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2027.

¹⁴ See Rebecca Lindsey, National Oceanic and Atmospheric Administration, *Climate Change: Global Sea Level*, (Aug. 22, 2023), <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level> (last visited Mar. 6, 2025); University of Florida Emergency Management, *Flood*, <https://emergency.ufl.edu/storm-ready/weather-hazards/flood/> (last visited Mar 6, 2025).

¹⁵ National Oceanic and Atmospheric Administration, *Economics and Demographics*, <https://coast.noaa.gov/states/fast-facts/economics-and-demographics.html> (last visited Mar. 6, 2025).

¹⁶ U.S. Army Corps of Engineers, *South Atlantic Coastal Study(SACS) Main Report*, (Oct. 2021) at 5-22, <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll7/id/23162> (last visited Mar. 6, 2025).

¹⁷ Florida Division of Emergency Management, *State Floodplain Management Program*, <https://www.floridadisaster.org/dem/mitigation/floodplain/> (last visited Mar. 6, 2025).

¹⁸ *Id.*

¹⁹ Association of State Floodplain Managers, *Mitigation Strategies*, <https://www.reducefloodrisk.org/mitigation-library/> (last visited Mar. 6, 2025)

²⁰ *Id.*

²¹ U.S. Army Corps of Engineers, *Nonstructural Flood Risk Management Measures*, <https://www.nwd-mr.usace.army.mil/rcc/MRFTF/docs/USACE-NFPC%20Nonstructural%20Measures%20Definitions.pdf> (last visited Mar. 6, 2025).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The mandate provisions in Art. VII, s. 18 of the Florida Constitution, do not apply to joint resolutions.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article XI, s. 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. Article XI, s. 5(a) of the Florida Constitution requires the amendment to be placed before the electorate at the next general election held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose. Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.

Article XI, s. 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

Article XI, s. 5(e) of the Florida Constitution requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Revenue Estimating Conference has not adopted an impact estimate for this bill.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,²² typically paid from non-recurring General Revenue funds.²³ Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This resolution substantially amends section 4, Article VII of the Florida Constitution.

This resolution creates a new section of Article XII of the Florida Constitution.

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

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

None.

B. Amendments:

None.

²² Pursuant to Section 203 of the *Voting Rights Act* (52 U.S.C.A. § 10503).

²³ See, e.g., Ch. 2022-156, Specific Appropriation 3137, Laws of Fla.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator DiCeglie

18-00967-25

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution to authorize the Legislature, by general law, to prohibit the consideration of any change or improvement made to homestead property to mitigate flood damage in determining the assessed value of such property for ad valorem taxation purposes and to provide an effective date.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 4 of Article VII and the creation of a new section of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 4. Taxation; assessments.-

By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

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30 (b) As provided by general law and subject to conditions,
31 limitations, and reasonable definitions specified therein, land
32 used for conservation purposes shall be classified by general
33 law and assessed solely on the basis of character or use.

34 (c) Pursuant to general law tangible personal property held
35 for sale as stock in trade and livestock may be valued for
36 taxation at a specified percentage of its value, may be
37 classified for tax purposes, or may be exempted from taxation.

38 (d) All persons entitled to a homestead exemption under
39 Section 6 of this Article shall have their homestead assessed at
40 just value as of January 1 of the year following the effective
41 date of this amendment. This assessment shall change only as
42 provided in this subsection.

43 (1) Assessments subject to this subsection shall be changed
44 annually on January 1st of each year; but those changes in
45 assessments shall not exceed the lower of the following:

46 a. Three percent (3%) of the assessment for the prior year.

47 b. The percent change in the Consumer Price Index for all
48 urban consumers, U.S. City Average, all items 1967=100, or
49 successor reports for the preceding calendar year as initially
50 reported by the United States Department of Labor, Bureau of
51 Labor Statistics.

52 (2) No assessment shall exceed just value.

53 (3) After any change of ownership, as provided by general
54 law, homestead property shall be assessed at just value as of
55 January 1 of the following year, unless the provisions of
56 paragraph (8) apply. Thereafter, the homestead shall be assessed
57 as provided in this subsection.

58 (4) New homestead property shall be assessed at just value

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59 as of January 1st of the year following the establishment of the
60 homestead, unless the provisions of paragraph (8) apply. That
61 assessment shall only change as provided in this subsection.

62 (5) Changes, additions, reductions, or improvements to
63 homestead property shall be assessed as provided for by general
64 law; provided, however, after the adjustment for any change,
65 addition, reduction, or improvement, the property shall be
66 assessed as provided in this subsection.

67 (6) In the event of a termination of homestead status, the
68 property shall be assessed as provided by general law.

69 (7) The provisions of this amendment are severable. If any
70 of the provisions of this amendment shall be held
71 unconstitutional by any court of competent jurisdiction, the
72 decision of such court shall not affect or impair any remaining
73 provisions of this amendment.

74 (8)a. A person who establishes a new homestead as of
75 January 1 and who has received a homestead exemption pursuant to
76 Section 6 of this Article as of January 1 of any of the three
77 years immediately preceding the establishment of the new
78 homestead is entitled to have the new homestead assessed at less
79 than just value. The assessed value of the newly established
80 homestead shall be determined as follows:

81 1. If the just value of the new homestead is greater than
82 or equal to the just value of the prior homestead as of January
83 1 of the year in which the prior homestead was abandoned, the
84 assessed value of the new homestead shall be the just value of
85 the new homestead minus an amount equal to the lesser of
86 \$500,000 or the difference between the just value and the
87 assessed value of the prior homestead as of January 1 of the

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88 year in which the prior homestead was abandoned. Thereafter, the
89 homestead shall be assessed as provided in this subsection.

90 2. If the just value of the new homestead is less than the
91 just value of the prior homestead as of January 1 of the year in
92 which the prior homestead was abandoned, the assessed value of
93 the new homestead shall be equal to the just value of the new
94 homestead divided by the just value of the prior homestead and
95 multiplied by the assessed value of the prior homestead.

96 However, if the difference between the just value of the new
97 homestead and the assessed value of the new homestead calculated
98 pursuant to this sub-subparagraph is greater than \$500,000, the
99 assessed value of the new homestead shall be increased so that
100 the difference between the just value and the assessed value
101 equals \$500,000. Thereafter, the homestead shall be assessed as
102 provided in this subsection.

103 b. By general law and subject to conditions specified
104 therein, the legislature shall provide for application of this
105 paragraph to property owned by more than one person.

106 (e) The legislature may, by general law, for assessment
107 purposes and subject to the provisions of this subsection, allow
108 counties and municipalities to authorize by ordinance that
109 historic property may be assessed solely on the basis of
110 character or use. Such character or use assessment shall apply
111 only to the jurisdiction adopting the ordinance. The
112 requirements for eligible properties must be specified by
113 general law.

114 (f) A county may, in the manner prescribed by general law,
115 provide for a reduction in the assessed value of homestead
116 property to the extent of any increase in the assessed value of

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117 that property which results from the construction or
118 reconstruction of the property for the purpose of providing
119 living quarters for one or more natural or adoptive grandparents
120 or parents of the owner of the property or of the owner's spouse
121 if at least one of the grandparents or parents for whom the
122 living quarters are provided is 62 years of age or older. Such a
123 reduction may not exceed the lesser of the following:

124 (1) The increase in assessed value resulting from
125 construction or reconstruction of the property.

126 (2) Twenty percent of the total assessed value of the
127 property as improved.

128 (g) For all levies other than school district levies,
129 assessments of residential real property, as defined by general
130 law, which contains nine units or fewer and which is not subject
131 to the assessment limitations set forth in subsections (a)
132 through (d) shall change only as provided in this subsection.

133 (1) Assessments subject to this subsection shall be changed
134 annually on the date of assessment provided by law; but those
135 changes in assessments shall not exceed ten percent (10%) of the
136 assessment for the prior year.

137 (2) No assessment shall exceed just value.

138 (3) After a change of ownership or control, as defined by
139 general law, including any change of ownership of a legal entity
140 that owns the property, such property shall be assessed at just
141 value as of the next assessment date. Thereafter, such property
142 shall be assessed as provided in this subsection.

143 (4) Changes, additions, reductions, or improvements to such
144 property shall be assessed as provided for by general law;
145 however, after the adjustment for any change, addition,

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146 reduction, or improvement, the property shall be assessed as
147 provided in this subsection.

148 (h) For all levies other than school district levies,
149 assessments of real property that is not subject to the
150 assessment limitations set forth in subsections (a) through (d)
151 and (g) shall change only as provided in this subsection.

152 (1) Assessments subject to this subsection shall be changed
153 annually on the date of assessment provided by law; but those
154 changes in assessments shall not exceed ten percent (10%) of the
155 assessment for the prior year.

156 (2) No assessment shall exceed just value.

157 (3) The legislature must provide that such property shall
158 be assessed at just value as of the next assessment date after a
159 qualifying improvement, as defined by general law, is made to
160 such property. Thereafter, such property shall be assessed as
161 provided in this subsection.

162 (4) The legislature may provide that such property shall be
163 assessed at just value as of the next assessment date after a
164 change of ownership or control, as defined by general law,
165 including any change of ownership of the legal entity that owns
166 the property. Thereafter, such property shall be assessed as
167 provided in this subsection.

168 (5) Changes, additions, reductions, or improvements to such
169 property shall be assessed as provided for by general law;
170 however, after the adjustment for any change, addition,
171 reduction, or improvement, the property shall be assessed as
172 provided in this subsection.

173 (i) The legislature, by general law and subject to
174 conditions specified therein, may prohibit the consideration of

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175 the following in the determination of the assessed value of real
176 property:

177 (1) Any change or improvement to real property used for
178 residential purposes made to improve the property's resistance
179 to wind damage.

180 (2) Any change or improvement made to real property
181 assessed pursuant to subsection (d) to mitigate the property's
182 susceptibility to flood damage.

183 (3) The installation of a solar or renewable energy source
184 device.

185 (j)(1) The assessment of the following working waterfront
186 properties shall be based upon the current use of the property:

187 a. Land used predominantly for commercial fishing purposes.

188 b. Land that is accessible to the public and used for
189 vessel launches into waters that are navigable.

190 c. Marinas and drystacks that are open to the public.

191 d. Water-dependent marine manufacturing facilities,
192 commercial fishing facilities, and marine vessel construction
193 and repair facilities and their support activities.

194 (2) The assessment benefit provided by this subsection is
195 subject to conditions and limitations and reasonable definitions
196 as specified by the legislature by general law.

197 ARTICLE XII

198 SCHEDULE

199 Limitation on the assessment of homestead property.—This
200 section and the amendment to Section 4 of Article VII,
201 authorizing the legislature to prohibit the consideration of any
202 change or improvement made to homestead property to mitigate
203 flood damage in the determination of the property's assessed

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204 value for ad valorem taxation purposes, shall take effect
205 January 1, 2027.

206 BE IT FURTHER RESOLVED that the following statement be
207 placed on the ballot:

208 CONSTITUTIONAL AMENDMENT

209 ARTICLE VII, SECTION 4

210 ARTICLE XII

211 LIMITATION ON THE ASSESSMENT OF HOMESTEAD PROPERTY.—
212 Proposing an amendment to the State Constitution to authorize
213 the Legislature, by general law, to prohibit the consideration
214 of any change or improvement made to homestead property to
215 mitigate flood damage in the determination of the property's
216 assessed value for ad valorem taxation purposes. This amendment
217 takes effect January 1, 2027.



THE FLORIDA SENATE
SENATOR NICK DICEGLIE
District 18

Ben Albritton
President of the Senate

Jason Brodeur
President Pro Tempore

March 5, 2025

Dear Chair McClain,

I respectfully request that **SJR 174: Assessment of Homestead Property** be placed on the agenda of the Committee on Community Affairs at your earliest convenience. If my office can be of any assistance to the committee, please do not hesitate to contact me at DiCeglie.Nick@flsenate.gov or (850) 487-5018. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Nick DiCeglie".

Nick DiCeglie

State Senator, District 18

Proudly Serving Pinellas County

Appropriations Committee on Transportation, Tourism, and Economic Development,
Chair ~ Governmental Oversight and Accountability, Vice Chair ~ Appropriations ~
Appropriations Committee on Agriculture, Environment, and General Government ~
Commerce and Tourism ~ Environment and Natural Resources ~ Judiciary ~ Rules ~
Joint Select Committee on Collective Bargaining

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 Community Affairs

BILL: SB 176

INTRODUCER: Senator DiCeglie

SUBJECT: Assessment of Homestead Property

DATE: March 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	Pre-meeting
2.			FT	
3.			AP	

I. Summary:

SB 176 is linked to SJR 174, which proposes an amendment to the state constitution to authorize the Legislature to prohibit the consideration of any change or improvement made to mitigate a homestead property's susceptibility to flood damage in determining the property's assessed value.

The bill provides that the assessed value of damaged or destroyed homestead property may not increase if the size of the property after the repairs does not exceed 2,000 feet.

The bill also provides that the assessed value of homestead property elevated to meet National Flood Insurance Program and Florida Building Code elevation requirements or to mitigate damage from a previous flood event may not increase if the size of the property after the elevation does not exceed 2,000 feet or 110 percent of its original size. Elevation of property unable to be used before damage or destruction must begin within 5 years. Additionally, the assessment limitation will not apply to the property if, after voluntary elevation, the property's classification changes.

The Revenue Estimating Conference has not adopted an impact estimate for this bill.

The bill will take effect on the effective date of the amendment proposed by SJR 174 or a similar joint resolution having substantially the same specific intent and purpose. If approved by the electors in the next general election in November 2026, the proposed amendment (SJR 174) and this bill will take effect on January 1, 2027.

II. Present Situation:

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.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ The state constitution prohibits the state from levying ad valorem taxes⁴ and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

Homestead Exemptions

The state constitution establishes homestead protections for certain residential real estate in the state in three distinct ways. First, it provides homesteads, property owned and maintained as a person’s primary residence, with an exemption from taxes.⁶ Second, the homestead provisions protect the homestead from forced sale by creditors.⁷ Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.⁸

Every person having legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to establish homestead property. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.⁹ An additional exemption applies to homestead property value between \$50,000 and \$75,000. This exemption is adjusted annually for inflation from the 2024 value of \$25,000 and does not apply to ad valorem taxes levied by school districts.¹⁰

¹ 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.

² 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).

³ *See* ss. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ *See* FLA. CONST. art. VII, s. 4.

⁶ FLA. CONST. art. VII, s. 6.

⁷ FLA. CONST. art. X, s. 4.

⁸ *Id.* at (c).

⁹ FLA. CONST. art VII, s. 6(a).

¹⁰ *Id.* The percent change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100 is used to adjust the exemption, if such percent change is positive. *Id.* For the 2025 tax year, the exemption amount is \$25,722. *See* Volusia County Property Appraiser, *Homestead Exemption*, <https://vcpa.vcgov.org/exemption/homestead> (last visited Mar. 6, 2025).

Save Our Homes Assessment Limitation and Portability

In 1992, Florida voters approved the Save Our Homes amendment to the state constitution.¹¹ The Save Our Homes assessment limitation limits the amount that a homestead property's assessed value may increase annually to the lesser of 3 percent or the percentage increase in the Consumer Price Index.¹² The accumulated difference between the assessed value and the just value is the Save Our Homes benefit. The Save Our Homes assessment limitation is considered portable because a homestead property owner may transfer this benefit when moving from one homestead property to another.¹³ Due to the homestead exemption effects and the Save Our Homes assessment limitation, many homestead properties enjoy significant tax savings.

Changes, Additions, and Improvements to Real Property

In general, changes, additions, or improvements to real property are assessed at just value as of the first January 1 after they are substantially completed.¹⁴ However, when property is damaged or destroyed by calamity or misfortune, the property may be repaired or replaced without the change, addition, or improvement being assessed at just value; rather, the change, addition, or improvement is assigned the taxable value and other tax characteristics (i.e., assessment limitation) that the damaged or replaced property had before being damaged or destroyed. This treatment has certain limitations. For homestead property, two possible limitations apply: 1) the change, addition, or improvement may not exceed 110 percent of the square footage of the property before it was damaged or destroyed; or 2) the total square footage of the property as changed or improved may not exceed 1,500 square feet.¹⁵ Any square footage greater than 110 percent of the replaced property or beyond a total of 1500 square feet is assessed at just value.

The rebuilding of damaged property must commence within 5 years of the damage to qualify for the assessment limitation described above.¹⁶

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.¹⁷ The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables homeowners, business owners, and renters in flood-prone areas to purchase flood insurance protection from the federal government.¹⁸ Participation in the NFIP by a community is voluntary.¹⁹ To join, a community must:

- Complete an application;
- Adopt a resolution of intent to participate and cooperate with the FEMA; and

¹¹ FLA. CONST. art. VII, s. 4(d). The Florida Legislature implemented the Save Our Homes amendment in s. 193.155, F.S.

¹² FLA. CONST. art. VII, s. 4(d).

¹³ See FLA. CONST. art. VII, s. 4(d)(8); *see also* s. 193.155, F.S.

¹⁴ Sections 193.155(4)(a), 193.1554(6)(a), and 193.1555(6)(a), F.S.

¹⁵ Section 193.155(4)(b), F.S.

¹⁶ *Id.*

¹⁷ 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 Mar. 6, 2025).

¹⁸ See FEMA, *Flood Insurance*, <https://www.fema.gov/flood-insurance> (last visited Mar. 6, 2025).

¹⁹ FEMA, *Participation in the NFIP*, <https://www.fema.gov/glossary/participation-nfip> (last visited Mar. 6, 2025).

- Adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.²⁰

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.²¹ While FEMA is largely responsible for the creation of the FIRM, the community itself must pass the map into its local regulations in order for the map to be effective.²² An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).²³ The SFHA is intended to distinguish the flood risk zones that have a chance of flooding during a 1-in-100 year flood or greater frequency. This means that properties in the SFHA have a risk of 1 percent or greater risk of flooding every year²⁴ and at least a 26 percent chance of flooding over the course of a 30-year mortgage.²⁵ 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.²⁶

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)²⁷;
- Restrict development in floodways to prevent increasing the risk of flooding; and
- Require certain construction materials and methods that minimize future flood damage.²⁸

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.²⁹ Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.³⁰ Premium discounts range

²⁰ *Id.*

²¹ 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 Mar. 7, 2025).

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ 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 Mar. 7, 2025).

²⁶ Congressional Research Service, *Introduction to the National Flood Insurance Program*, 10 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593>. 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.

²⁷ 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 Mar. 7, 2025).

²⁸ Congressional Research Service, *Introduction to the National Flood Insurance Program*, 6 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593>.

²⁹ FEMA, *Community Rating System*, <https://www.fema.gov/floodplain-management/community-rating-system> (last visited Mar. 6, 2025).

³⁰ *Id.*

from 5 to 45 percent based on a community's CRS credit points.³¹ Communities earn credit points by implementing a variety of FEMA-approved activities or programs, such as:

- Limiting floodplain development or providing increased protection to development through more restrictive mapping standards or higher regulatory standards; or
- Reduce risk to existing development through floodproofing, elevation, or minor flood control projects.³²

Substantial Improvement and Substantial Damage

In communities participating in the NFIP, local officials must determine whether a proposed repair or construction project qualifies as substantial improvement³³ or repair of substantial damage³⁴ (a "SI/SD determination").³⁵ If officials determine that the proposed work is SI/SD, then the entire building must be brought into compliance with NFIP requirements for new construction, including the requirement that lowest floors be elevated to or above the BFE.³⁶

NFIP Elevation Certificate

An NFIP Elevation Certificate is a form produced by FEMA used to provide information which can ensure compliance with community floodplain ordinances, determine a property's insurance rate, and be used as evidence to have a FEMA flood plain map altered.³⁷ An elevation certificate must in most cases be completed by a licensed land surveyor, engineer, architect, or designated local official.³⁸ The completed document includes location and elevation data from the property, the corresponding FIRM, community information, and photographic proof.³⁹ Nationwide, the cost for having an elevation certificate completed is on average \$600.⁴⁰

³¹ *Id.*

³² FEMA, *Community Rating System: A Local Official's Guide to Saving Lives, Preventing Property Damage, and Reducing the Cost of Flood Insurance*, 3-6 (2023), available at https://www.fema.gov/sites/default/files/documents/fema_crs-brochure_032023.pdf (last visited Mar. 7, 2025).

³³ 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. 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. 7, 2025).

³⁴ 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. *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ FEMA, *Elevation Certificate and Instructions*, (2022) available at: https://www.fema.gov/sites/default/files/documents/fema_form-ff-206-fy-22-152.pdf (last visited Mar. 7, 2025).

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Cassidy Horton, *What Is an Elevation Certificate?*, Nerdwallet.com, <https://www.nerdwallet.com/article/insurance/elevation-certificate> (last visited Mar. 7, 2025).

The Florida Building Code

In 1974, Florida passed legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met.⁴¹ Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they saw fit.⁴²

In 1992, Hurricane Andrew destroyed many structures that were built according to code, demonstrating that Florida's system of local codes was flawed.⁴³ The Governor appointed a study commission to review the system of local codes and make recommendations for its modernization. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Building Code, and that first edition replaced all local codes on March 1, 2002.⁴⁴

The Building Code is updated every three years.⁴⁵ The current edition of the Building Code is the 8th edition, which is referred to as the 2023 Florida Building Code. Among other things, the Building Code sets limitations on building height and size.⁴⁶ Height restrictions are determined based on the type of construction, occupancy classification, and whether there is an automatic sprinkler system installed throughout the building.⁴⁷

The Florida Building Commission was statutorily created to implement the Building Code.⁴⁸ The commission, which is housed within the Department of Business and Professional Regulation, is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.⁴⁹ The commission reviews International Codes published by the International Code Council,⁵⁰ the National Electric Code, and other nationally adopted model codes during its triennial update of the Building Code.⁵¹ Local governments may adopt amendments to the technical provisions of the Building Code that apply solely within the jurisdiction of such government and that provide for more stringent requirements than those specified in the Building Code.⁵² A local government must determine

⁴¹ Dep't of Community Affairs, *The Florida Building Commission Report to the 2006 Legislature*, 4 (2006), available at http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Mar. 7, 2025).

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*; Dep't of Business and Professional Regulation, *Building Code Information System*, <https://floridabuilding.org/c/default.aspx> (last visited Mar. 7, 2025).

⁴⁵ Section 553.73(7)(a), F.S. See also Fla. Bldg. Commission, *Florida Building Code Effective Dates*, (2018), available at https://www.floridabuilding.org/fbc/Publications/2023_Effective_Dates.pdf (last visited Mar. 7, 2025).

⁴⁶ Florida Building Code, *2023 Florida Building Code, Building: 8th Edition*, s. 503 (2023), available at https://codes.iccsafe.org/content/FLBC2020P1/chapter-5-general-building-heights-and-areas#FLBC2020P1_Ch05_Sec502.

⁴⁷ *Id.* at s. 504.1.

⁴⁸ See section 553.74(1), F.S.

⁴⁹ *Id.*

⁵⁰ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to construct safe, sustainable, affordable and resilient structures. ICC, *About the International Code Council*, <https://www.iccsafe.org/about/who-we-are/> (last visited Mar. 7, 2025).

⁵¹ Section 553.73(3), F.S.

⁵² Section 553.73(4)(b), F.S.

there is a need to strengthen the requirements of the Building Code based on a review of local conditions.⁵³ Such amendments may not introduce a new subject not addressed in the Building Code.⁵⁴ Most technical amendments sunset upon adoption of the newest edition of the Building Code, unless adopted into the Building Code.⁵⁵

Local Enforcement of the Florida Building Code

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.⁵⁶ Every local government must enforce the Building Code and issue building permits.⁵⁷ 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.⁵⁸ Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code, including certain building, electrical, plumbing, mechanical, and gas inspections.⁵⁹ Construction work may not be done beyond a certain point until it passes an inspection.

Florida Building Code Flood Area Requirements

The Florida Building Code requires the construction or reconstruction of residential properties follow specific guidelines to mitigate potential damage that might be caused by flood waters in areas designated as “flood hazard areas” and “coastal high-hazard areas.” For example, buildings in flood hazard areas must have their lowest floors elevated above the BFE plus one foot, or the design flood elevation, whichever is higher.⁶⁰

Resistance to Flood Damage

Florida faces the year-round risk of flooding from slow-moving and severe storms and hurricanes, and sea level rise may increase the risk.⁶¹ Florida is among the top five states with coastal populations, with 16.2 million residents in coastal counties as of 2020.⁶² The South Atlantic Coastal Study predicts that coastal areas of the state are at risk of \$9,000,000,000 in

⁵³ Section 553.73(4)(b)1., F.S.

⁵⁴ Section 553.73(4)(b)3., F.S.

⁵⁵ Section 553.73(4)(e), F.S.

⁵⁶ Section 553.72(2), F.S.

⁵⁷ Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

⁵⁸ Sections 125.56(4)(a) and 553.79(1), F.S.

⁵⁹ 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. 7, 2025).

⁶⁰ Florida Building Code, *2023 Florida Building Code, Residential, 8th Edition*, (2023), Section 322.2.1, available at:

https://codes.iccsafe.org/content/FLRC2023P1/chapter-3-building-planning#FLRC2023P1_Pt03_Ch03_SecR322.2.1 (last visited Mar. 7, 2025).

⁶¹ See Rebecca Lindsey, National Oceanic and Atmospheric Administration, *Climate Change: Global Sea Level*, (Aug. 22, 2023), <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level> (last visited Mar. 6, 2025); University of Florida Emergency Management, *Flood*, <https://emergency.ufl.edu/storm-ready/weather-hazards/flood/> (last visited Mar 6, 2025).

⁶² National Oceanic and Atmospheric Administration, *Economics and Demographics*, <https://coast.noaa.gov/states/fast-facts/economics-and-demographics.html> (last visited Mar. 6, 2025).

damages annually from storm surge, and \$24,000,000,000 in the future with three feet of sea level rise.⁶³ As of 2023, Florida held over one-third of the flood insurance policies issued by the NFIP.⁶⁴ Over 1.7 million Floridian policyholders carry \$342 billion in NFIP coverage.⁶⁵

Flood damage can be mitigated by homeowners using a variety of strategies. These might include improvements such as elevating the home on posts, columns, or fill.⁶⁶ It may also entail reinforcing basement walls, applying waterproof sealants or membranes, anchoring the home to its foundation, and installing sump pumps.⁶⁷ They might also include non-structural mitigation as well, such as berms and floodwalls and elevating all utilities above flood elevation.⁶⁸

An important initial consideration for a building elevation project is consulting the area's FIRM to determine the BFE for a given area.⁶⁹ Homes constructed before a community was under elevation regulations or before FEMA produced the area's first FIRM may now be considered below safe elevation, and at high risk for flood damage. A home that has not experienced SI/SD will be subject to fewer requirements, though it may be exposed to greater risk if it is elevated below the BFE.⁷⁰ If a SI/SD determination has been made, the home's lowest floors will have to be elevated above the BFE.

Buildings may be raised after construction either by lifting an existing house and constructing a new foundation below, or by leaving the house in place and building an elevated floor within the house or adding an upper story.⁷¹ When a house is lifted, its new foundation may be made of continuous walls, or columns or pilings which would allow access to the area below the newly elevated house.⁷²

III. Effect of Proposed Changes:

The bill amends s. 193.155, F.S., to specify that changes, additions, or improvements that replace all or a portion of homestead property that is damaged or destroyed by misfortune or calamity do not increase the property's assessed value if the square footage of the property after substantial completion of the change, addition or improvement does not exceed 2,000 square feet. This will result in portions of the homestead beyond the 2,000 total square foot threshold or 110 percent of the square footage of the original homestead will be assessed at just value.

⁶³ U.S. Army Corps of Engineers, *South Atlantic Coastal Study(SACS) Main Report*, (Oct. 2021) at 5-22, <https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll7/id/23162> (last visited Mar. 6, 2025).

⁶⁴ Florida Division of Emergency Management, *State Floodplain Management Program*, <https://www.floridadisaster.org/dem/mitigation/floodplain/> (last visited Mar. 6, 2025).

⁶⁵ *Id.*

⁶⁶ Association of State Floodplain Managers, *Mitigation Strategies*, <https://www.reducefloodrisk.org/mitigation-library/> (last visited Mar. 6, 2025)

⁶⁷ *Id.*

⁶⁸ U.S. Army Corps of Engineers, *Nonstructural Flood Risk Management Measures*, <https://www.nwd-mr.usace.army.mil/rcc/MRFTF/docs/USACE-NFPC%20Nonstructural%20Measures%20Definitions.pdf> (last visited Mar. 6, 2025).

⁶⁹ *Chapter 5: Elevating Your House*, Homeowner's Guide to Retrofitting, FEMA, available at: <https://www.fema.gov/pdf/rebuild/mat/sec5.pdf> (last visited Mar. 7, 2025).

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

The bill specifies that the term “elevation,” “elevated,” or “elevate” means the raising an existing homestead:

- To the minimum height or higher as required by the NFIP or Florida Building Code elevation requirements; or
- To mitigate flood damage from a previous flood event, as long as the elevation doesn’t exceed the height required by the NFIP or Florida Building Code elevation requirements at the property nearest the homestead property.

The bill defines the term “previous flood event” to mean, for homestead property in a county where a state of emergency was declared, partial or complete inundation from overflow of inland or tidal waters, the unusual and rapid accumulation of runoff or surface waters from any established water source, or sustained periods of standing water from rainfall.

The bill specifies that changes, additions, or improvements that replace or are made to a homestead property to elevate the property do not increase the property's assessed value if the square footage of the property as elevated does not exceed 110 percent of the square footage of the property before the elevation or 2,000 square feet.

If the elevation of the homestead property results in the property exceeding more than 110 percent of its previous square footage or 2,000 square feet, the assessed value must be increased by the just value of that portion in excess of the previous area. Areas below an elevated structure designated only for parking, storage, or access may not be included in the 110 percent calculation unless the area exceeds 110 percent of the square footage before the elevation. If the elevated homestead has an area that is smaller than the original square footage, the assessed value of the property must be reduced by the value of the removed portion of property.

For a homestead that was unable to be used due to damage or destruction from misfortune or calamity on the January 1 before elevation was begun, the property appraiser must use the homestead’s assessed value from the January 1 before the damage or destruction, subject to the “Save Our Homes” assessment limitation. Elevation of the property must begin within 5 years after the January 1 following the damage or destruction of the homestead.

The bill authorizes property appraisers to require evidence showing eligibility for the assessment limitation, including elevation certificates or documentation showing damage from a prior flood event.

The homestead must comply with NFIP building requirements or Florida Building Code elevation requirements to be eligible for the assessment limitation. Homesteads elevated to mitigate flood damage from a previous flood event must comply with building and elevation requirements nearest the property.

If the property is reclassified to a use other than homestead on the January 1 after the elevation was substantially completed, the property is not eligible for the assessment limitation.

The assessment limitation for elevated homesteads applies to homesteads for which the owner begins elevation on or after January 1, 2027.

The bill takes effect on the same date that SJR 174, or a similar joint resolution, is approved by the electors at the general election held in November 2026 or at an earlier special election specifically authorized for that purpose. If approved by the voters, the joint resolution and this bill will take effect on January 1, 2027.

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,⁷³ which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.

The Revenue Estimating Conference has not adopted an impact estimate for this bill, though staff anticipates that this bill will have a significant negative impact on local government revenue. 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 the State Constitution requires that legislation that increases or creates taxes or fees be passed by a 2/3 vote of each chamber in a bill with no other subject. The bill does not increase or create new taxes or fees. Thus, the constitutional requirements related to new or increased taxes or fees do not apply.

E. Other Constitutional Issues:

None identified.

⁷³ 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 Feb. 26, 2025).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Revenue Estimating Conference has not adopted an impact estimate for this bill, but staff anticipates that it will have a significant negative impact on local government revenue.

B. Private Sector Impact:

Citizens receiving the limitation in assessed value will benefit from a reduction in property taxes due.

C. Government Sector Impact:

Local governments will likely see a negative fiscal impact from the limitation in the value of property on which taxes may be assessed.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 193.155 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator DiCeglie

18-00968B-25

2025176__

1 A bill to be entitled
2 An act relating to assessment of homestead property;
3 amending s. 193.155, F.S.; defining terms; requiring
4 that changes, additions, or improvements that replace
5 or are made to elevate homestead property be assessed
6 in a specified manner; specifying how such assessment
7 must be calculated under certain conditions;
8 authorizing property appraisers to require certain
9 evidence; requiring that homestead property comply
10 with certain requirements; providing applicability;
11 providing a contingent effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraphs (a) and (b) of subsection (4) of
16 section 193.155, Florida Statutes, are amended, and paragraph
17 (e) is added to that subsection, to read:

18 193.155 Homestead assessments.—Homestead property shall be
19 assessed at just value as of January 1, 1994. Property receiving
20 the homestead exemption after January 1, 1994, shall be assessed
21 at just value as of January 1 of the year in which the property
22 receives the exemption unless the provisions of subsection (8)
23 apply.

24 (4) (a) Except as provided in paragraph (b) or paragraph (e)
25 and s. 193.624, changes, additions, or improvements to homestead
26 property must ~~shall~~ be assessed at just value as of the first
27 January 1 after the changes, additions, or improvements are
28 substantially completed.

29 (b)1. Changes, additions, or improvements that replace all

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30 or a portion of homestead property, including ancillary
31 improvements, damaged or destroyed by misfortune or calamity
32 shall be assessed upon substantial completion as provided in
33 this paragraph. Such assessment must be calculated using the
34 homestead property's assessed value as of the January 1
35 immediately before the date on which the damage or destruction
36 was sustained, subject to the assessment limitations in
37 subsections (1) and (2), when:

38 a. The square footage of the homestead property as changed
39 or improved does not exceed 110 percent of the square footage of
40 the homestead property before the damage or destruction; or

41 b. The total square footage of the homestead property as
42 changed or improved does not exceed 2,000 ~~1,500~~ square feet.

43 2. The homestead property's assessed value must be
44 increased by the just value of that portion of the changed or
45 improved homestead property which is in excess of 110 percent of
46 the square footage of the homestead property before the damage
47 or destruction or of that portion exceeding 2,000 ~~1,500~~ square
48 feet.

49 3. Homestead property damaged or destroyed by misfortune or
50 calamity which, after being changed or improved, has a square
51 footage of less than 100 percent of the homestead property's
52 total square footage before the damage or destruction must ~~shall~~
53 be assessed pursuant to subsection (5).

54 4. Changes, additions, or improvements assessed pursuant to
55 this paragraph must be reassessed pursuant to subsection (1) in
56 subsequent years. This paragraph applies to changes, additions,
57 or improvements commenced within 5 years after the January 1
58 following the damage or destruction of the homestead.

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59 (e)1. As used in this paragraph, the term:

60 a. "Elevation," "elevated," or "elevate" means:

61 (I) Raising an existing homestead property to at least the
62 minimum height required to comply with the elevation
63 requirements of the National Flood Insurance Program or the
64 Florida Building Code; or

65 (II) Raising an existing homestead property to mitigate
66 flood damage sustained during a previous flood event, provided
67 that the elevation does not exceed the height required to comply
68 with elevation requirements of the National Flood Insurance
69 Program or the Florida Building Code at the property nearest to
70 the homestead property.

71 b. "Elevation certificate" means the certificate used to
72 demonstrate the elevation of property, which has been developed
73 by the Federal Emergency Management Agency pursuant to federal
74 floodplain management regulations.

75 c. "Previous flood event" means, for homestead property
76 situated within a county in which a state of emergency is
77 declared pursuant to s. 252.36, partial or complete inundation
78 of the homestead property caused by the overflow of inland or
79 tidal waters, the unusual and rapid accumulation of runoff or
80 surface waters from any established water source, such as a
81 river, stream, or drainage ditch, or sustained periods of
82 standing water resulting from rainfall.

83 2. Changes, additions, or improvements that replace or are
84 made to homestead property to elevate such property must be
85 assessed upon substantial completion as provided in this
86 paragraph. Except as provided in subparagraph 3., such an
87 assessment must be calculated using the property's assessed

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88 value as of the January 1 immediately preceding the commencement
89 of elevation, subject to the assessment limitations in
90 subsections (1) and (2), when:

91 a. The square footage of the homestead property as elevated
92 does not exceed 110 percent of the square footage of the
93 homestead property before the elevation; or

94 b. The total square footage of the homestead property as
95 elevated does not exceed 2,000 square feet.

96 3. Homestead property that was unable to be used for its
97 intended purpose on the January 1 immediately preceding
98 commencement of elevation due to damage or destruction caused by
99 misfortune or calamity must have such assessment calculated
100 using the homestead property's assessed value as of the January
101 1 immediately preceding such damage or destruction, subject to
102 the assessment limitations in subsections (1) and (2). Such
103 property's elevation must be commenced within 5 years after the
104 January 1 following the damage or destruction of the homestead.

105 4. The homestead property's assessed value must be
106 increased by the just value of that portion of the elevated
107 homestead property which is in excess of 110 percent of the
108 square footage of the homestead property before the elevation or
109 of that portion exceeding 2,000 square feet. However, the area
110 underneath an elevated structure which is dedicated only for
111 parking, storage, or access may not be included in the 110
112 percent calculation. The area underneath an elevated structure
113 that exceeds 110 percent of the lowest level square footage
114 before the elevation must be included in the 110 percent
115 calculation.

116 5. An elevated homestead property that has a square footage

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117 of less than 100 percent of the homestead property's total
118 square footage before the elevation must be assessed pursuant to
119 subsection (5).

120 6. Property appraisers may require the property owner to
121 provide evidence substantiating eligibility for assessment
122 pursuant to this paragraph, including elevation certificates
123 documenting compliance with the National Flood Insurance
124 Program, or, if elevating in accordance with sub-sub-
125 subparagraph 1.a.(II), documentation evidencing damage from a
126 prior flood event, including local government building permits
127 obtained during reconstruction.

128 7. To be eligible for the assessment limitation under this
129 paragraph, homestead property must comply with all Federal
130 Emergency Management Agency's National Flood Insurance Program
131 building requirements or Florida Building Code elevation
132 requirements. Homestead property elevation pursuant to sub-sub-
133 subparagraph 1.a.(II) must comply with building and elevation
134 requirements nearest the property.

135 8. This paragraph does not apply to homestead property that
136 was elevated if there is a change in the classification of the
137 property pursuant to s. 195.073(1) on the January 1 immediately
138 after the substantial completion.

139 9. This paragraph applies to homestead property for which
140 the owner commenced elevation on or after January 1, 2027.

141 Section 2. This act shall take effect on the effective date
142 of the amendment to the State Constitution proposed by SJR 174
143 or a similar joint resolution having substantially the same
144 specific intent and purpose, if such amendment is approved at
145 the next general election or at an earlier special election

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146 specifically authorized by law for that purpose.



THE FLORIDA SENATE
SENATOR NICK DICEGLIE
District 18

Ben Albritton
President of the Senate

Jason Brodeur
President Pro Tempore

March 6, 2025

Dear Chair McClain,

I respectfully request that **SB 176: Assessment of Homestead Property** be placed on the agenda of the Committee on Community Affairs at your earliest convenience. If my office can be of any assistance to the committee, please do not hesitate to contact me at DiCeglie.Nick@flsenate.gov or (850) 487-5018. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Nick DiCeglie".

Nick DiCeglie

State Senator, District 18

Proudly Serving Pinellas County

Appropriations Committee on Transportation, Tourism, and Economic Development,
Chair ~ Governmental Oversight and Accountability, Vice Chair ~ Appropriations ~
Appropriations Committee on Agriculture, Environment, and General Government ~
Commerce and Tourism ~ Environment and Natural Resources ~ Judiciary ~ Rules ~
Joint Select Committee on Collective Bargaining

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 Community Affairs

BILL: SB 180

INTRODUCER: Senator DiCeglie

SUBJECT: Emergency Preparedness and Response

DATE: March 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shuler</u>	<u>Fleming</u>	<u>CA</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AP</u>	_____

I. Summary:

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 DEP 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 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 DEM 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 HMGP 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.

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 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

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.*

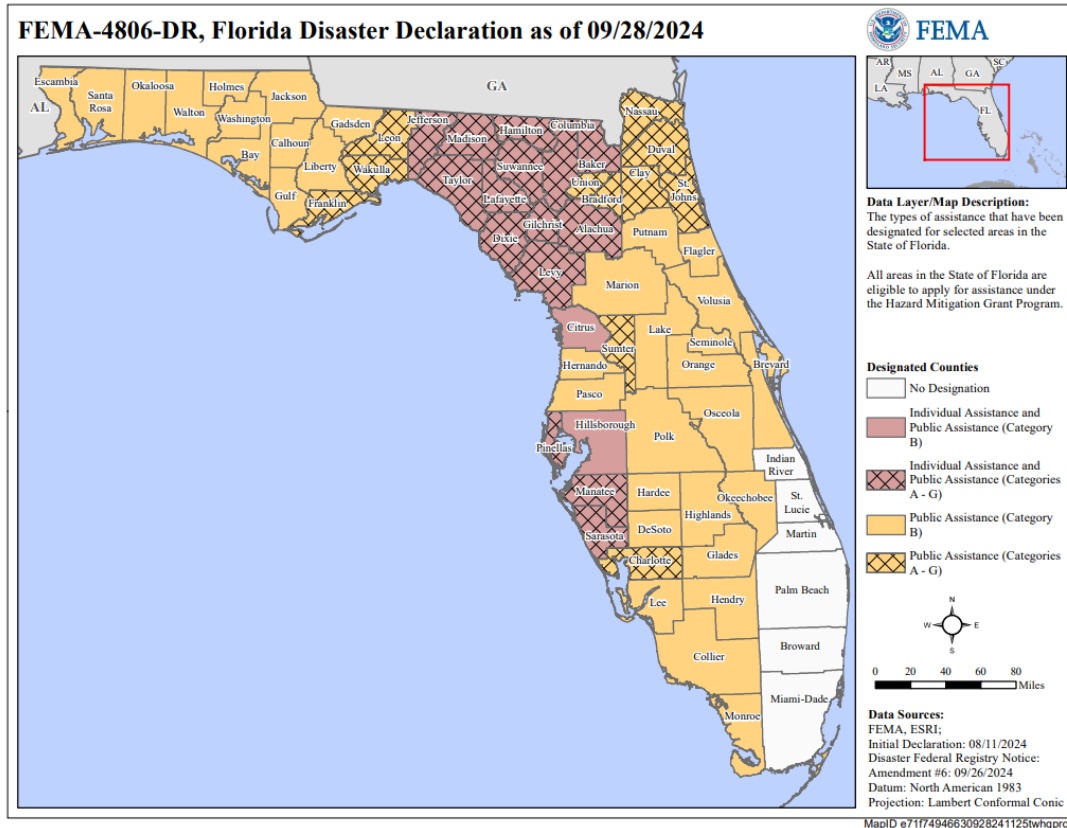
⁵ *Id.*

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).

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 Suwanee River continued 3 weeks after landfall.¹⁴



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

⁹ *Id.*
¹⁰ *Id.*
¹¹ *Id.*
¹² *Id.*
¹³ *Id.*
¹⁴ *Id.*

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 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

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.*

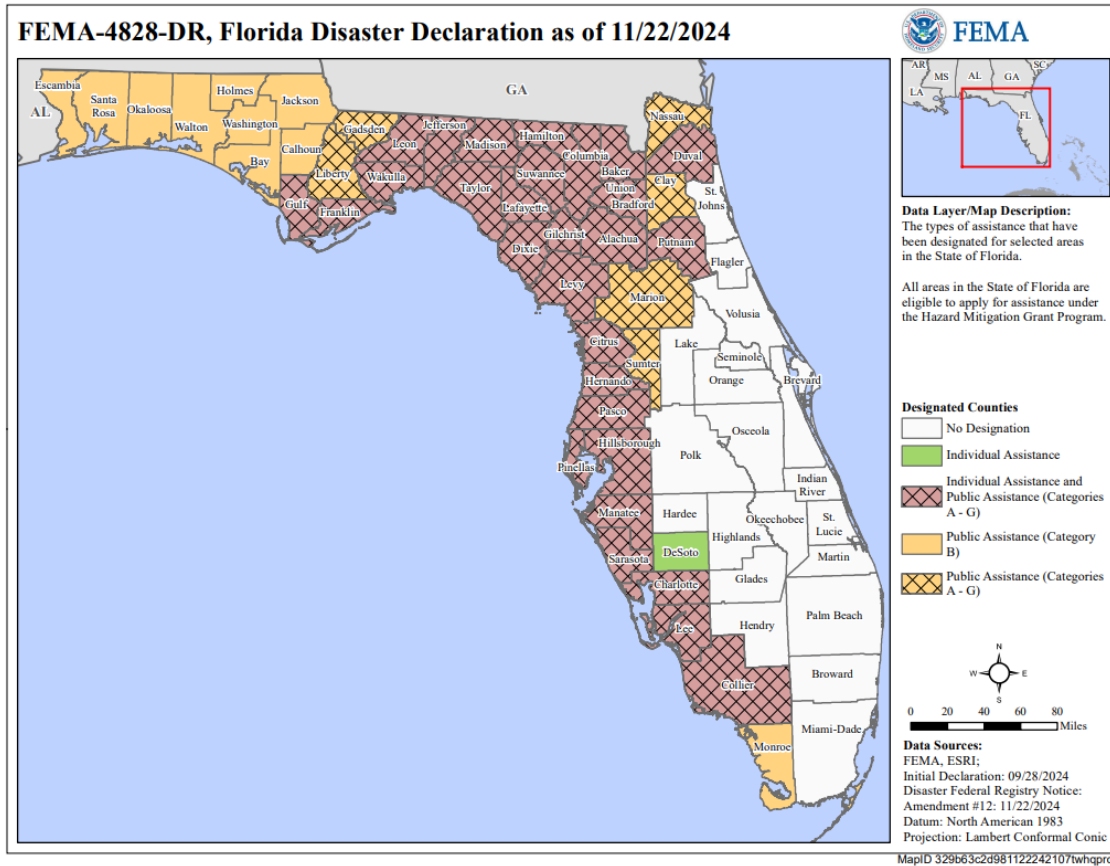
²⁰ *Id.*

²¹ *Id.*

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, 2024).

²⁴ *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.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 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

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-Helene-Summary-Report.pdf> (last visited Mar. 9, 2024).

²⁷ *Id.*

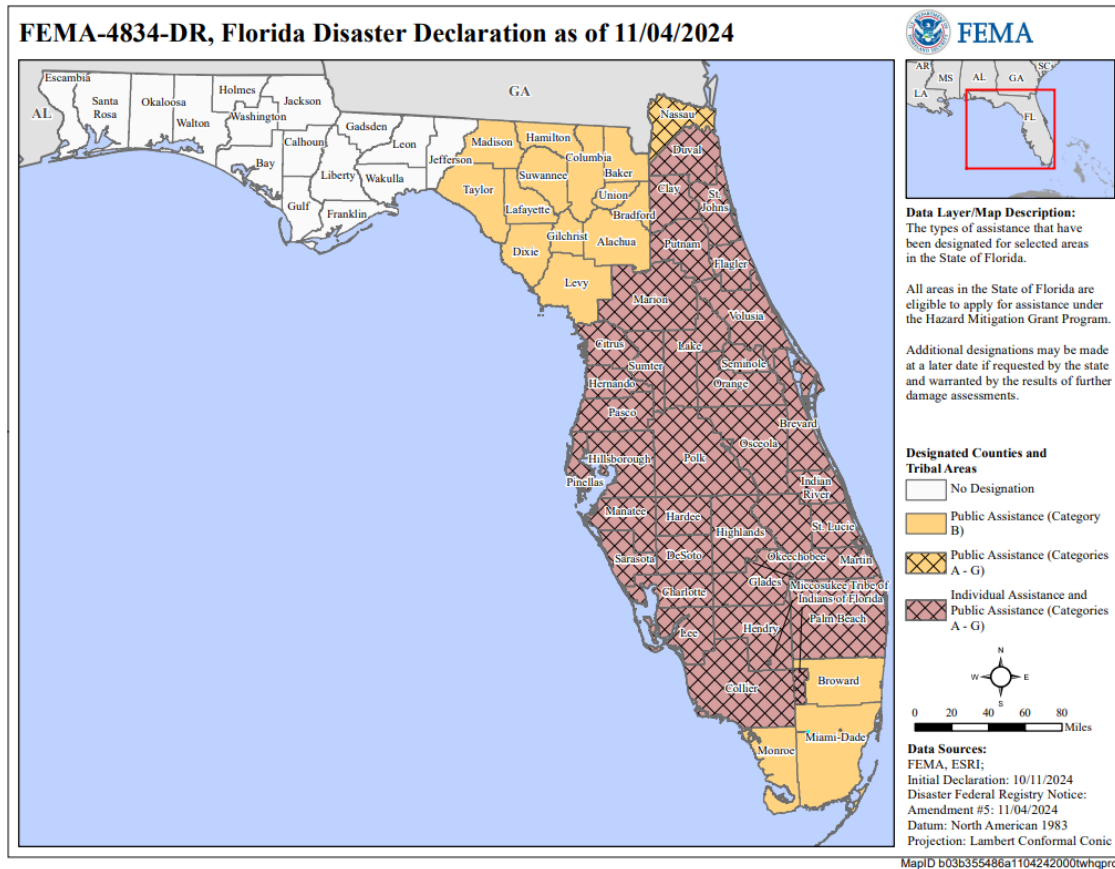
²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

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 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

³² *Id.*

³³ *Id.*

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.*

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

In a state of emergency, the Governor has broad power to perform necessary actions to ensure Floridians' health, safety, and welfare. A state of emergency provides the governor with additional authority not otherwise present, such as the ability to order evacuations, determine means of ingress and egress to and from affected areas, and commandeer or utilize private property subject to compensation.⁴⁸ To effectively facilitate emergency measures, the Governor has the power to issue executive orders, proclamations, and rules, which have the force and effect of law.⁴⁹

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.

⁴⁸ *See* s. 252.36(6), F.S.

⁴⁹ Section 252.36(1)(b), F.S.

Through this emergency power, the Governor can suspend the provisions of any regulatory statute if compliance would prevent, hinder, or delay necessary action to deal with the emergency.⁵⁰ Further, as designated by the Governor or in emergency management plans, state agencies, local governments, and others can make, amend, and rescind orders and rules as necessary for emergency management purposes.⁵¹ However, these orders and rules cannot conflict with orders of the Governor, the Division of Emergency Management, or other state agencies delegated emergency powers by the Governor.⁵²

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.⁵³ 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.⁵⁴ 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.⁵⁵ 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.⁵⁶ 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.⁵⁷ Each agency within the executive branch, each water management district, and the Florida Public Service Commission must designate a liaison to the workgroup.⁵⁸ 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.⁵⁹ 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.⁶⁰

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

⁵⁰ Section 252.36(6), F.S.

⁵¹ Section 252.46(1), F.S.

⁵² *Id.*

⁵³ Section 14.2016(1), F.S.

⁵⁴ Section 252.35(1) and (2), F.S.

⁵⁵ Section 252.35(1), F.S.

⁵⁶ Chapter 2017-48, Laws of Fla.

⁵⁷ Section 252.3655(1)(a), F.S.

⁵⁸ Section 252.3655(1)(b), F.S.

⁵⁹ Section 252.3655(2), F.S.

⁶⁰ Section 252.3655(2)(c), F.S.

the meetings.⁶¹ Despite offering virtual attendance options, four agencies attended only one meeting, and six agencies attended no meetings in 2023.⁶² Required agency attendance was down overall from 2022.⁶³

Emergency Shelters

FDEM is required to prepare a Statewide Emergency Shelter Plan (SESP).⁶⁴ The SESP is submitted to the Governor and Cabinet for approval by January 31 of each even-numbered year.⁶⁵ 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.⁶⁶

Beginning with publication of the 2006 SESP, the FDEM monitors the status of the statewide inventory of special needs shelters.⁶⁷ Historically, special needs estimates were included in the total population hurricane evacuation shelter demand estimates and hurricane evacuation shelter capacities.⁶⁸ 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.⁶⁹ 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.⁷⁰

To ensure the needs of persons requiring special needs shelters are met, the FDEM maintains a special needs registry.⁷¹ Individuals can register through a website maintained by the Florida Department of Health.⁷²

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.⁷³

⁶¹ 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).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Sections 252.385(2)(b) and 1013.372(2) F.S.

⁶⁵ Section 252.385(2)(b), F.S.

⁶⁶ 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).

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ Section 252.355, F.S.

⁷² Fla. Dep't of Health, *Florida Special Needs Registry*, <https://snr.flhealthresponse.com/> (last visited Mar. 2025).

⁷³ Chapter 99-305, Laws of Fla.

The HLMP is funded by an annual appropriation of \$10 million from the Florida Hurricane Catastrophe Fund.⁷⁴ 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.⁷⁵ Of this funding, 40 percent must be used to inspect and improve tie-downs for mobile homes and 10 percent must be allocated to the Florida International University center dedicated to hurricane research.⁷⁶
- \$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.⁷⁷

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.⁷⁸ 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.⁷⁹

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.⁸⁰

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.⁸¹ 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.⁸² The Office of Insurance Regulation (OIR) must review the report and make recommendations to the insurance industry as deemed appropriate.⁸³

The HLMP expires on June 30, 2032.⁸⁴

FEMA Mitigation Grant Programs

FEMA was established in 1979 to centralize federal emergency and disaster activities.⁸⁵ The latter of FEMA's primary mission areas, hazard mitigation, is defined as any sustained action

⁷⁴ Section 215.559(1), F.S. *See* ch. 2024-231, Specific Appropriation 2716, Laws of Fla.

⁷⁵ Section 215.559(1)(a), F.S.

⁷⁶ Section 215.559, F.S.

⁷⁷ Section 215.559(1)(b), F.S.

⁷⁸ The Shelter Retrofit Report is prepared annually and submitted to the Governor and the Legislature. *See* s. 252.385, F.S.

⁷⁹ Section 215.559(1)(b), F.S.

⁸⁰ 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).

⁸¹ 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).

⁸² Section 215.559(6), F.S.

⁸³ Section 215.559(6), F.S.

⁸⁴ Section 215.559(7), F.S.

⁸⁵ FEMA, *About the Agency* (May 11, 2016), available at <https://www.fema.gov/about/history> (last visited Mar. 9, 2025).

taken to reduce or eliminate the long-term risk to human life and property from hazards.⁸⁶ FEMA administers several mitigation grant programs designed to reduce and mitigate future natural disaster losses.⁸⁷

Some of the FEMA mitigation grant programs are authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).⁸⁸ 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.⁸⁹ 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.⁹⁰ Funds received from any one of these grants can be used for hazard mitigation planning, mitigation activities, and management costs.⁹¹

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.⁹² 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.⁹³ Jurisdictions must update their plans and re-submit them to FEMA every 5 years to maintain eligibility.⁹⁴

Florida National Guard Medical Officer Authorization

The Florida National Guard (FLNG) is the organized militia of the state.⁹⁵ 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.⁹⁶ The FLNG has an Army component and an Air component, each of which has an Assistant Adjutant General who is also its Commander.⁹⁷

⁸⁶ 44 C.F.R. s. 201.2.

⁸⁷ 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).

⁸⁸ 42 U.S.C. 5121 et seq.

⁸⁹ See FEMA, *Learn About HMA* (Feb. 18, 2025), <https://www.fema.gov/grants/mitigation/learn> (last visited Mar. 9, 2025).

⁹⁰ *Id.*

⁹¹ 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).

⁹² *Id.*

⁹³ 42 U.S.C. s. 5165(b)(2).

⁹⁴ 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).

⁹⁵ 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.

⁹⁶ Section 250.06(1), F.S.

⁹⁷ Florida National Guard, *Assistant Adjutant General—Army and Commander*, <https://fl.ng.mil/leadership/Pages/Assistant-Adjutant-General-Army.aspx> (last visited April 11, 2021); Florida National Guard, *Assistant Adjutant General—Air and Commander*, <https://fl.ng.mil/leadership/Pages/Assistant-Adjutant-General-Air.aspx> (last visited April 11, 2021).

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.⁹⁸ 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.⁹⁹ Municipalities are encouraged to create their own emergency management plans but must coordinate with the county emergency management agency.¹⁰⁰

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.¹⁰¹ The county emergency management director may be a county constitutional officer¹⁰² or an employee of such an officer.¹⁰³ 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.¹⁰⁴

Community Planning

The Community Planning Act provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.¹⁰⁵ Each county and municipality must maintain a comprehensive plan to guide future development.¹⁰⁶

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.¹⁰⁷ A comprehensive plan provide the principles, guidelines, standards, and strategies for the orderly

⁹⁸ Section 252.311(3), F.S.

⁹⁹ Section 252.38(1)(a), F.S.

¹⁰⁰ Section 252.38(2), F.S.

¹⁰¹ Section 252.38(1)(b), F.S.

¹⁰² 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.

¹⁰³ Section 252.38(1)(b), F.S.

¹⁰⁴ Section 252.38(1)(b), F.S.

¹⁰⁵ Section 163.3167(1), F.S.

¹⁰⁶ Section 163.3167(2), F.S.

¹⁰⁷ Section 163.3194(3), F.S.

and balanced future economic, social, physical, environmental, and fiscal development of the area.¹⁰⁸

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.¹⁰⁹

A comprehensive plan is implemented through the adoption of land development regulations¹¹⁰ that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.¹¹¹ 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.¹¹² Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.¹¹³

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.¹¹⁴

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."¹¹⁵ 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."¹¹⁶ Once a local government has officially granted or denied a development permit, the official action constitutes a development order.¹¹⁷ A development order vests certain rights related to the land.¹¹⁸

¹⁰⁸ Section 163.3177(1), F.S.

¹⁰⁹ Section 163.3177(6), F.S.

¹¹⁰ "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.

¹¹¹ Section 163.3202, F.S.

¹¹² *Id.*

¹¹³ Section 163.3213, F.S.

¹¹⁴ Sections 163.3174(4)(a) and 163.3184, F.S.

¹¹⁵ Section 163.3164(14), F.S.

¹¹⁶ Section 163.3164(16), F.S.

¹¹⁷ *See s. 163.3164(15)*, F.S.

¹¹⁸ *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.¹¹⁹

Every local government must enforce the Florida Building Code and issue building permits.¹²⁰ 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.¹²¹

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.¹²² Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.¹²³ 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.¹²⁴ Local governments must post all building permit and inspection fee schedules on its website.¹²⁵

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.¹²⁶ Construction work may not be done beyond a certain point until it passes an inspection.¹²⁷

Current law provides a set of deadlines for ordinary processing of building permits depending on the type of permit.¹²⁸ 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.¹²⁹

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

¹¹⁹ Section 553.72, F.S.

¹²⁰ Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

¹²¹ Sections 125.56(4)(a), 553.79(1), F.S.

¹²² Section 553.80 F.S.

¹²³ *Id.*

¹²⁴ Section 553.80(7)(a)(1)

¹²⁵ Sections 125.56(4)(c) F.S. and 166.222(2) F.S.

¹²⁶ 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).

¹²⁷ *Id.* at s. 110.6.

¹²⁸ Section 553.792(1)(a), F.S.

¹²⁹ See sections 403.973(3), 420.5087(6)(c)8., and 553.80(6)(b)2., F.S.

January 1 of each year.¹³⁰ The property appraiser annually determines the “just value”¹³¹ of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”¹³² The state constitution prohibits the state from levying ad valorem taxes¹³³ and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.¹³⁴

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.¹³⁵ All tangible personal property is subject to ad valorem taxation unless expressly exempted.¹³⁶ Household goods and personal effects,¹³⁷ items of inventory,¹³⁸ and up to \$25,000 of assessed value for each tangible personal property tax return¹³⁹ 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.¹⁴⁰

Beach Funding

Funding for Florida’s critically eroded beaches is managed by the Beach Management Funding Assistance Program.¹⁴¹ 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.¹⁴² These projects protect upland structures and infrastructure, provide critical habitat for threatened and endangered species, provide recreational opportunities, and support local economies through tourism.¹⁴³

¹³⁰ 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.

¹³¹ 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).

¹³² *See* ss. 192.001(2) and (16), F.S.

¹³³ FLA. CONST. art. VII, s. 1(a).

¹³⁴ *See* FLA. CONST. art. VII, s. 4.

¹³⁵ Section 192.001(11)(d), F.S.

¹³⁶ Section 196.001(1), F.S.

¹³⁷ Section 196.181, F.S.

¹³⁸ Section 196.185, F.S.

¹³⁹ Section 196.183, F.S.

¹⁴⁰ Section 193.4615, F.S.

¹⁴¹ Fla. Dep’t of Environmental Protection, *About the Beaches Funding Program*, <https://floridadep.gov/rcp/beaches-funding-program> (last visited Mar. 9, 2025).

¹⁴² Section 161.101(1), F.S.

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

The Department of Environmental Protection (DEP) accepts funding requests on an annual basis from local governments and municipalities for beach and inlet management projects.¹⁴⁴ 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.¹⁴⁵

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.¹⁴⁶ 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.¹⁴⁷

Solid Waste

Counties have the authority to provide and regulate waste and sewage collection and disposal.¹⁴⁸ A county may require that any person within the county demonstrate the existence of some arrangement or contract by which the person's solid waste¹⁴⁹ will be disposed of in a manner consistent with county ordinance or state or federal law.¹⁵⁰ 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.¹⁵¹

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.¹⁵² 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.¹⁵³

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 county¹⁵⁴ and may contract with other persons to fulfill some or all of its solid waste responsibilities.¹⁵⁵ Each county must ensure that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs

¹⁴⁴ Fla. Admin. Code R. 62B-36.005.

¹⁴⁵ 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).

¹⁴⁶ Fla. Dep't of Environmental Protection, *About the Beaches Funding Program*, <https://floridadep.gov/rcp/beaches-funding-program> (last visited Mar. 9, 2025).

¹⁴⁷ *Id.*

¹⁴⁸ Section 125.01(1)(k), F.S.

¹⁴⁹ 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.

¹⁵⁰ Section 125.01(1)(k)2., F.S.

¹⁵¹ Section 403.706(1), F.S.

¹⁵² Section 403.705, F.S.

¹⁵³ Section 403.705(2)(a), F.S.

¹⁵⁴ Section 403.706(1), F.S.

¹⁵⁵ Section 403.706(8), F.S.

through interlocal agreements or other means.¹⁵⁶ 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.¹⁵⁷ Local governments are expressly prohibited from discriminating against privately owned solid waste management facilities solely because they are privately owned.¹⁵⁸

III. Effect of Proposed Changes:

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.

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.

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 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.

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

¹⁵⁶ Section 403.706(3), F.S.

¹⁵⁷ Section 403.7063, F.S.

¹⁵⁸ *Id.*

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 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.

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. 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 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 heads of the Agency for Health Care Administration, the Chief Resilience Officer of the Statewide Office of Resilience; the Department of Agriculture and Consumer Services; the Department of Commerce.; the Department of Environmental Protection; the Department of Health; 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 are required to serve.

Section 10 creates s. 252.3713, related to the Hazard Mitigation Grant Program, 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 funds for use by 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 12 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 13 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.

Section 14 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 16 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 Florida Department of Environmental Protection 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.

Section 17 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.

Section 19 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,¹⁵⁹ 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.

¹⁵⁹ 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).

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.

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, 252.373, 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 Changes:**

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (23) is added to section 161.101,
Florida Statutes, to read:

161.101 State and local participation in authorized
projects and studies relating to beach management and erosion
control.—

(23) Notwithstanding subsections (1), (15), and (16), and



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11 for the 2025-2026 fiscal year, for beaches located in any county
12 listed in a federal declaration of disaster in 2024 that were
13 impacted by erosion caused by Hurricane Debby, Hurricane Helene,
14 or Hurricane Milton, the department may waive or reduce the
15 match requirements for local governments. This subsection
16 expires July 1, 2026.

17 Section 2. Effective upon becoming a law, section 193.4518,
18 Florida Statutes, is amended to read:

19 193.4518 Assessment of agricultural equipment rendered
20 unable to be used due to hurricanes ~~Hurricane Idalia~~.-

21 (1) As used in this section, the term:

22 (a) "Farm" has the same meaning as provided in s.
23 823.14(3).

24 (b) "Farm operation" has the same meaning as provided in s.
25 823.14(3).

26 (c) "Unable to be used" means the tangible personal
27 property was damaged, or the farm, farm operation, or
28 agricultural processing facility was affected, to such a degree
29 that the tangible personal property could not be used for its
30 intended purpose.

31 (2) (a) For purposes of ad valorem taxation and applying to
32 the 2024 tax roll only, tangible personal property owned and
33 operated by a farm, a farm operation, or an agriculture
34 processing facility located in Charlotte County, Citrus County,
35 Columbia County, Dixie County, Gilchrist County, Hamilton
36 County, Hernando County, Jefferson County, Lafayette County,
37 Levy County, Madison County, Manatee County, Pasco County,
38 Pinellas County, Sarasota County, Suwannee County, or Taylor
39 County is deemed to have a market value no greater than its



40 value for salvage if the tangible personal property was unable
41 to be used for at least 60 days due to the effects of Hurricane
42 Idalia.

43 (b)~~(3)~~ The deadline for an applicant to file an application
44 with the property appraiser for assessment pursuant to this
45 subsection ~~section~~ is March 1, 2024.

46 (c)~~(4)~~ If the property appraiser denies an application, the
47 applicant may file, pursuant to s. 194.011(3), a petition with
48 the value adjustment board which requests that the tangible
49 personal property be assessed pursuant to this section. Such
50 petition must be filed on or before the 25th day after the
51 mailing by the property appraiser during the 2024 calendar year
52 of the notice required under s. 194.011(1).

53 (d)~~(5)~~ This subsection ~~section~~ applies to tax rolls
54 beginning January 1, 2024.

55 (3)(a) For purposes of ad valorem taxation and applying to
56 the 2025 tax roll only, tangible personal property owned and
57 operated by a farm, a farm operation, or an agriculture
58 processing facility located in Alachua County, Baker County,
59 Bradford County, Brevard County, Charlotte County, Citrus
60 County, Clay County, Collier County, Columbia County, DeSoto
61 County, Dixie County, Duval County, Flagler County, Franklin
62 County, Gilchrist County, Glades County, Gulf County, Hamilton
63 County, Hardee County, Hendry County, Hernando County, Highlands
64 County, Hillsborough County, Indian River County, Jefferson
65 County, Lafayette County, Lake County, Lee County, Leon County,
66 Levy County, Madison County, Manatee County, Marion County,
67 Martin County, Okeechobee County, Orange County, Osceola County,
68 Palm Beach County, Pasco County, Pinellas County, Polk County,



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69 Putnam County, Sarasota County, Seminole County, St. Johns
70 County, St. Lucie County, Sumter County, Suwannee County, Taylor
71 County, Union County, Volusia County, or Wakulla County is
72 deemed to have a market value no greater than its value for
73 salvage if the tangible personal property was unable to be used
74 for at least 60 days due to the effects of Hurricanes Debby,
75 Helene, and Milton.

76 (b) The deadline for an applicant to file an application
77 with the property appraiser for assessment pursuant to this
78 subsection is August 1, 2025.

79 (c) If the property appraiser denies an application, the
80 applicant may file, pursuant to s. 194.011(3), a petition with
81 the value adjustment board which requests that the tangible
82 personal property be assessed pursuant to this section. Such
83 petition must be filed on or before the 25th day after the
84 mailing by the property appraiser during the 2025 calendar year
85 of the notice required under s. 194.011(1).

86 (d) This subsection applies retroactively to January 1,
87 2025.

88 Section 3. Paragraph (b) of subsection (1) of section
89 215.559, Florida Statutes, is amended to read:

90 215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss
91 Mitigation Program is established in the Division of Emergency
92 Management.

93 (1) The Legislature shall annually appropriate \$10 million
94 of the moneys authorized for appropriation under s.
95 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
96 division for the purposes set forth in this section. Of the
97 amount:



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98 (b) Three million dollars in funds shall be used to
99 construct or retrofit facilities used as public hurricane
100 shelters. Each year the division shall prioritize the use of
101 these funds for projects included in the annual report ~~of the~~
102 ~~Shelter Development Report~~ prepared in accordance with s.
103 252.385(3). The division shall ~~must~~ give funding priority to
104 projects located in counties regional planning council regions
105 that have shelter deficits, projects that are publicly owned,
106 other than schools, and ~~to~~ projects that maximize the use of
107 state funds.

108 Section 4. Section 250.375, Florida Statutes, is amended to
109 read:

110 250.375 Medical officer authorization.—A servicemember
111 trained to provide medical care who is assigned to a military
112 duty position and authorized by the Florida National Guard to
113 provide medical care by virtue of such duty position may provide
114 such medical care to military personnel and civilians within
115 this state ~~physician who holds an active license to practice~~
116 ~~medicine in any state, a United States territory, or the~~
117 ~~District of Columbia,~~ while serving as a medical officer with or
118 in support of the Florida National Guard, pursuant to federal or
119 state orders, ~~may practice medicine on military personnel or~~
120 ~~civilians~~ during an emergency or declared disaster ~~or during~~
121 ~~federal military training.~~

122 Section 5. Subsection (1) and paragraphs (a), (c), (n),
123 (s), and (x) of subsection (2) of section 252.35, Florida
124 Statutes, are amended, and a new paragraph (dd) is added to
125 subsection (2) of that section, to read:

126 252.35 Emergency management powers; Division of Emergency



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127 Management.—

128 (1) The division is responsible for maintaining a
129 comprehensive statewide program of emergency management. The
130 division is responsible for coordination with efforts of the
131 Federal Government with other departments and agencies of state
132 government, with county and municipal governments and school
133 boards, and with private agencies that have a role in emergency
134 management. The Legislature intends for other departments and
135 agencies of state government, county and municipal governments
136 and school boards, and private agencies that have a role in
137 emergency management to coordinate to the greatest extent
138 possible in the provision of emergency management efforts
139 through the division.

140 (2) The division is responsible for carrying out the
141 provisions of ss. 252.31-252.90. In performing its duties, the
142 division shall:

143 (a) Prepare a state comprehensive emergency management
144 plan, which must ~~shall~~ be integrated into and coordinated with
145 the emergency management plans and programs of the Federal
146 Government. The complete state comprehensive emergency
147 management plan must be submitted to the Governor, the President
148 of the Senate, and the Speaker of the House of Representatives
149 on October 1 of every odd-numbered year. The division shall
150 adopt the plan as a rule in accordance with chapter 120. The
151 plan must be implemented by a continuous, integrated
152 comprehensive emergency management program. The plan must
153 contain provisions to ensure that the state is prepared for
154 emergencies and minor, major, and catastrophic disasters, and
155 the division shall work closely with local governments and



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156 agencies and organizations with emergency management
157 responsibilities in preparing and maintaining the plan. The
158 state comprehensive emergency management plan must be operations
159 oriented and:

160 1. Include an evacuation component that includes specific
161 regional and interregional planning provisions and promotes
162 intergovernmental coordination of evacuation activities. This
163 component must, at a minimum: contain guidelines for lifting
164 tolls on state highways; ensure coordination pertaining to
165 evacuees crossing county lines; set forth procedures for
166 directing people caught on evacuation routes to safe shelter;
167 establish strategies for ensuring sufficient, reasonably priced
168 fueling locations along evacuation routes; and establish
169 policies and strategies for emergency medical evacuations.

170 2. Include a shelter component that includes specific
171 regional and interregional planning provisions and promotes
172 coordination of shelter activities between the public, private,
173 and nonprofit sectors. This component must, at a minimum:
174 contain strategies to ensure the availability of adequate public
175 shelter space in each county ~~region of the state~~; establish
176 strategies for refuge-of-last-resort programs; provide
177 strategies to assist local emergency management efforts to
178 ensure that adequate staffing plans exist for all shelters,
179 including medical and security personnel; provide for a
180 postdisaster communications system for public shelters;
181 establish model shelter guidelines for operations, registration,
182 inventory, power generation capability, information management,
183 and staffing; and set forth policy guidance for sheltering
184 people with special needs.



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185 3. Include a postdisaster response and recovery component
186 that includes specific regional and interregional planning
187 provisions and promotes intergovernmental coordination of
188 postdisaster response and recovery activities. This component
189 must provide for postdisaster response and recovery strategies
190 according to whether a disaster is minor, major, or
191 catastrophic. The postdisaster response and recovery component
192 must, at a minimum: establish the structure of the state's
193 postdisaster response and recovery organization; establish
194 procedures for activating the state's plan; set forth policies
195 used to guide postdisaster response and recovery activities;
196 describe the chain of command during the postdisaster response
197 and recovery period; describe initial and continuous
198 postdisaster response and recovery actions; identify the roles
199 and responsibilities of each involved agency and organization;
200 provide for a comprehensive communications plan; establish
201 procedures for coordinating and monitoring statewide mutual aid
202 agreements reimbursable under federal public disaster assistance
203 programs; provide for rapid impact assessment teams; ensure the
204 availability of an effective statewide urban search and rescue
205 program coordinated with the fire services; ensure the existence
206 of a comprehensive statewide medical care and relief plan
207 administered by the Department of Health; and establish systems
208 for coordinating volunteers and accepting and distributing
209 donated funds and goods.

210 4. Include additional provisions addressing aspects of
211 preparedness, response, recovery, and mitigation as determined
212 necessary by the division.

213 5. Address the need for coordinated and expeditious



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214 deployment of state resources, including the Florida National
215 Guard. In the case of an imminent major disaster, procedures
216 should address predeployment of the Florida National Guard, and,
217 in the case of an imminent catastrophic disaster, procedures
218 should address predeployment of the Florida National Guard and
219 the United States Armed Forces.

220 6. Establish a system of communications and warning to
221 ensure that the state's population and emergency management
222 agencies are warned of developing emergency situations,
223 including public health emergencies, and can communicate
224 emergency response decisions.

225 7. Establish guidelines and schedules for annual exercises
226 that evaluate the ability of the state and its political
227 subdivisions to respond to minor, major, and catastrophic
228 disasters and support local emergency management agencies. Such
229 exercises shall be coordinated with local governments and, to
230 the extent possible, the Federal Government.

231 8. Assign lead and support responsibilities to state
232 agencies and personnel for emergency support functions and other
233 support activities.

234 9. Include the public health emergency plan developed by
235 the Department of Health pursuant to s. 381.00315.

236 10. Include an update on the status of the emergency
237 management capabilities of the state and its political
238 subdivisions.

239
240 ~~The complete state comprehensive emergency management plan must~~
241 ~~be submitted to the President of the Senate, the Speaker of the~~
242 ~~House of Representatives, and the Governor on February 1 of~~



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243 ~~every even-numbered year.~~

244 (c) Assist political subdivisions in preparing and
245 maintaining emergency management plans. Such assistance must
246 include the development of a template for comprehensive
247 emergency management plans and guidance on the development of
248 mutual aid agreements when requested by the political
249 subdivision.

250 (n) Implement training programs to maintain Florida's
251 status as a national leader in emergency management and improve
252 the ability of state and local emergency management personnel to
253 prepare and implement emergency management plans and programs.
254 This must ~~shall~~ include a continuous training program for
255 agencies and individuals ~~who~~ ~~that~~ will be called on to perform
256 key roles in state and local postdisaster response and recovery
257 efforts and for local government personnel on federal and state
258 postdisaster response and recovery strategies and procedures.
259 The division shall specify requirements for the minimum number
260 of training hours that county or municipal administrators,
261 county or city managers, county or municipal emergency
262 management directors, and county or municipal public works
263 directors or other officials responsible for the construction
264 and maintenance of public infrastructure must complete
265 biennially in addition to the training required pursuant to s.
266 252.38(1)(b).

267 (s) Complete an inventory of disaster response equipment,
268 including portable generators owned by the state and local
269 governments which are capable of operating during a major
270 disaster. The inventory must identify, at a minimum, the
271 location of each generator, the number of generators stored at



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272 each specific location, the agency to which each generator
273 belongs, the primary use of the generator by the owner agency,
274 and the names, addresses, and telephone numbers of persons
275 having the authority to loan the stored generators as authorized
276 by the division during a declared emergency.

277 ~~(x) Report biennially to the President of the Senate, the~~
278 ~~Speaker of the House of Representatives, the Chief Justice of~~
279 ~~the Supreme Court, and the Governor, no later than February 1 of~~
280 ~~every odd-numbered year, the status of the emergency management~~
281 ~~capabilities of the state and its political subdivisions. This~~
282 ~~report must include the emergency management capabilities~~
283 ~~related to public health emergencies, as determined in~~
284 ~~collaboration with the Department of Health.~~

285 (dd) Conduct, by April 1 of each year, an annual hurricane
286 readiness session in each region designated by the division to
287 facilitate coordination between all emergency management
288 stakeholders. Each county emergency management director or his
289 or her designee shall, and other county and municipal personnel
290 may, attend the session for his or her region. A session must
291 include, but is not limited to, guidance on timelines for
292 preparation and response, information on state and federal
293 postdisaster resources and assistance, guidance to promote
294 efficient and expedited rebuilding of the community after a
295 hurricane, best practices for coordination and communication
296 among entities engaged in postdisaster response and recovery,
297 and discussion of any outstanding county or municipal
298 preparedness or readiness needs.

299 Section 6. Paragraph (b) of subsection (2) of section
300 252.355, Florida Statutes, is amended to read:



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301 252.355 Registry of persons with special needs; notice;
302 registration program.—

303 (2) In order to ensure that all persons with special needs
304 may register, the division shall develop and maintain a special
305 needs shelter registration program. During a public health
306 emergency in which physical distancing is necessary, as
307 determined by the State Health Officer, the division must
308 maintain information on special needs shelter options that
309 mitigate the threat of the spread of infectious diseases.

310 (b) To assist in identifying persons with special needs,
311 home health agencies, hospices, nurse registries, home medical
312 equipment providers, the Department of Veterans' Affairs, the
313 Department of Children and Families, the Department of Health,
314 the Agency for Health Care Administration, the Department of
315 Education, the Agency for Persons with Disabilities, the
316 Department of Elderly Affairs, and memory disorder clinics
317 shall, and any physician licensed under chapter 458 or chapter
318 459 and any pharmacy licensed under chapter 465 may, annually
319 provide registration information to all of their special needs
320 clients or their caregivers. The division shall develop a
321 brochure that provides information regarding special needs
322 shelter registration procedures. The brochure must be easily
323 accessible on the division's website. All appropriate agencies
324 and community-based service providers, including aging and
325 disability resource centers, memory disorder clinics, home
326 health care providers, hospices, nurse registries, and home
327 medical equipment providers, shall, and any physician licensed
328 under chapter 458 or chapter 459 may, assist emergency
329 management agencies by annually registering persons with special



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330 needs for special needs shelters, collecting registration
331 information for persons with special needs as part of the
332 program intake process, and establishing programs to educate
333 clients about the registration process and disaster preparedness
334 safety procedures. A client of a state-funded or federally
335 funded service program who has a physical, mental, or cognitive
336 impairment or sensory disability and who needs assistance in
337 evacuating, or when in a shelter, must register as a person with
338 special needs. The registration program shall give persons with
339 special needs the option of preauthorizing emergency response
340 personnel to enter their homes during search and rescue
341 operations if necessary to ensure their safety and welfare
342 following disasters.

343 Section 7. Subsections (2), (3), and (4) of section
344 252.3611, Florida Statutes, are amended, and subsection (5) is
345 added to that section, to read:

346 252.3611 Transparency; audits.—

347 (2) If ~~When~~ the duration of a declaration of a state of an
348 emergency issued by the Governor exceeds 90 days, regardless of
349 whether pursuant to the original declaration or extensions of
350 the same declaration:

351 (a) 1. The Executive Office of the Governor or the
352 appropriate agency, within 72 hours after ~~of~~ executing a
353 contract executed with moneys authorized for expenditure to
354 support the response to the declared state of emergency, must
355 ~~the Executive Office of the Governor or the appropriate agency~~
356 shall submit a copy of such contract to the Legislature. For
357 contracts executed during the first 90 days of the declared
358 state of emergency, the Executive Office of the Governor or the



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359 appropriate agency shall submit a copy to the Legislature within
360 the first 120 days of the declared state of emergency.

361 2. All contracts executed to support the response to a
362 declared state of emergency, including contracts executed before
363 a declared state of emergency to secure resources or services in
364 advance or anticipation of an emergency, must be posted on the
365 secure contract tracking system required under s. 215.985(14).

366 (b) The Executive Office of the Governor or the appropriate
367 agency shall submit monthly reports to the Legislature of all
368 state expenditures, revenues received, and funds transferred by
369 an agency during the previous month to support the declared
370 state of emergency.

371 (3) Once an emergency exceeds 1 year, the Auditor General
372 shall conduct a financial audit of all associated expenditures
373 and a compliance audit of all associated contracts entered into
374 during the declared emergency. The Auditor General shall ~~must~~
375 update the audit annually until the emergency is declared to be
376 ended. The Auditor General shall post the results of the audits
377 on his or her official website.

378 (4) Following the expiration or termination of a state of
379 emergency, the Auditor General shall conduct a financial audit
380 of all associated expenditures and a compliance audit of all
381 associated contracts entered into during the state of emergency.
382 The Auditor General shall post the results of the audits on his
383 or her official website.

384 (5) Annually by January 15, the division shall report to
385 the President of the Senate, the Speaker of the House of
386 Representatives, and the chairs of the appropriations committee
387 of each house of the Legislature on expenditures related to



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388 emergencies incurred over the year from November 1 of the
389 previous year. The report must include:

390 (a) A separate summary of each emergency event, whether
391 complete or ongoing, and key actions taken by the division.

392 (b) Details of expenditures, separated by emergency event
393 and agency, for preparing for, responding to, or recovering from
394 the event. The report must specify detailed expenditures for the
395 entire report time period; specify total expenditures for the
396 event; and indicate amounts that are being or are anticipated to
397 be reimbursed by the Federal Emergency Management Agency or
398 other federal entity, amounts ineligible for reimbursement, and
399 any amounts deobligated by the Federal Emergency Management
400 Agency or other federal entity for reimbursement. The division
401 shall review expenditures by state agencies to ensure that
402 efforts, purchases, contracts, or expenditures are not
403 duplicated.

404 (c) An accounting of all inventory and assets purchased,
405 separated by emergency event and agency, for preparing for,
406 responding to, or recovering from the event, including motor
407 vehicles, boats, computers, and other equipment, and the current
408 status of such assets, including divestment, sale, or donation
409 by the state. The report must include a detailed accounting for
410 the entire report time period and specify a total for the event.

411 Section 8. Subsections (2) and (4) of section 252.365,
412 Florida Statutes, are amended to read:

413 252.365 Emergency coordination officers; disaster-
414 preparedness plans.—

415 (2) The emergency coordination officer is responsible for
416 ~~coordinating with the division on emergency preparedness issues,~~



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417 preparing and maintaining emergency preparedness and
418 postdisaster response and recovery plans for such agency,
419 maintaining rosters of personnel to assist in disaster
420 operations, ~~and~~ coordinating appropriate training for agency
421 personnel, and coordinating with the division on emergency
422 preparedness and recovery issues, including identifying
423 priorities for postdisaster long-term recovery activities.

424 (4) On or before May 1 of each year, the head of each
425 agency shall notify the Governor and the division in writing of
426 the person initially designated as the emergency coordination
427 officer for such agency and her or his alternate and of any
428 changes in persons so designated thereafter.

429 Section 9. Section 252.3655, Florida Statutes, is amended
430 to read:

431 252.3655 Natural hazards risks and mitigation interagency
432 coordinating group ~~workgroup~~.

433 (1) (a) An interagency coordinating group ~~workgroup~~ is
434 created for the purpose of sharing information on the current
435 and potential risks and impacts of natural hazards throughout
436 this ~~the~~ state, coordinating the ongoing efforts of state
437 agencies in addressing and mitigating the risks and impacts of
438 natural hazards, and collaborating on statewide initiatives to
439 address and mitigate the risks and impacts of natural hazards.
440 As used in this section, the term "natural hazards" includes,
441 but is not limited to, extreme heat, drought, wildfire, sea-
442 level change, high tides, storm surge, saltwater intrusion,
443 stormwater runoff, flash floods, inland flooding, and coastal
444 flooding.

445 (b) The agency head, or his or her designated senior



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446 manager, from each of the following agencies shall serve on the
447 coordinating group:

448 1. Chief Resilience Officer of the Statewide Office of
449 Resilience.

450 2. Department of Agriculture and Consumer Services.

451 3. Department of Commerce.

452 4. Department of Environmental Protection.

453 5. Department of Financial Services.

454 6. Department of Law Enforcement.

455 7. Department of Highway Safety and Motor Vehicles.

456 8. Department of Military Affairs.

457 9. Division of Emergency Management.

458 10. Department of Transportation.

459 11. Fish and Wildlife Conservation Commission.

460 12. Office of Insurance Regulation.

461 13. Public Service Commission.

462 14. Each water management district ~~Each agency within the~~
463 ~~executive branch of state government, each water management~~
464 ~~district, and the Florida Public Service Commission shall select~~
465 ~~from within such agency a person to be designated as the agency~~
466 ~~liaison to the workgroup.~~

467 (c) The director of the Division of Emergency Management,
468 or his or her designee, shall serve as the administrator liaison
469 ~~to and coordinator~~ of the coordinating group ~~workgroup.~~

470 (d) Each agency representative liaison shall provide
471 information from his or her respective agency, including all
472 relevant reports, on the current and potential risks and impacts
473 of natural hazards to this state ~~to his or her agency,~~ agency
474 resources available, and efforts made by the agency to address



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475 and mitigate the risks and impacts of ~~against~~ natural hazards,
476 ~~and efforts made by the agency to address the impacts of natural~~
477 ~~hazards.~~

478 (e) 1. The coordinating group ~~workgroup~~ shall meet in person
479 or by means of communications media technology as provided in s.
480 120.54(5)(b)2. at least teleconference ~~on a quarterly basis~~ to
481 share information, leverage agency resources, coordinate ongoing
482 efforts, and provide information for inclusion in the annual
483 progress report submitted pursuant to subsection (2). Agency
484 heads for the agencies listed in paragraph (b) shall meet in
485 person at least annually to collectively strategize and
486 prioritize state efforts.

487 2. Information regarding the coordinating group, including
488 meeting agendas and reports, must be posted in a conspicuous
489 location on the division's website.

490 (2) (a) On behalf of the coordinating group ~~workgroup~~, the
491 division ~~of Emergency Management~~ shall prepare an annual
492 progress report on the implementation of the state's hazard
493 mitigation plan, developed and submitted in accordance with 42
494 U.S.C. s. 5165 and any implementing regulations, as it relates
495 to natural hazards. At a minimum, the annual progress report
496 must:

497 1. Assess each agency's ~~the relevance, level, and~~
498 ~~significance of current agency~~ efforts to address and mitigate
499 the risks and impacts of natural hazards; ~~and~~

500 2. Strategize and prioritize ongoing efforts to address and
501 mitigate the risks and impacts of natural hazards; ~~;~~

502 3. Provide recommendations regarding statutory changes and
503 funding that may assist in addressing or mitigating the risks



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504 and impacts of natural hazards; and

505 4. Provide recommendations for state and local natural
506 hazard mitigation strategies.

507 ~~(b) Each liaison is responsible for ensuring that the~~
508 ~~workgroup's annual progress report is posted on his or her~~
509 ~~agency's website.~~

510 ~~(c) By January 1 of each year, 2019, and each year~~
511 ~~thereafter, the division on behalf of the coordinating group~~
512 ~~workgroup shall submit the annual progress report to the~~
513 ~~Governor, the President of the Senate, and the Speaker of the~~
514 ~~House of Representatives.~~

515 Section 10. Present paragraphs (c) and (d) of subsection
516 (5) of section 252.37, Florida Statutes, are redesignated as
517 paragraphs (d) and (e), respectively, a new paragraph (c) is
518 added to that subsection, and subsection (7) is added to that
519 section, to read:

520 252.37 Financing.—

521 (5) Unless otherwise specified in the General
522 Appropriations Act:

523 (c) If the division intends to accept or apply for federal
524 funds for a division-administered program that is new, that will
525 be implemented in a manner that is innovative or significantly
526 different from the manner in which the program is typically
527 administered, or that will require a state match for which the
528 division will be required to seek new budget authority, the
529 division must notify the Legislature of its intent to accept or
530 apply for the federal funds. The notice must detail the federal
531 program under which the funds will be accepted or applied for,
532 the intended purpose and use of the funds, and the amount of



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533 funds, including the estimated state match.

534 (7) The division shall take steps to maximize the
535 availability and expedite the distribution of financial
536 assistance from the Federal Government to state and local
537 agencies. Such steps must include the standardization and
538 streamlining of the application process for financial assistance
539 through the federal Public Assistance Program and provision of
540 assistance to applicants in order to mitigate the risk of
541 noncompliance with federal program requirements. The division
542 shall use federal funds allocated as management cost or other
543 funds as appropriated to implement this subsection.

544 Section 11. Section 252.3713, Florida Statutes, is created
545 to read:

546 252.3713 Hazard Mitigation Grant Program.—

547 (1) The division shall administer the Hazard Mitigation
548 Grant Program as authorized and described in s. 404 of the
549 Robert T. Stafford Disaster Relief and Emergency Assistance Act,
550 as amended by Pub. L. No. 103-181, Pub. L. No. 103-337, and Pub.
551 L. No. 106-390.

552 (2) The division may retain no more than 25 percent of the
553 total federal allocation of funds received for use within the
554 state. A minimum of 75 percent of any funds received pursuant to
555 a declared disaster must be distributed for use by the
556 subrecipients in the counties specified in the Presidential
557 Disaster Declaration for that disaster. However, a subrecipient
558 may elect to share some or all of its allocation with the
559 division to be used for projects benefiting the region in which
560 the subrecipient is located.

561 (3) The division and subrecipients shall prioritize



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562 projects that fulfill the following purposes when adopting
563 mitigation strategies and plans and applying for funds under the
564 grant program:

565 (a) Reducing shelter space deficits through retrofitting of
566 existing shelters and hardening of public buildings that are not
567 schools. Reducing deficits in shelter space intended to
568 accommodate individuals with special needs must be prioritized
569 before addressing deficits in other types of shelter space.

570 (b) Mitigating impacts to public infrastructure, including
571 roads, bridges, and stormwater, water, and sewer systems, to
572 enhance resistance to natural hazards and prevent and reduce
573 losses.

574 (c) Mitigating impacts to school facilities which will
575 reduce future disaster losses and make the facilities more
576 resistant to natural hazards.

577 (d) Retrofitting of regional and local emergency management
578 or operations centers.

579 (e) Other projects that the division may define by rule.

580 (4) The division may coordinate with other state agencies
581 and political subdivisions to develop and implement innovative
582 approaches to funding mitigation projects using grants under the
583 Hazard Mitigation Grant Program, including, but not limited to,
584 combining funding received from multiple federal and state
585 programs. The division, in cooperation with other state agencies
586 that administer federal grant programs, shall ensure that:

587 (a) Projects funded through multiple programs comply with
588 all applicable federal and state requirements of the respective
589 programs under which funding was received.

590 (b) Funding is used for projects in the geographic areas



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591 specified in the grant of funding.

592 (5) A fiscally constrained county may request that the
593 division administer the grant for such county. A fiscally
594 constrained county may request additional assistance from the
595 division in preparing applications for grants and developing a
596 structure for implementing, monitoring the execution of, and
597 closing out projects.

598 (6) The division shall adopt rules to implement this
599 section.

600 Section 12. Paragraph (a) of subsection (2) of section
601 252.373, Florida Statutes, is amended to read:

602 252.373 Allocation of funds; rules.—

603 (2) The division shall allocate funds from the Emergency
604 Management, Preparedness, and Assistance Trust Fund to local
605 emergency management agencies and programs pursuant to criteria
606 specified in rule. Such rules shall include, but are not limited
607 to:

608 (a) Requiring that, at a minimum, a local emergency
609 management agency either:

610 1. Have a program director who works at least 40 hours a
611 week in that capacity; or

612 2. If the county has fewer than 75,000 population or is
613 party to an interjurisdictional emergency management agreement
614 entered into pursuant to s. 252.38(3)(c) ~~s. 252.38(3)(b)~~, that
615 is recognized by the Governor by executive order or rule, have
616 an emergency management coordinator who works at least 20 hours
617 a week in that capacity.

618 Section 13. Present paragraphs (a) and (b) of subsection
619 (3) of section 252.38, Florida Statutes, are redesignated as



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620 paragraphs (b) and (c), respectively, a new paragraph (a) is
621 added to that subsection, and paragraph (a) of subsection (1) is
622 amended, to read:

623 252.38 Emergency management powers of political
624 subdivisions.—Safeguarding the life and property of its citizens
625 is an innate responsibility of the governing body of each
626 political subdivision of the state.

627 (1) COUNTIES.—

628 (a) In order to provide effective and orderly governmental
629 control and coordination of emergency operations in emergencies
630 within the scope of ss. 252.31-252.90, each county within this
631 state shall be within the jurisdiction of, and served by, the
632 division. Except as otherwise provided in ss. 252.31-252.90,
633 each local emergency management agency shall have jurisdiction
634 over and serve an entire county. Unless part of an
635 interjurisdictional emergency management agreement entered into
636 pursuant to paragraph (3) (c) ~~(3) (b)~~ which is recognized by the
637 Governor by executive order or rule, each county must establish
638 and maintain such an emergency management agency and shall
639 develop a county emergency management plan and program that is
640 coordinated and consistent with the state comprehensive
641 emergency management plan and program. Counties that are part of
642 an interjurisdictional emergency management agreement entered
643 into pursuant to paragraph (3) (c) ~~(3) (b)~~ which is recognized by
644 the Governor by executive order or rule shall cooperatively
645 develop an emergency management plan and program that is
646 coordinated and consistent with the state comprehensive
647 emergency management plan and program.

648 (3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—



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649 (a) Each political subdivision shall notify the division on
650 or before May 1 each year of the person designated as the
651 emergency contact for the political subdivision and his or her
652 alternate and of any changes in persons so designated
653 thereafter. For a county, this includes the county emergency
654 management director.

655 Section 14. Subsections (2) and (3) of section 252.385,
656 Florida Statutes, are amended to read:

657 252.385 Public shelter space; public records exemption.—

658 (2)~~(a)~~ The division shall administer a program to survey
659 existing schools, universities, community colleges, and other
660 state-owned, municipally owned, and county-owned public
661 buildings and any private facility that the owner, in writing,
662 agrees to provide for use as a public hurricane evacuation
663 shelter to identify those that are appropriately designed and
664 located to serve as such shelters. The owners of the facilities
665 must be given the opportunity to participate in the surveys. The
666 state university boards of trustees, district school boards,
667 community college boards of trustees, and the Department of
668 Education are responsible for coordinating and implementing the
669 survey of public schools, universities, and community colleges
670 with the division or the local emergency management agency.

671 ~~(b) By January 31 of each even-numbered year, the division~~
672 ~~shall prepare and submit a statewide emergency shelter plan to~~
673 ~~the Governor and Cabinet for approval, subject to the~~
674 ~~requirements for approval in s. 1013.37(2). The emergency~~
675 ~~shelter plan must project, for each of the next 5 years, the~~
676 ~~hurricane shelter needs of the state, including periods of time~~
677 ~~during which a concurrent public health emergency may~~



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678 ~~necessitate more space for each individual to accommodate~~
679 ~~physical distancing. In addition to information on the general~~
680 ~~shelter needs throughout this state, the plan must identify the~~
681 ~~general location and square footage of special needs shelters,~~
682 ~~by regional planning council region. The plan must also include~~
683 ~~information on the availability of shelters that accept pets.~~
684 ~~The Department of Health shall assist the division in~~
685 ~~determining the estimated need for special needs shelter space~~
686 ~~and the adequacy of facilities to meet the needs of persons with~~
687 ~~special needs based on information from the registries of~~
688 ~~persons with special needs and other information.~~

689 (3) (a) The division shall annually provide by October 15 to
690 the Governor, the President of the Senate, and the Speaker of
691 the House of Representatives a report that includes, ~~and the~~
692 ~~Governor~~ a list of facilities recommended to be retrofitted
693 using state funds. State funds should be maximized and targeted
694 to projects in counties ~~regional planning council regions~~ with
695 hurricane evacuation shelter deficits. Additionally, the
696 division shall prioritize on the list of recommended facilities
697 other state-owned, municipal-owned, and county-owned public
698 buildings, other than schools, for retrofit using state funds.
699 The owner or lessee of a public hurricane evacuation shelter
700 that is included on the list of facilities recommended for
701 retrofitting is not required to perform any recommended
702 improvements.

703 (b) The report required in paragraph (a) must include a
704 statewide emergency shelter plan that must project, for each of
705 the next 5 years, the hurricane shelter needs of the state. In
706 addition to information on the general shelter needs throughout



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707 this state, the plan must identify, by county, the general
708 location and square footage of special needs shelters. The plan
709 must also include information on the availability of shelters
710 that accept pets. The Department of Health and the Agency for
711 Persons with Disabilities shall assist the division in
712 determining the estimated need for special needs shelter space,
713 the estimated need for general shelter space to accommodate
714 persons with developmental disabilities, including, but not
715 limited to, autism, and the adequacy of facilities to meet the
716 needs of persons with special needs based on information from
717 the registries of persons with special needs and other
718 information.

719 Section 15. Section 252.392, Florida Statutes, is created
720 to read:

721 252.392 Post-storm county and municipal permitting;
722 operations.-

723 (1) (a) Each county and municipality shall develop a post-
724 storm permitting plan to expedite recovery and rebuilding by
725 providing for special building permit and inspection procedures
726 after a hurricane or tropical storm. The plan must, at a
727 minimum:

728 1. Ensure sufficient personnel are prepared and available
729 to expeditiously manage post-disaster building inspection,
730 permitting, and enforcement tasks. The plan must anticipate
731 conditions that would necessitate supplemental personnel for
732 such tasks and address methods for fulfilling such personnel
733 needs, including through mutual aid agreements as authorized in
734 s. 252.40, other arrangements, such as those with private sector
735 contractors, or supplemental state or federal funding. The plan



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736 must include training requirements and protocols for
737 supplemental personnel to ensure compliance with local
738 floodplain management requirements that apply within the county
739 or municipality.

740 2. Account for multiple or alternate locations where
741 building permit services may be offered in-person to the public
742 following a hurricane or tropical storm, during regular business
743 hours.

744 3. Specify a protocol to expedite permitting procedures
745 and, if practicable, for the waiver or reduction of applicable
746 fees in accordance with and in addition to the procedures and
747 waivers provided for under s. 553.7922. The plan must identify
748 the types of permits that are frequently requested following a
749 hurricane or tropical storm and methods to expedite the
750 processing of such permits.

751 4. Specify procedures and resources necessary to promote
752 expeditious debris removal following a hurricane or tropical
753 storm.

754 (b) Each county and municipality shall update the plan no
755 later than May 1 annually.

756 (2)(a) By May 1 annually, each county and municipality
757 shall publish on its website a hurricane and tropical storm
758 recovery permitting guide for residential and commercial
759 property owners. The guide must describe:

760 1. The types of post-storm repairs that require a permit
761 and applicable fees.

762 2. The types of post-storm repairs that do not require a
763 permit.

764 3. The post-storm permit application process and specific



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765 modifications the county or municipality commonly makes to
766 expedite the process, including the physical locations where
767 permitting services will be offered.

768 4. Local requirements for rebuilding specific to the county
769 or municipality, including elevation requirements following
770 substantial damage and substantial improvement pursuant to the
771 National Flood Insurance Program (NFIP) and any local amendments
772 to the building code.

773 (b) As soon as practicable following a hurricane or
774 tropical storm, a county or municipality within the area for
775 which a state of emergency pursuant to s. 252.36 for such
776 hurricane or tropical storm is declared shall publish updates on
777 its website to the information required under paragraph (a)
778 which are specific to such storm, including any permitting fee
779 waivers or reductions.

780 (3) For 180 days after a state of emergency is declared
781 pursuant to s. 252.36 for a hurricane or tropical storm, a
782 county or municipality within the area for which the state of
783 emergency is declared:

784 (a) May not increase building permit or inspection fees.

785 (b) Must have employees and supplemental personnel
786 available during the county's or municipality's normal business
787 hours to process permits.

788 Section 16. Subsection (1) of section 400.063, Florida
789 Statutes, is amended to read:

790 400.063 Resident protection.—

791 (1) The Health Care Trust Fund shall be used for the
792 purpose of collecting and disbursing funds generated from the
793 license fees and administrative fines as provided for in ss.



794 393.0673(5), 400.062(3), 400.121(2), and 400.23(8). Such funds
795 shall be for the sole purpose of paying for the appropriate
796 alternate placement, care, and treatment of residents who are
797 removed from a facility licensed under this part or a facility
798 specified in s. 393.0678(1) in which the agency determines that
799 existing conditions or practices constitute an immediate danger
800 to the health, safety, or security of the residents. If the
801 agency determines that it is in the best interest of the health,
802 safety, or security of the residents to provide for an orderly
803 removal of the residents from the facility, the agency may
804 utilize such funds to maintain and care for the residents in the
805 facility pending removal and alternative placement. The
806 maintenance and care of the residents shall be under the
807 direction and control of a receiver appointed pursuant to s.
808 393.0678(1) or s. 400.126(1). However, funds may be expended in
809 an emergency upon a filing of a petition for a receiver, upon
810 the declaration of a state of local emergency pursuant to s.
811 252.38(3)(b)5. ~~s. 252.38(3)(a)5.~~, or upon a duly authorized
812 local order of evacuation of a facility by emergency personnel
813 to protect the health and safety of the residents.

814 Section 17. Subsection (7) of section 403.7071, Florida
815 Statutes, is amended, and subsection (8) is added to that
816 section, to read:

817 403.7071 Management of storm-generated debris.—Solid waste
818 generated as a result of a storm event that is the subject of an
819 emergency order issued by the department may be managed as
820 follows:

821 (7) Unless otherwise specified in a contract or franchise
822 agreement between a local government and a private solid waste



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823 or debris management service provider, a private solid waste or
824 debris management service provider is not required to collect
825 storm-generated yard trash. Local governments are authorized and
826 encouraged to add an addendum to existing contracts or franchise
827 agreements for collection of storm-generated debris.

828 (8) (a) Each county and municipality shall apply to the
829 department for authorization of at least one debris management
830 site as described in subsection (2) and shall annually seek
831 preauthorization for any previously approved debris management
832 sites, as allowed by the department.

833 (b) A municipality may jointly apply for authorization of a
834 debris management site with a county or at least one adjacent
835 municipality, if the parties develop and approve a memorandum of
836 understanding. Such memorandum must clearly outline the capacity
837 of the debris management site and location of the site relative
838 to each party. The memorandum of understanding must be approved
839 annually as part of the preauthorization process described in
840 paragraph (a).

841 Section 18. (1) Each county listed in the federal disaster
842 declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-
843 4828), or Hurricane Milton (DR-4834), and each municipality
844 within one of those counties, shall not propose or adopt any
845 moratorium on construction, reconstruction, or redevelopment of
846 any property damaged by such hurricanes; propose or adopt more
847 restrictive or burdensome amendments to its comprehensive plan
848 or land development regulations; or propose or adopt more
849 restrictive or burdensome procedures concerning review,
850 approval, or issuance of a site plan, development permit, or
851 development order, to the extent that those terms are defined by



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852 s. 163.3164, Florida Statutes, before October 1, 2027, and any
853 such moratorium or restrictive or burdensome comprehensive plan
854 amendment, land development regulation, or procedure shall be
855 null and void ab initio. This subsection applies retroactively
856 to August 1, 2024.

857 (2) Notwithstanding subsection (1), any comprehensive plan
858 amendment, land development regulation amendment, site plan,
859 development permit, or development order approved or adopted by
860 a county or municipality before or after the effective date of
861 this section may be enforced if:

862 (a) The associated application is initiated by a private
863 party other than the county or municipality.

864 (b) The property that is the subject of the application is
865 owned by the initiating private party.

866 (3) (a) A resident of or the owner of a business in a county
867 or municipality may bring a civil action for declaratory and
868 injunctive relief against the county or municipality for a
869 violation of this section. Pending adjudication of the action
870 and upon filing of a complaint showing a violation of this
871 section, the resident or business owner is entitled to a
872 preliminary injunction against the county or municipality
873 preventing implementation of the moratorium or the comprehensive
874 plan amendment, land development regulation, or procedure. If
875 such civil action is successful, the resident or business owner
876 is entitled to reasonable attorney fees and costs.

877 (b) Attorney fees and costs and damages may not be awarded
878 pursuant to this subsection if:

879 1. The resident or business owner provides the governing
880 body of the county or municipality written notice that a



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881 proposed or enacted moratorium, comprehensive plan amendment,
882 land development regulation, or procedure is in violation of
883 this section; and

884 2. The governing body of the county or municipality
885 withdraws the proposed moratorium, comprehensive plan amendment,
886 land development regulation, or procedure within 14 days; or, in
887 the case of an adopted moratorium, comprehensive plan amendment,
888 land development regulation, or procedure, the governing body of
889 a county or municipality notices an intent to repeal within 14
890 days after receipt of the notice and repeals the moratorium,
891 comprehensive plan amendment, land development regulation, or
892 procedure within 14 days thereafter.

893 (4) This section shall take effect upon becoming a law and
894 expires June 30, 2028.

895 Section 19. For the purpose of incorporating the amendment
896 made by this act to section 252.35, Florida Statutes, in a
897 reference thereto, subsection (6) of section 252.55, Florida
898 Statutes, is reenacted to read:

899 252.55 Civil Air Patrol, Florida Wing.—

900 (6) The wing commander of the Florida Wing of the Civil Air
901 Patrol shall biennially furnish the division a 2-year projection
902 of the goals and objectives of the Civil Air Patrol which shall
903 be reported in the division's biennial report submitted pursuant
904 to s. 252.35.

905 Section 20. Except as otherwise expressly provided in this
906 act and except for this section, which shall take effect upon
907 this act becoming a law, this act shall take effect July 1,
908 2025.

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910 ===== T I T L E A M E N D M E N T =====

911 And the title is amended as follows:

912 Delete everything before the enacting clause

913 and insert:

914 A bill to be entitled

915 An act relating to emergency preparedness and
916 response; amending s. 161.101, F.S.; authorizing the
917 Department of Environmental Protection to waive or
918 reduce local government match requirements under
919 certain circumstances; providing for future
920 expiration; amending s. 193.4518, F.S.; providing a
921 tangible personal property assessment limitation,
922 during a certain timeframe and in certain counties,
923 for certain agricultural equipment that is unable to
924 be used due to Hurricanes Debby, Helene, or Milton;
925 specifying conditions for applying for and receiving
926 the assessment limitation; providing procedures for
927 petitioning the value adjustment board if an
928 application is denied; providing for retroactive
929 application; amending s. 215.559, F.S.; deleting a
930 reference to a certain report; revising public
931 hurricane shelter funding prioritization requirements
932 for the Division of Emergency Management; amending s.
933 250.375, F.S.; authorizing certain servicemembers to
934 provide medical care in specified circumstances;
935 amending s. 252.35, F.S.; providing legislative
936 intent; revising the date by which the state
937 comprehensive emergency management plan must be
938 submitted to the Legislature and the Governor;



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939 revising the components of the plan; requiring the
940 division to provide certain assistance to political
941 subdivisions; revising requirements for training
942 provided by the division; revising inventory
943 requirements; deleting a requirement for a certain
944 biennial report; requiring the division to conduct an
945 annual hurricane readiness session in each region
946 designated by the division for a specified purpose;
947 requiring all county emergency management directors,
948 and authorizing other county and municipal personnel
949 to attend such session; requiring that the session
950 include specified topics and needs; amending s.
951 252.355, F.S.; authorizing the Department of Veterans'
952 Affairs to provide certain information to specified
953 clients or their caregivers; amending s. 252.3611,
954 F.S.; directing specified entities to submit specified
955 contracts and reports to the Legislature under
956 specified conditions; requiring that such contracts be
957 posted on a specified secure contract system;
958 requiring the Auditor General to post the results of
959 specified audits on his or her official website;
960 requiring the division to report annually to the
961 Legislature specified information on expenditures
962 related to emergencies; providing requirements for
963 such report; amending s. 252.365, F.S.; revising the
964 responsibilities for agency emergency coordination
965 officers; requiring agency heads to notify the
966 Governor and the division of the person designated as
967 the emergency coordination officer annually by a



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968 specified date; amending s. 252.3655, F.S.; creating
969 the natural hazards risks and mitigation interagency
970 coordinating group; providing the purpose of the
971 group; providing for the membership and administration
972 of the group; requiring agency representatives to
973 provide information relating to natural hazards to
974 this state, agency resources, efforts to address and
975 mitigate risk and impacts of natural hazards;
976 requiring the group to meet in person or by
977 communication media technology at least quarterly for
978 specified purposes; requiring specified agency heads
979 to meet at least annually to strategize and prioritize
980 state efforts; requiring the division, on behalf of
981 the group, to prepare a certain progress report;
982 revising the requirements of such report; revising
983 requirements for an annual progress report by the
984 division on behalf of the group; requiring the
985 division, on behalf of the group, to submit such
986 report to the Governor and the Legislature; amending
987 s. 252.37, F.S.; requiring the division to notify the
988 Legislature of its intent to accept or apply for
989 federal funds under certain circumstances; requiring
990 the division to take steps to maximize the
991 availability and expedite distribution of financial
992 assistance from the Federal Government to state and
993 local agencies; requiring that such steps include the
994 standardization and streamlining of the application
995 process for federal financial assistance and the
996 provision of assistance to those applicants for a



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997 specified purpose; requiring the division to use
998 certain federal funds to implement such requirements;
999 creating s. 252.3713, F.S.; requiring the division to
1000 administer the Hazard Mitigation Grant Program;
1001 authorizing the division to retain a specified
1002 percentage of the funds for use within the state;
1003 requiring that the remaining percentage be distributed
1004 for use by certain recipients; authorizing
1005 subrecipients to make a certain election for a
1006 specified use; requiring the prioritization of certain
1007 projects; authorizing the division to coordinate with
1008 specified entities under certain circumstances;
1009 requiring that such cooperation ensures certain
1010 requirements are met and certain projects are funded;
1011 authorizing fiscally constrained counties to request
1012 that the division administer the grant for such a
1013 county; authorizing such counties to request certain
1014 assistance from the division; requiring the division
1015 to adopt rules; amending s. 252.373, F.S.; conforming
1016 a cross-reference; amending s. 252.38, F.S.; requiring
1017 each political subdivision to notify the division of
1018 the designated emergency contact annually by a
1019 specified date; amending s. 252.385, F.S.; revising
1020 reporting requirements for the division; revising
1021 requirements for a specified list; requiring the
1022 Department of Health and the Agency for Persons with
1023 Disabilities to assist the division with certain
1024 determinations; creating s. 252.392, F.S.; requiring
1025 counties and municipalities to develop a post-storm



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1026 permitting plan; providing requirements for the plan;
1027 requiring annual updates to the plan by a specified
1028 date; requiring counties and municipalities to
1029 publish, and post on their websites, a specified storm
1030 recovery guide annually by a specified date;
1031 prohibiting certain counties and municipalities from
1032 increasing building permit or inspection fees within a
1033 specified timeframe; requiring such counties and
1034 municipalities to have certain personnel available
1035 during normal business hours; amending s. 400.063,
1036 F.S.; conforming a cross-reference; amending s.
1037 403.7071, F.S.; providing that local governments are
1038 authorized and encouraged to add certain addendums to
1039 certain contracts or agreements; requiring counties
1040 and municipalities to apply to the Department of
1041 Environmental Protection for authorization to
1042 designate at least one debris management site;
1043 authorizing municipalities to apply jointly with a
1044 county or another adjacent municipality for
1045 authorization of a minimum number of debris management
1046 sites if such entities approve a memorandum of
1047 understanding; providing requirements for such
1048 memoranda; prohibiting certain counties from proposing
1049 or adopting certain moratoriums, amendments, or
1050 procedures for a specified period; declaring that such
1051 moratoriums, amendments, or procedures are null and
1052 void; providing for retroactive application; providing
1053 that certain comprehensive plan amendments, land
1054 development regulation amendments, site plans, and



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1055 development permits or orders may be enforced under
1056 specified conditions; authorizing residents and owners
1057 of certain businesses to bring a civil action for
1058 declaratory and injunctive relief against a county or
1059 municipality that violates specified provisions;
1060 providing that such residents or business owners are
1061 entitled to a preliminary injunction against such
1062 county or municipality, under a specified condition;
1063 providing for the award of attorney fees and costs;
1064 prohibiting the awarding of attorney fees and costs
1065 and damages under specified circumstances; providing
1066 for future expiration; reenacting s. 252.55(6), F.S.,
1067 relating to a certain biennial report submitted by the
1068 wing commander of the Civil Air Patrol, to incorporate
1069 the amendment made to s. 252.35, F.S., in a reference
1070 thereto; providing effective dates.

By Senator DiCeglie

18-00937-25

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1 A bill to be entitled
2 An act relating to emergency preparedness and
3 response; amending s. 161.101, F.S.; authorizing the
4 Department of Environmental Protection to waive or
5 reduce local government match requirements under
6 certain circumstances; providing for future
7 expiration; amending s. 193.4518, F.S.; providing a
8 tangible personal property assessment limitation,
9 during a certain timeframe and in certain counties,
10 for certain agricultural equipment that is unable to
11 be used due to Hurricanes Debby, Helene, or Milton;
12 specifying conditions for applying for and receiving
13 the assessment limitation; providing procedures for
14 petitioning the value adjustment board if an
15 application is denied; providing applicability;
16 amending s. 215.559, F.S.; deleting a reference to a
17 certain report; revising public hurricane shelter
18 funding prioritization requirements for the Division
19 of Emergency Management; amending s. 250.375, F.S.;
20 authorizing certain servicemembers to provide medical
21 care in specified circumstances; amending s. 252.35,
22 F.S.; providing legislative intent; revising the date
23 by which the state comprehensive emergency management
24 plan must be submitted to the Legislature and the
25 Governor; revising the components of the plan;
26 requiring the division to provide certain assistance
27 to political subdivisions; revising requirements for
28 training provided by the division; revising inventory
29 requirements; deleting a requirement for a certain

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30 biennial report; requiring the division to conduct an
31 annual hurricane readiness session in each region
32 designated by the division for a specified purpose;
33 requiring all county emergency management directors,
34 and authorizing others county and municipal personnel,
35 to attend, such session; requiring that the session
36 include specified topics and needs; amending s.
37 252.355, F.S.; authorizing the Department of Veterans'
38 Affairs to provide certain information to specified
39 clients or their caregivers; amending s. 252.3611,
40 F.S.; directing specified entities to submit specified
41 contracts and reports to the Legislature under
42 specified conditions; requiring that such contracts be
43 posted on a specified secure contract system;
44 requiring the Auditor General to post the results of
45 specified audits on his or her official website;
46 requiring the division to report annually to the
47 Legislature specified information on expenditures
48 related to emergencies; providing requirements for
49 such report; amending s. 252.365, F.S.; revising the
50 responsibilities for agency emergency coordination
51 officers; requiring agency heads to notify the
52 Governor and the division of the person designated as
53 the emergency coordination officer annually by a
54 specified date; amending s. 252.3655, F.S.; creating
55 the natural hazards risks and mitigation interagency
56 coordinating group; providing the purpose of the
57 group; providing for the membership and administration
58 of the group; requiring agency representatives to

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59 provide information relating to natural hazards to
60 this state, agency resources, efforts to address and
61 mitigate risk and impacts of natural hazards;
62 requiring the group to meet in person or by
63 communication media technology at least quarterly for
64 specified purposes; requiring specified agency heads
65 to meet at least annually to strategize and prioritize
66 state efforts; requiring the division, on behalf of
67 the group, to prepare a certain progress report;
68 revising the requirements of such report; revising
69 requirements for an annual progress report by the
70 division on behalf of the group; requiring the
71 division, on behalf of the group, to submit such
72 report to the Governor and the Legislature; creating
73 s. 252.3713, F.S.; requiring the division to
74 administer the Hazard Mitigation Grant Program;
75 authorizing the division to retain a specified
76 percentage of the funds for state use; requiring that
77 the remaining percentage be distributed for use by
78 certain recipients; authorizing subrecipients to make
79 a certain election for a specified use; requiring the
80 prioritization of certain projects; authorizing the
81 division to coordinate with specified entities under
82 certain circumstances; requiring that such cooperation
83 ensures certain requirements are met and certain
84 projects are funded; authorizing fiscally constrained
85 counties to request that the division administer the
86 grant for such a county; authorizing such counties to
87 request certain assistance from the division;

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88 requiring the division to adopt rules; amending s.
89 252.373, F.S.; conforming a cross-reference; amending
90 s. 252.38, F.S.; requiring each political subdivision
91 to notify the division of the designated emergency
92 contact annually by a specified date; amending s.
93 252.385, F.S.; revising reporting requirements for the
94 division; revising requirements for a specified list;
95 requiring the Department of Health and the Agency for
96 Persons with Disabilities to assist the division with
97 certain determinations; creating s. 252.392, F.S.;
98 requiring counties and municipalities to develop a
99 post-storm permitting plan; providing requirements for
100 the plan; requiring annual updates to the plan by a
101 specified date; requiring counties and municipalities
102 to publish, and post on their websites, a specified
103 storm recovery guide annually by a specified date;
104 prohibiting certain counties and municipalities from
105 increasing building permit or inspection fees within a
106 specified timeframe; requiring such counties and
107 municipalities to have certain personnel available
108 during normal business hours; amending s. 400.063,
109 F.S.; conforming a cross-reference; amending s.
110 403.7071, F.S.; providing that local governments are
111 authorized and encouraged to add addendums to certain
112 contracts or agreements; requiring counties and
113 municipalities to apply to the Department of
114 Environmental Protection for authorization to
115 designate at least one debris management site;
116 authorizing municipalities to apply jointly with a

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117 county or another adjacent municipality for
118 authorization of a minimum number of debris management
119 sites if such entities approve a memorandum of
120 understanding; providing requirements for such
121 memoranda; prohibiting certain counties from proposing
122 or adopting certain moratoriums, amendments, or
123 procedures for a specified period; declaring that such
124 moratoriums, amendments, or procedures are null and
125 void; providing for retroactive application; providing
126 that certain comprehensive plan amendments, land
127 development regulation amendments, site plans, and
128 development permits or orders may be enforced under
129 specified conditions; providing for future expiration;
130 reenacting s. 252.55(6), F.S., relating to a certain
131 biennial report submitted by the wing commander of the
132 Civil Air Patrol, to incorporate the amendment made to
133 s. 252.35, F.S., in a reference thereto; providing
134 effective dates.

135

136 Be It Enacted by the Legislature of the State of Florida:

137

138 Section 1. Subsection (23) is added to section 161.101,
139 Florida Statutes, to read:

140 161.101 State and local participation in authorized
141 projects and studies relating to beach management and erosion
142 control.—

143 (23) Notwithstanding subsections (1), (15), and (16), and
144 for the 2025-2026 fiscal year, for beaches located in any county
145 listed in a federal declaration of disaster in 2024 that were

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146 impacted by erosion caused by Hurricane Debby, Hurricane Helene,
147 or Hurricane Milton, the department may waive or reduce the
148 match requirements for local governments. This subsection
149 expires July 1, 2026.

150 Section 2. Section 193.4518, Florida Statutes, is amended
151 to read:

152 193.4518 Assessment of agricultural equipment rendered
153 unable to be used due to hurricanes ~~Hurricane Idalia~~.-

154 (1) As used in this section, the term:

155 (a) "Farm" has the same meaning as provided in s.
156 823.14(3).

157 (b) "Farm operation" has the same meaning as provided in s.
158 823.14(3).

159 (c) "Unable to be used" means the tangible personal
160 property was damaged, or the farm, farm operation, or
161 agricultural processing facility was affected, to such a degree
162 that the tangible personal property could not be used for its
163 intended purpose.

164 (2) (a) For purposes of ad valorem taxation and applying to
165 the 2024 tax roll only, tangible personal property owned and
166 operated by a farm, a farm operation, or an agriculture
167 processing facility located in Charlotte County, Citrus County,
168 Columbia County, Dixie County, Gilchrist County, Hamilton
169 County, Hernando County, Jefferson County, Lafayette County,
170 Levy County, Madison County, Manatee County, Pasco County,
171 Pinellas County, Sarasota County, Suwannee County, or Taylor
172 County is deemed to have a market value no greater than its
173 value for salvage if the tangible personal property was unable
174 to be used for at least 60 days due to the effects of Hurricane

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175 Idalia.

176 (b)~~(3)~~ The deadline for an applicant to file an application
 177 with the property appraiser for assessment pursuant to this
 178 subsection ~~section~~ is March 1, 2024.

179 (c)~~(4)~~ If the property appraiser denies an application, the
 180 applicant may file, pursuant to s. 194.011(3), a petition with
 181 the value adjustment board which requests that the tangible
 182 personal property be assessed pursuant to this section. Such
 183 petition must be filed on or before the 25th day after the
 184 mailing by the property appraiser during the 2024 calendar year
 185 of the notice required under s. 194.011(1).

186 (d)~~(5)~~ This subsection ~~section~~ applies to tax rolls
 187 beginning January 1, 2024.

188 (3) (a) For purposes of ad valorem taxation and applying to
 189 the 2025 tax roll only, tangible personal property owned and
 190 operated by a farm, a farm operation, or an agriculture
 191 processing facility located in Alachua County, Baker County,
 192 Bradford County, Brevard County, Charlotte County, Citrus
 193 County, Clay County, Collier County, Columbia County, DeSoto
 194 County, Dixie County, Duval County, Flagler County, Franklin
 195 County, Gilchrist County, Glades County, Gulf County, Hamilton
 196 County, Hardee County, Hendry County, Hernando County, Highlands
 197 County, Hillsborough County, Indian River County, Jefferson
 198 County, Lafayette County, Lake County, Lee County, Leon County,
 199 Levy County, Madison County, Manatee County, Marion County,
 200 Martin County, Okeechobee County, Orange County, Osceola County,
 201 Palm Beach County, Pasco County, Pinellas County, Polk County,
 202 Putnam County, Sarasota County, Seminole County, St. Johns
 203 County, St. Lucie County, Sumter County, Suwannee County, Taylor

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204 County, Union County, Volusia County, or Wakulla County is
205 deemed to have a market value no greater than its value for
206 salvage if the tangible personal property was unable to be used
207 for at least 60 days due to the effects of Hurricanes Debby,
208 Helene, and Milton.

209 (b) The deadline for an applicant to file an application
210 with the property appraiser for assessment pursuant to this
211 subsection is August 1, 2025.

212 (c) If the property appraiser denies an application, the
213 applicant may file, pursuant to s. 194.011(3), a petition with
214 the value adjustment board which requests that the tangible
215 personal property be assessed pursuant to this section. Such
216 petition must be filed on or before the 25th day after the
217 mailing by the property appraiser during the 2025 calendar year
218 of the notice required under s. 194.011(1).

219 (d) This subsection applies to tax rolls beginning January
220 1, 2025.

221 Section 3. Paragraph (b) of subsection (1) of section
222 215.559, Florida Statutes, is amended to read:

223 215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss
224 Mitigation Program is established in the Division of Emergency
225 Management.

226 (1) The Legislature shall annually appropriate \$10 million
227 of the moneys authorized for appropriation under s.
228 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
229 division for the purposes set forth in this section. Of the
230 amount:

231 (b) Three million dollars in funds shall be used to
232 construct or retrofit facilities used as public hurricane

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233 shelters. Each year the division shall prioritize the use of
234 these funds for projects included in the annual report ~~of the~~
235 ~~Shelter Development Report~~ prepared in accordance with s.
236 252.385(3). The division shall ~~must~~ give funding priority to
237 projects located in counties ~~regional planning council regions~~
238 that have shelter deficits, projects that are publicly owned,
239 other than schools, and ~~to~~ projects that maximize the use of
240 state funds.

241 Section 4. Section 250.375, Florida Statutes, is amended to
242 read:

243 250.375 Medical officer authorization.—A servicemember
244 trained to provide medical care who is assigned to a military
245 duty position and authorized by the Florida National Guard to
246 provide medical care by virtue of such duty position may provide
247 such medical care to military personnel and civilians within
248 this state ~~physician who holds an active license to practice~~
249 ~~medicine in any state, a United States territory, or the~~
250 ~~District of Columbia,~~ while serving as a medical officer with or
251 in support of the Florida National Guard, pursuant to federal or
252 state orders, ~~may practice medicine on military personnel or~~
253 ~~civilians~~ during an emergency or declared disaster ~~or during~~
254 ~~federal military training.~~

255 Section 5. Subsection (1) and paragraphs (a), (c), (n),
256 (s), and (x) of subsection (2) of section 252.35, Florida
257 Statutes, are amended, and paragraph (dd) is added to that
258 subsection, to read:

259 252.35 Emergency management powers; Division of Emergency
260 Management.—

261 (1) The division is responsible for maintaining a

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262 comprehensive statewide program of emergency management. The
263 division is responsible for coordination with efforts of the
264 Federal Government with other departments and agencies of state
265 government, with county and municipal governments and school
266 boards, and with private agencies that have a role in emergency
267 management. The Legislature intends for other departments and
268 agencies of state government, county and municipal governments
269 and school boards, and private agencies that have a role in
270 emergency management to coordinate to the greatest extent
271 possible in the provision of emergency management efforts
272 through the division.

273 (2) The division is responsible for carrying out the
274 provisions of ss. 252.31-252.90. In performing its duties, the
275 division shall:

276 (a) Prepare a state comprehensive emergency management
277 plan, which must ~~shall~~ be integrated into and coordinated with
278 the emergency management plans and programs of the Federal
279 Government. The complete state comprehensive emergency
280 management plan must be submitted to the President of the
281 Senate, the Speaker of the House of Representatives, and the
282 Governor on October 1 of every odd-numbered year. The division
283 shall adopt the plan as a rule in accordance with chapter 120.
284 The plan must be implemented by a continuous, integrated
285 comprehensive emergency management program. The plan must
286 contain provisions to ensure that the state is prepared for
287 emergencies and minor, major, and catastrophic disasters, and
288 the division shall work closely with local governments and
289 agencies and organizations with emergency management
290 responsibilities in preparing and maintaining the plan. The

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291 state comprehensive emergency management plan must be operations
292 oriented and:

293 1. Include an evacuation component that includes specific
294 regional and interregional planning provisions and promotes
295 intergovernmental coordination of evacuation activities. This
296 component must, at a minimum: contain guidelines for lifting
297 tolls on state highways; ensure coordination pertaining to
298 evacuees crossing county lines; set forth procedures for
299 directing people caught on evacuation routes to safe shelter;
300 establish strategies for ensuring sufficient, reasonably priced
301 fueling locations along evacuation routes; and establish
302 policies and strategies for emergency medical evacuations.

303 2. Include a shelter component that includes specific
304 regional and interregional planning provisions and promotes
305 coordination of shelter activities between the public, private,
306 and nonprofit sectors. This component must, at a minimum:
307 contain strategies to ensure the availability of adequate public
308 shelter space in each county ~~region of the state~~; establish
309 strategies for refuge-of-last-resort programs; provide
310 strategies to assist local emergency management efforts to
311 ensure that adequate staffing plans exist for all shelters,
312 including medical and security personnel; provide for a
313 postdisaster communications system for public shelters;
314 establish model shelter guidelines for operations, registration,
315 inventory, power generation capability, information management,
316 and staffing; and set forth policy guidance for sheltering
317 people with special needs.

318 3. Include a postdisaster response and recovery component
319 that includes specific regional and interregional planning

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320 provisions and promotes intergovernmental coordination of
321 postdisaster response and recovery activities. This component
322 must provide for postdisaster response and recovery strategies
323 according to whether a disaster is minor, major, or
324 catastrophic. The postdisaster response and recovery component
325 must, at a minimum: establish the structure of the state's
326 postdisaster response and recovery organization; establish
327 procedures for activating the state's plan; set forth policies
328 used to guide postdisaster response and recovery activities;
329 describe the chain of command during the postdisaster response
330 and recovery period; describe initial and continuous
331 postdisaster response and recovery actions; identify the roles
332 and responsibilities of each involved agency and organization;
333 provide for a comprehensive communications plan; establish
334 procedures for monitoring mutual aid agreements; provide for
335 rapid impact assessment teams; ensure the availability of an
336 effective statewide urban search and rescue program coordinated
337 with the fire services; ensure the existence of a comprehensive
338 statewide medical care and relief plan administered by the
339 Department of Health; and establish systems for coordinating
340 volunteers and accepting and distributing donated funds and
341 goods.

342 4. Include additional provisions addressing aspects of
343 preparedness, response, recovery, and mitigation as determined
344 necessary by the division.

345 5. Address the need for coordinated and expeditious
346 deployment of state resources, including the Florida National
347 Guard. In the case of an imminent major disaster, procedures
348 should address predeployment of the Florida National Guard, and,

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349 in the case of an imminent catastrophic disaster, procedures
350 should address predeployment of the Florida National Guard and
351 the United States Armed Forces.

352 6. Establish a system of communications and warning to
353 ensure that the state's population and emergency management
354 agencies are warned of developing emergency situations,
355 including public health emergencies, and can communicate
356 emergency response decisions.

357 7. Establish guidelines and schedules for annual exercises
358 that evaluate the ability of the state and its political
359 subdivisions to respond to minor, major, and catastrophic
360 disasters and support local emergency management agencies. Such
361 exercises shall be coordinated with local governments and, to
362 the extent possible, the Federal Government.

363 8. Assign lead and support responsibilities to state
364 agencies and personnel for emergency support functions and other
365 support activities.

366 9. Include the public health emergency plan developed by
367 the Department of Health pursuant to s. 381.00315.

368 10. Include an update on the status of the emergency
369 management capabilities of the state and its political
370 subdivisions.

371
372 ~~The complete state comprehensive emergency management plan must~~
373 ~~be submitted to the President of the Senate, the Speaker of the~~
374 ~~House of Representatives, and the Governor on February 1 of~~
375 ~~every even-numbered year.~~

376 (c) Assist political subdivisions in preparing and
377 maintaining emergency management plans. Such assistance must

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378 include the development of a template for comprehensive
379 emergency management plans and guidance on the development of
380 mutual aid agreements when requested by the political
381 subdivision.

382 (n) Implement training programs to maintain Florida's
383 status as a national leader in emergency management and improve
384 the ability of state and local emergency management personnel to
385 prepare and implement emergency management plans and programs.
386 This must ~~shall~~ include a continuous training program for
387 agencies and individuals who ~~that~~ will be called on to perform
388 key roles in state and local postdisaster response and recovery
389 efforts and for local government personnel on federal and state
390 postdisaster response and recovery strategies and procedures.
391 The division shall specify requirements for the minimum number
392 of training hours that county or municipal administrators,
393 county or city managers, county or municipal emergency
394 management directors, and county or municipal public works
395 directors or other officials responsible for the construction
396 and maintenance of public infrastructure must complete
397 biennially in addition to the training required pursuant to s.
398 252.38(1)(b).

399 (s) Complete an inventory of disaster response equipment,
400 including portable generators owned by the state and local
401 governments which are capable of operating during a major
402 disaster. The inventory must identify, at a minimum, the
403 location of each generator, the number of generators stored at
404 each specific location, the agency to which each generator
405 belongs, the primary use of the generator by the owner agency,
406 and the names, addresses, and telephone numbers of persons

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407 having the authority to loan the stored generators as authorized
408 by the division during a declared emergency.

409 ~~(x) Report biennially to the President of the Senate, the~~
410 ~~Speaker of the House of Representatives, the Chief Justice of~~
411 ~~the Supreme Court, and the Governor, no later than February 1 of~~
412 ~~every odd-numbered year, the status of the emergency management~~
413 ~~capabilities of the state and its political subdivisions. This~~
414 ~~report must include the emergency management capabilities~~
415 ~~related to public health emergencies, as determined in~~
416 ~~collaboration with the Department of Health.~~

417 (dd) Conduct, by April 1 of each year, an annual hurricane
418 readiness session in each region designated by the division to
419 facilitate coordination between all emergency management
420 stakeholders. Each county emergency management director, or his
421 or her designee, shall, and other county and municipal personnel
422 may, attend the session for his or her region. A session must
423 include, but is not limited to, guidance on timelines for
424 preparation and response, information on state and federal
425 postdisaster resources and assistance, guidance to promote
426 efficient and expedited rebuilding of the community after a
427 hurricane, best practices for coordination and communication
428 among entities engaged in postdisaster response and recovery,
429 and discussion of any outstanding county or municipal
430 preparedness or readiness needs.

431 Section 6. Paragraph (b) of subsection (2) of section
432 252.355, Florida Statutes, is amended to read:

433 252.355 Registry of persons with special needs; notice;
434 registration program.—

435 (2) In order to ensure that all persons with special needs

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436 may register, the division shall develop and maintain a special
437 needs shelter registration program. During a public health
438 emergency in which physical distancing is necessary, as
439 determined by the State Health Officer, the division must
440 maintain information on special needs shelter options that
441 mitigate the threat of the spread of infectious diseases.

442 (b) To assist in identifying persons with special needs,
443 home health agencies, hospices, nurse registries, home medical
444 equipment providers, the Department of Veterans' Affairs, the
445 Department of Children and Families, the Department of Health,
446 the Agency for Health Care Administration, the Department of
447 Education, the Agency for Persons with Disabilities, the
448 Department of Elderly Affairs, and memory disorder clinics
449 shall, and any physician licensed under chapter 458 or chapter
450 459 and any pharmacy licensed under chapter 465 may, annually
451 provide registration information to all of their special needs
452 clients or their caregivers. The division shall develop a
453 brochure that provides information regarding special needs
454 shelter registration procedures. The brochure must be easily
455 accessible on the division's website. All appropriate agencies
456 and community-based service providers, including aging and
457 disability resource centers, memory disorder clinics, home
458 health care providers, hospices, nurse registries, and home
459 medical equipment providers, shall, and any physician licensed
460 under chapter 458 or chapter 459 may, assist emergency
461 management agencies by annually registering persons with special
462 needs for special needs shelters, collecting registration
463 information for persons with special needs as part of the
464 program intake process, and establishing programs to educate

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465 clients about the registration process and disaster preparedness
466 safety procedures. A client of a state-funded or federally
467 funded service program who has a physical, mental, or cognitive
468 impairment or sensory disability and who needs assistance in
469 evacuating, or when in a shelter, must register as a person with
470 special needs. The registration program shall give persons with
471 special needs the option of preauthorizing emergency response
472 personnel to enter their homes during search and rescue
473 operations if necessary to ensure their safety and welfare
474 following disasters.

475 Section 7. Subsections (2), (3), and (4) of section
476 252.3611, Florida Statutes, are amended, and subsection (5) is
477 added to that section, to read:

478 252.3611 Transparency; audits.—

479 (2) If when the duration of a declaration of a state of an
480 emergency issued by the Governor exceeds 90 days, regardless of
481 whether pursuant to the original declaration or extensions of
482 the same declaration:

483 (a) 1. The Executive Office of the Governor or the
484 appropriate agency, within 72 hours after of executing a
485 contract executed with moneys authorized for expenditure to
486 support the response to the declared state of emergency, must
487 the Executive Office of the Governor or the appropriate agency
488 shall submit a copy of such contract to the Legislature. For
489 contracts executed during the first 90 days of the declared
490 state of emergency, the Executive Office of the Governor or the
491 appropriate agency shall submit a copy to the Legislature within
492 the first 120 days of the declared state of emergency.

493 2. All contracts executed to support the response to a

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494 declared state of emergency, including contracts executed before
495 a declared state of emergency to secure resources or services in
496 advance or anticipation of an emergency, must be posted on the
497 secure contract tracking system required under s. 215.985(14).

498 (b) The Executive Office of the Governor or the appropriate
499 agency shall submit monthly reports to the Legislature of all
500 state expenditures, revenues received, and funds transferred by
501 an agency during the previous month to support the declared
502 state of emergency.

503 (3) Once an emergency exceeds 1 year, the Auditor General
504 shall conduct a financial audit of all associated expenditures
505 and a compliance audit of all associated contracts entered into
506 during the declared emergency. The Auditor General shall ~~must~~
507 update the audit annually until the emergency is declared to be
508 ended. The Auditor General shall post the results of the audits
509 on his or her official website.

510 (4) Following the expiration or termination of a state of
511 emergency, the Auditor General shall conduct a financial audit
512 of all associated expenditures and a compliance audit of all
513 associated contracts entered into during the state of emergency.
514 The Auditor General shall post the results of the audits on his
515 or her official website.

516 (5) Annually by January 15, the division shall report to
517 the President of the Senate, the Speaker of the House of
518 Representatives, and the chairs of the appropriations committee
519 of each house of the Legislature on expenditures related to
520 emergencies incurred over the year from November 1 of the
521 previous year. The report must include:

522 (a) A separate summary of each emergency event, whether

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523 complete or ongoing, and key actions taken by the division.

524 (b) Details of expenditures, separated by emergency event
525 and agency, for preparing for, responding to, or recovering from
526 the event. The report must specify detailed expenditures for the
527 entire report time period; specify total expenditures for the
528 event; and indicate amounts that are being or are anticipated to
529 be reimbursed by the Federal Emergency Management Agency or
530 other federal entity, amounts ineligible for reimbursement, and
531 any amounts deobligated by the Federal Emergency Management
532 Agency or other federal entity for reimbursement. The division
533 shall review expenditures by state agencies to ensure that
534 efforts, purchases, contracts, or expenditures are not
535 duplicated.

536 (c) An accounting of all inventory and assets purchased,
537 separated by emergency event and agency, for preparing for,
538 responding to, or recovering from the event, including motor
539 vehicles, boats, computers, and other equipment, and the current
540 status of such assets, including divestment, sale, or donation
541 by the state. The report must include a detailed accounting for
542 the entire report time period and specify a total for the event.

543 Section 8. Subsections (2) and (4) of section 252.365,
544 Florida Statutes, are amended to read:

545 252.365 Emergency coordination officers; disaster-
546 preparedness plans.—

547 (2) The emergency coordination officer is responsible for
548 ~~coordinating with the division on emergency preparedness issues,~~
549 preparing and maintaining emergency preparedness and
550 postdisaster response and recovery plans for such agency,
551 maintaining rosters of personnel to assist in disaster

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552 operations, ~~and~~ coordinating appropriate training for agency
553 personnel, and coordinating with the division on emergency
554 preparedness and recovery issues, including identifying
555 priorities for postdisaster long-term recovery activities.

556 (4) On or before May 1 of each year, the head of each
557 agency shall notify the Governor and the division in writing of
558 the person initially designated as the emergency coordination
559 officer for such agency and her or his alternate and of any
560 changes in persons so designated thereafter.

561 Section 9. Section 252.3655, Florida Statutes, is amended
562 to read:

563 252.3655 Natural hazards risks and mitigation interagency
564 coordinating group ~~workgroup~~.—

565 (1)(a) An interagency coordinating group ~~workgroup~~ is
566 created for the purpose of sharing information on the current
567 and potential risks and impacts of natural hazards throughout
568 this ~~the~~ state, coordinating the ongoing efforts of state
569 agencies in addressing and mitigating the risks and impacts of
570 natural hazards, and collaborating on statewide initiatives to
571 address and mitigate the risks and impacts of natural hazards.
572 As used in this section, the term "natural hazards" includes,
573 but is not limited to, extreme heat, drought, wildfire, sea-
574 level change, high tides, storm surge, saltwater intrusion,
575 stormwater runoff, flash floods, inland flooding, and coastal
576 flooding.

577 (b) The agency head, or his or her designated senior
578 manager, from each of the following agencies shall serve on the
579 coordinating group:

580 1. Agency for Health Care Administration.

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581 2. Chief Resilience Officer of the Statewide Office of
 582 Resilience.

583 3. Department of Agriculture and Consumer Services.
 584 4. Department of Commerce.
 585 5. Department of Environmental Protection.
 586 6. Department of Health.
 587 7. Department of Law Enforcement.
 588 8. Department of Highway Safety and Motor Vehicles.
 589 9. Department of Military Affairs.
 590 10. Division of Emergency Management.
 591 11. Department of Transportation.
 592 12. Fish and Wildlife Conservation Commission.
 593 13. Office of Insurance Regulation.
 594 14. Public Service Commission ~~Each agency within the~~
 595 ~~executive branch of state government, each water management~~
 596 ~~district, and the Florida Public Service Commission shall select~~
 597 ~~from within such agency a person to be designated as the agency~~
 598 ~~liaison to the workgroup.~~

599 (c) The director of the Division of Emergency Management,
 600 or his or her designee, shall serve as the administrator liaison
 601 ~~to and coordinator~~ of the coordinating group ~~workgroup~~.

602 (d) Each agency representative liaison shall provide
 603 information from his or her respective agency, including all
 604 relevant reports, on the current and potential risks and impacts
 605 of natural hazards to this state ~~to his or her agency~~, agency
 606 resources available, and efforts made by the agency to address
 607 and mitigate the risks and impacts of ~~against~~ natural hazards,
 608 ~~and efforts made by the agency to address the impacts of natural~~
 609 ~~hazards.~~

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610 (e) 1. The coordinating group ~~workgroup~~ shall meet in person
611 or by means of communications media technology as provided in s.
612 120.54(5)(b)2. at least teleconference on a quarterly basis to
613 share information, leverage agency resources, coordinate ongoing
614 efforts, and provide information for inclusion in the annual
615 progress report submitted pursuant to subsection (2). Agency
616 heads for the agencies listed in paragraph (b) shall meet in
617 person at least annually to collectively strategize and
618 prioritize state efforts.

619 2. Information regarding the coordinating group, including
620 meeting agendas and reports, must be posted in a conspicuous
621 location on the division's website.

622 (2) (a) On behalf of the coordinating group ~~workgroup~~, the
623 division ~~of Emergency Management~~ shall prepare an annual
624 progress report on the implementation of the state's hazard
625 mitigation plan, developed and submitted in accordance with 42
626 U.S.C. s. 5165 and any implementing regulations, as it relates
627 to natural hazards. At a minimum, the annual progress report
628 must:

629 1. Assess each agency's ~~the relevance, level, and~~
630 ~~significance of current agency~~ efforts to address and mitigate
631 the risks and impacts of natural hazards; and

632 2. Strategize and prioritize ongoing efforts to address and
633 mitigate the risks and impacts of natural hazards; and

634 3. Provide recommendations regarding statutory changes and
635 funding that may assist in addressing or mitigating the risks
636 and impacts of natural hazards; and

637 4. Provide recommendations for state and local natural
638 hazard mitigation strategies.

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639 ~~(b) Each liaison is responsible for ensuring that the~~
640 ~~workgroup's annual progress report is posted on his or her~~
641 ~~agency's website.~~

642 ~~(c) By January 1 of each year, 2019, and each year~~
643 ~~thereafter,~~ the division on behalf of the coordinating group
644 ~~workgroup~~ shall submit the annual progress report to the
645 Governor, the President of the Senate, and the Speaker of the
646 House of Representatives.

647 Section 10. Section 252.3713, Florida Statutes, is created
648 to read:

649 252.3713 Hazard Mitigation Grant Program.—

650 (1) The division shall administer the Hazard Mitigation
651 Grant Program as authorized and described in s. 404 of the
652 Robert T. Stafford Disaster Relief and Emergency Assistance Act,
653 as amended by Pub. L. No. 103-181, Pub. L. No. 103-337, and Pub.
654 L. No. 106-390.

655 (2) The division may retain no more than 25 percent of any
656 funds received for use by the state. A minimum of 75 percent of
657 any funds received must be distributed for use by the
658 subrecipients in the counties specified in the Presidential
659 Disaster Declaration. However, a subrecipient may elect to share
660 some or all of its allocation with the division to be used for
661 projects benefiting the region in which the subrecipient is
662 located.

663 (3) The division and subrecipients shall prioritize
664 projects that fulfill the following purposes when adopting
665 mitigation strategies and plans and applying for funds under the
666 grant program:

667 (a) Reducing shelter space deficits through retrofitting of

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668 existing shelters and hardening of public buildings that are not
669 schools. Reducing deficits in shelter space intended to
670 accommodate individuals with special needs must be prioritized
671 before addressing deficits in other types of shelter space.

672 (b) Mitigating impacts to public infrastructure, including
673 roads, bridges, and stormwater, water, and sewer systems, to
674 enhance resistance to natural hazards and prevent and reduce
675 losses.

676 (c) Mitigating impacts to school facilities which will
677 reduce future disaster losses and make the facilities more
678 resistant to natural hazards.

679 (d) Retrofitting of regional and local emergency management
680 or operations centers.

681 (e) Other projects that the division may define by rule.

682 (4) The division may coordinate with other state agencies
683 and political subdivisions to develop and implement innovative
684 approaches to funding mitigation projects using grants under the
685 Hazard Mitigation Grant Program, including, but not limited to,
686 combining funding received from multiple federal and state
687 programs. The division, in cooperation with other state agencies
688 that administer federal grant programs, shall ensure that:

689 (a) Projects funded through multiple programs comply with
690 all applicable federal and state requirements of the respective
691 programs under which funding was received.

692 (b) Funding is used for projects in the geographic areas
693 specified in the grant of funding.

694 (5) A fiscally constrained county may request that the
695 division administer the grant for such county. A fiscally
696 constrained county may request additional assistance from the

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697 division in preparing applications for grants and developing a
 698 structure for implementing, monitoring the execution of, and
 699 closing out projects.

700 (6) The division shall adopt rules to implement this
 701 section.

702 Section 11. Paragraph (a) of subsection (2) of section
 703 252.373, Florida Statutes, is amended to read:

704 252.373 Allocation of funds; rules.—

705 (2) The division shall allocate funds from the Emergency
 706 Management, Preparedness, and Assistance Trust Fund to local
 707 emergency management agencies and programs pursuant to criteria
 708 specified in rule. Such rules shall include, but are not limited
 709 to:

710 (a) Requiring that, at a minimum, a local emergency
 711 management agency either:

712 1. Have a program director who works at least 40 hours a
 713 week in that capacity; or

714 2. If the county has fewer than 75,000 population or is
 715 party to an interjurisdictional emergency management agreement
 716 entered into pursuant to s. 252.38(3)(c) ~~s. 252.38(3)(b)~~, that
 717 is recognized by the Governor by executive order or rule, have
 718 an emergency management coordinator who works at least 20 hours
 719 a week in that capacity.

720 Section 12. Present paragraphs (a) and (b) of subsection
 721 (3) of section 252.38, Florida Statutes, are redesignated as
 722 paragraphs (b) and (c), respectively, a new paragraph (a) is
 723 added to that subsection, and paragraph (a) of subsection (1) is
 724 amended, to read:

725 252.38 Emergency management powers of political

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726 subdivisions.—Safeguarding the life and property of its citizens
727 is an innate responsibility of the governing body of each
728 political subdivision of the state.

729 (1) COUNTIES.—

730 (a) In order to provide effective and orderly governmental
731 control and coordination of emergency operations in emergencies
732 within the scope of ss. 252.31-252.90, each county within this
733 state shall be within the jurisdiction of, and served by, the
734 division. Except as otherwise provided in ss. 252.31-252.90,
735 each local emergency management agency shall have jurisdiction
736 over and serve an entire county. Unless part of an
737 interjurisdictional emergency management agreement entered into
738 pursuant to paragraph (3) (c) ~~(3) (b)~~ which is recognized by the
739 Governor by executive order or rule, each county must establish
740 and maintain such an emergency management agency and shall
741 develop a county emergency management plan and program that is
742 coordinated and consistent with the state comprehensive
743 emergency management plan and program. Counties that are part of
744 an interjurisdictional emergency management agreement entered
745 into pursuant to paragraph (3) (b) which is recognized by the
746 Governor by executive order or rule shall cooperatively develop
747 an emergency management plan and program that is coordinated and
748 consistent with the state comprehensive emergency management
749 plan and program.

750 (3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

751 (a) Each political subdivision shall notify the division on
752 or before May 1 each year of the person designated as the
753 emergency contact for the political subdivision and his or her
754 alternate and of any changes in persons so designated

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755 thereafter. For a county, this includes the county emergency
756 management director.

757 Section 13. Subsections (2) and (3) of section 252.385,
758 Florida Statutes, are amended to read:

759 252.385 Public shelter space; public records exemption.—

760 (2)~~(a)~~ The division shall administer a program to survey
761 existing schools, universities, community colleges, and other
762 state-owned, municipally owned, and county-owned public
763 buildings and any private facility that the owner, in writing,
764 agrees to provide for use as a public hurricane evacuation
765 shelter to identify those that are appropriately designed and
766 located to serve as such shelters. The owners of the facilities
767 must be given the opportunity to participate in the surveys. The
768 state university boards of trustees, district school boards,
769 community college boards of trustees, and the Department of
770 Education are responsible for coordinating and implementing the
771 survey of public schools, universities, and community colleges
772 with the division or the local emergency management agency.

773 ~~(b) By January 31 of each even-numbered year, the division~~
774 ~~shall prepare and submit a statewide emergency shelter plan to~~
775 ~~the Governor and Cabinet for approval, subject to the~~
776 ~~requirements for approval in s. 1013.37(2). The emergency~~
777 ~~shelter plan must project, for each of the next 5 years, the~~
778 ~~hurricane shelter needs of the state, including periods of time~~
779 ~~during which a concurrent public health emergency may~~
780 ~~necessitate more space for each individual to accommodate~~
781 ~~physical distancing. In addition to information on the general~~
782 ~~shelter needs throughout this state, the plan must identify the~~
783 ~~general location and square footage of special needs shelters,~~

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784 ~~by regional planning council region. The plan must also include~~
785 ~~information on the availability of shelters that accept pets.~~
786 ~~The Department of Health shall assist the division in~~
787 ~~determining the estimated need for special needs shelter space~~
788 ~~and the adequacy of facilities to meet the needs of persons with~~
789 ~~special needs based on information from the registries of~~
790 ~~persons with special needs and other information.~~

791 (3) (a) The division shall annually provide by October 15 to
792 the Governor, the President of the Senate, and the Speaker of
793 the House of Representatives, ~~and the Governor~~ a report that
794 includes a list of facilities recommended to be retrofitted
795 using state funds. State funds should be maximized and targeted
796 to projects in counties ~~regional planning council regions~~ with
797 hurricane evacuation shelter deficits. Additionally, the
798 division shall prioritize on the list of recommended facilities
799 other state-owned, municipal-owned, and county-owned public
800 buildings, other than schools, for retrofit using state funds.
801 The owner or lessee of a public hurricane evacuation shelter
802 that is included on the list of facilities recommended for
803 retrofitting is not required to perform any recommended
804 improvements.

805 (b) The report required in paragraph (a) must include a
806 statewide emergency shelter plan that must project, for each of
807 the next 5 years, the hurricane shelter needs of the state. In
808 addition to information on the general shelter needs throughout
809 this state, the plan must identify, by county, the general
810 location and square footage of special needs shelters. The plan
811 must also include information on the availability of shelters
812 that accept pets. The Department of Health and the Agency for

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813 Persons with Disabilities shall assist the division in
814 determining the estimated need for special needs shelter space,
815 the estimated need for general shelter space to accommodate
816 persons with developmental disabilities, including, but not
817 limited to, autism, and the adequacy of facilities to meet the
818 needs of persons with special needs based on information from
819 the registries of persons with special needs and other
820 information.

821 Section 14. Section 252.392, Florida Statutes, is created
822 to read:

823 252.392 Post-storm county and municipal permitting;
824 operations.-

825 (1) (a) Each county and municipality shall develop a post-
826 storm permitting plan to expedite recovery and rebuilding by
827 providing for special building permit and inspection procedures
828 after a hurricane or tropical storm. The plan must, at a
829 minimum:

830 1. Ensure sufficient personnel are prepared and available
831 to expeditiously manage post-disaster building inspection,
832 permitting, and enforcement tasks. The plan must anticipate
833 conditions that would necessitate supplemental personnel for
834 such tasks and address methods for fulfilling such personnel
835 needs, including through mutual aid agreements as authorized in
836 s. 252.40, other arrangements, such as those with private sector
837 contractors, or supplemental state or federal funding. The plan
838 must include training requirements and protocols for
839 supplemental personnel to ensure compliance with local
840 floodplain management requirements that apply within the county
841 or municipality.

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842 2. Account for multiple or alternate locations where
843 building permit services may be offered in-person to the public
844 following a hurricane or tropical storm, during regular business
845 hours.

846 3. Specify a protocol to expedite permitting procedures
847 and, if practicable, for the waiver or reduction of applicable
848 fees in accordance with and in addition to the procedures and
849 waivers provided for under s. 553.7922. The plan must identify
850 the types of permits that are frequently requested following a
851 hurricane or tropical storm and methods to expedite the
852 processing of such permits.

853 4. Specify procedures and resources necessary to promote
854 expeditious debris removal following a hurricane or tropical
855 storm.

856 (b) Each county and municipality shall update the plan no
857 later than May 1 annually.

858 (2) (a) By May 1 annually, each county and municipality
859 shall publish on its website a hurricane and tropical storm
860 recovery permitting guide for residential and commercial
861 property owners. The guide must describe:

862 1. The types of post-storm repairs that require a permit
863 and applicable fees.

864 2. The types of post-storm repairs that do not require a
865 permit.

866 3. The post-storm permit application process and specific
867 modifications the county or municipality commonly makes to
868 expedite the process, including the physical locations where
869 permitting services will be offered.

870 4. Local requirements for rebuilding specific to the county

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871 or municipality, including elevation requirements following
872 substantial damage and substantial improvement pursuant to the
873 National Flood Insurance Program (NFIP) and any local amendments
874 to the building code.

875 (b) As soon as practicable following a hurricane or
876 tropical storm, a county or municipality within the area for
877 which a state of emergency pursuant to s. 252.36 for such
878 hurricane or tropical storm is declared shall publish updates on
879 its website to the information required under paragraph (a)
880 which are specific to such storm, including any permitting fee
881 waivers or reductions.

882 (3) For 180 days after a state of emergency is declared
883 pursuant to s. 252.36 for a hurricane or tropical storm, a
884 county or municipality within the area for which the state of
885 emergency is declared:

886 (a) May not increase building permit or inspection fees.

887 (b) Must have employees and supplemental personnel
888 available during the county's or municipality's normal business
889 hours to process permits.

890 Section 15. Subsection (1) of section 400.063, Florida
891 Statutes, is amended to read:

892 400.063 Resident protection.—

893 (1) The Health Care Trust Fund shall be used for the
894 purpose of collecting and disbursing funds generated from the
895 license fees and administrative fines as provided for in ss.
896 393.0673(5), 400.062(3), 400.121(2), and 400.23(8). Such funds
897 shall be for the sole purpose of paying for the appropriate
898 alternate placement, care, and treatment of residents who are
899 removed from a facility licensed under this part or a facility

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900 specified in s. 393.0678(1) in which the agency determines that
901 existing conditions or practices constitute an immediate danger
902 to the health, safety, or security of the residents. If the
903 agency determines that it is in the best interest of the health,
904 safety, or security of the residents to provide for an orderly
905 removal of the residents from the facility, the agency may
906 utilize such funds to maintain and care for the residents in the
907 facility pending removal and alternative placement. The
908 maintenance and care of the residents shall be under the
909 direction and control of a receiver appointed pursuant to s.
910 393.0678(1) or s. 400.126(1). However, funds may be expended in
911 an emergency upon a filing of a petition for a receiver, upon
912 the declaration of a state of local emergency pursuant to s.
913 252.38(3)(b)5. ~~s. 252.38(3)(a)5.~~, or upon a duly authorized
914 local order of evacuation of a facility by emergency personnel
915 to protect the health and safety of the residents.

916 Section 16. Subsection (7) of section 403.7071, Florida
917 Statutes, is amended, and subsection (8) is added to that
918 section, to read:

919 403.7071 Management of storm-generated debris.—Solid waste
920 generated as a result of a storm event that is the subject of an
921 emergency order issued by the department may be managed as
922 follows:

923 (7) Unless otherwise specified in a contract or franchise
924 agreement between a local government and a private solid waste
925 or debris management service provider, a private solid waste or
926 debris management service provider is not required to collect
927 storm-generated yard trash. Local governments are authorized and
928 encouraged to add an addendum to existing contracts or franchise

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929 agreements for collection of storm-generated debris.

930 (8)(a) Each county and municipality shall apply to the
931 department for authorization of at least one debris management
932 site as described in subsection (2) and shall annually seek
933 preauthorization for any previously approved debris management
934 sites, as allowed by the department.

935 (b) A municipality may jointly apply for authorization of a
936 debris management site with a county or at least one adjacent
937 municipality, if the parties develop and approve a memorandum of
938 understanding. Such memorandum must clearly outline the capacity
939 of the debris management site and location of the site relative
940 to each party. The memorandum of understanding must be approved
941 annually as part of the preauthorization process described in
942 paragraph (a).

943 Section 17. (1) Each county listed in the federal disaster
944 declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-
945 4828), or Hurricane Milton (DR 4834), and each municipality
946 within one of those counties, shall not propose or adopt any
947 moratorium on construction, reconstruction, or redevelopment of
948 any property damaged by such hurricanes; propose or adopt more
949 restrictive or burdensome amendments to its comprehensive plan
950 or land development regulations; or propose or adopt more
951 restrictive or burdensome procedures concerning review,
952 approval, or issuance of a site plan, development permit, or
953 development order, to the extent that those terms are defined by
954 s. 163.3164, Florida Statutes, before October 1, 2027, and any
955 such moratorium or restrictive or burdensome comprehensive plan
956 amendment, land development regulation, or procedure shall be
957 null and void ab initio. This subsection applies retroactively

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958 to August 1, 2024.

959 (2) Notwithstanding subsection (1), any comprehensive plan
960 amendment, land development regulation amendment, site plan,
961 development permit, or development order approved or adopted by
962 a county or municipality before or after the effective date of
963 this section may be enforced if:

964 (a) The associated application is initiated by a private
965 party other than the county or municipality.

966 (b) The property that is the subject of the application is
967 owned by the initiating private party.

968 (3) This section shall take effect upon becoming a law and
969 expires June 30, 2028.

970 Section 18. For the purpose of incorporating the amendment
971 made by this act to section 252.35, Florida Statutes, in a
972 reference thereto, subsection (6) of section 252.55, Florida
973 Statutes, is reenacted to read:

974 252.55 Civil Air Patrol, Florida Wing.-

975 (6) The wing commander of the Florida Wing of the Civil Air
976 Patrol shall biennially furnish the division a 2-year projection
977 of the goals and objectives of the Civil Air Patrol which shall
978 be reported in the division's biennial report submitted pursuant
979 to s. 252.35.

980 Section 19. Except as otherwise expressly provided in this
981 act and except for this section, which shall take effect upon
982 this act becoming a law, this act shall take effect July 1,
983 2025.



THE FLORIDA SENATE
SENATOR NICK DICEGLIE
District 18

Ben Albritton
President of the Senate

Jason Brodeur
President Pro Tempore

March 6, 2025

Dear Chair McClain,

I respectfully request that **SB 180: Emergency Preparedness and Response** be placed on the agenda of the Committee on Community Affairs at your earliest convenience. If my office can be of any assistance to the committee, please do not hesitate to contact me at DiCeglie.Nick@flsenate.gov or (850) 487-5018. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Nick DiCeglie".

Nick DiCeglie

State Senator, District 18

Proudly Serving Pinellas County

Appropriations Committee on Transportation, Tourism, and Economic Development,
Chair ~ Governmental Oversight and Accountability, Vice Chair ~ Appropriations ~
Appropriations Committee on Agriculture, Environment, and General Government ~
Commerce and Tourism ~ Environment and Natural Resources ~ Judiciary ~ Rules ~
Joint Select Committee on Collective Bargaining

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 Community Affairs

BILL: CS/SB 262

INTRODUCER: Judiciary Committee and Senator Berman

SUBJECT: Trusts

DATE: March 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
2.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	Pre-meeting
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 262 amends the Florida Trust Code. The Code governs the creation of trusts and the authority and responsibilities of trustees to manage property held in trust for the benefit of others. The changes in the bill are intended to clarify existing law while also incorporating language from the Florida Probate Code to treat gifts of trust assets made during a settlor's lifetime in the same manner that gifts are treated when made from a decedent's assets before his or her death.

The bill clarifies existing law relating to trust decanting, which refers to pouring trust assets into a new trust. Trust decanting is often appropriate due to changes in circumstances, administrative ease, or changes in tax laws.

Under the trust decanting provisions of the bill, a trustee is expressly authorized to modify the terms of a first trust to create or fund a second trust as a means of making distributions to beneficiaries. Additionally, the bill expressly states that a trustee who is authorized to invade the principal of a trust to create or fund a second trust is not considered to be the settlor of the second trust. This change ensures that a trustee will not be disqualified from serving as a trustee of a second trust as the result of having created or funded the second trust from the assets of the first trust.

With regard to a former trustee's liability and successor trustees' responsibilities, the bill clarifies that a person in a fiduciary relationship to a beneficiary may not bring an action on behalf of a beneficiary if the beneficiary is barred from bringing the claim or action.

The bill adopts nearly identical provisions contained in the Florida Probate Code to clarify when an “ademption by satisfaction” occurs with assets from a trust. The phrase “ademption by satisfaction” as used in the Florida Probate Code refers to the cancellation of a gift or distribution of an asset because the asset has already been given to the intended recipient. Often, property is missing from a trust at the settlor’s death because the settlor gave the property to someone during the settlor’s lifetime or because the property was distributed to someone from a revocable trust during the settlor’s lifetime. Under the bill, these gifts from a trust will be considered satisfied or adeemed only if a written statement is made, either in the terms of the trust, in a contemporaneous statement that the gift is to be deducted from the devise, or when the recipient acknowledges in writing that the gift has been satisfied.

The definitions of “community property” and “community property trust” are amended by the bill to clarify that transferring homestead property into a community trust is not a change of ownership for the purpose of reassessing the value of homestead property. This clarification will prevent property appraisers from reassessing the value of a home which will likely result in higher property taxes.

The bill takes effect upon becoming a law.

II. Present Situation:

Trusts

Background

In its most basic form, a trust is a legally binding relationship in which a person who owns property gives that property to a second person to hold and manage for the benefit of a third person. The settlor is the person who originally owned the property and creates the trust. The trustee is the person who holds legal title to the trust property and manages it with powers and responsibilities established in the terms of the trust. The beneficiary is the person for whom the property is held and who benefits from the trust.¹

Trusts are generally used for estate and financial planning purposes. They allow people to avoid probate proceedings and reduce certain tax obligations while also protecting assets from creditors and abuse.² When a trust is established pursuant to the terms of someone’s will and takes effect upon his or her death, it is called a testamentary trust. In contrast, when a trust is created during someone’s life, it is called an inter vivos or living trust.³

¹Restatement (Third) of Trusts s. 3 (2003); BLACK’S LAW DICTIONARY (12th ed. 2024); 55A FLA. JUR 2D TRUSTS s. 114 *Trusts, Generally* (2024).

² Alan S. Gassman, Brock Exline, and Peter Farrell, *Designing Trust Systems for Florida Residents: Planning Strategies, Things You Should Know, and Traps for the Unwary*, Florida Bar Journal, vol. 97, No. 4, July/August 2023, <https://www.floridabar.org/the-florida-bar-journal/designing-trust-systems-for-florida-residents-planning-strategies-things-you-should-know-and-traps-for-the-unwary/>.

³ BLACK’S LAW DICTIONARY (12th ed. 2024).

The Florida Trust Code is contained in chapter 736, F.S. It became effective in 2007 and applies to express trusts,⁴ charitable or noncharitable trusts, and trusts created pursuant to a law, judgment, or decree that requires the trust to be administered in the manner of an express trust.⁵

A Trustee’s Power to Invade the Principal in a Trust, Section 736.04117, F.S.

Trust Decanting

In the realm of trust law, “decanting” is a legal term which describes the act of a trustee pouring assets from one trust into another trust. This procedure is deemed to be a useful mechanism that provides a trustee with the opportunity to remedy problems that arise when administering a trust or address changes that occur with time. Decanting might be used to alter a trustee’s power, increase the protection of assets, correct a scrivener’s error, or revise distributions from the trust to encompass special needs provisions.⁶ Decanting is also used to update the terms of a trust or adjust provisions to take advantage of changes in tax laws.

Definition of an Authorized Trustee - Section 736.04117(1)(b), F.S.

An “authorized trustee” has the power to invade the principal of a trust for decanting purposes. An “authorized trustee” is defined in statute to be “a trustee, other than the settlor or a beneficiary, who has the power to invade the principal of a trust.”⁷ Currently, if an authorized trustee executes a trust instrument that creates a second trust or appoints assets to the second trust, he or she might technically meet the elements of the definition of a “settlor” as defined in s. 736.0103(21), F.S. If the trustee is the settlor of the second trust, the trustee could be precluded from being an authorized trustee for the second trust.⁸

Distribution from a First Trust to a Second Trust or Supplemental Needs Trust - s. 736.04117(2)(a), (3), and 4(a), F.S.

Three very similar provisions in s. 736.04117, F.S., address an authorized trustee’s authority to invade the principal of a first trust, either with or without absolute power to invade, and make distributions to a second trust or a supplemental needs trust.⁹ However, none of the three statutes expressly states that the trustee has the authority to *modify* the first trust under the grant of discretion authorized in statute as a means of creating or funding a second trust. If a trustee is expressly granted the authority to structure the decanting as a *modification*, he or she can avoid

⁴ An express trust is a trust created intentionally by a settlor, generally declared in writing, as distinguished from an implied or constructive trust that is “implied” by circumstances and often involves a court’s intervention to correct a wrong. BLACK’S LAW DICTIONARY (12th ed. 2024); Cornell Law School, Legal information Institute, https://www.law.cornell.edu/wex/express_trust.

⁵ Sections 736.0101 and 736.0102, F.S.

⁶ Amy J. Fanzlaw, *New Opportunities to Decant in Florida, Part I: Recent Changes to the Trust Decanting Statute*, Florida Bar Journal, Vol. 93, No. 5, September/October 2019, <https://www.floridabar.org/the-florida-bar-journal/new-opportunities-to-decant-in-florida-part-irecent-changes-to-the-trust-decanting-statute/>.

⁷ Section 736.04117(1)(b), F.S. The decanting statute was added to the Florida Trust Code in 2007.

⁸ Real Property, Probate, and Trust Law (RPPTL) Section of The Florida Bar, *White Paper on the Revision to Subsections (1)(b), (2)(a), (3), (4)(a), (8)(d), (11) and (12) of 736.04117 of the Florida Statutes* (2024) (on file with the Senate Committee on Judiciary).

⁹ A supplemental needs trust is defined in statute to mean “a trust that the authorized trustee believes would not be considered a resource for purposes of determining whether the beneficiary who has a disability is eligible for government benefits.” Section 736.04117(1)(j), F.S.

doing additional administrative tasks such as retitling the assets and obtaining a new EIN, or employer identification number, from the IRS.

A Trustee’s Requirement to Provide Written Notice Before Invading the Principal of a Trust – s. 736.04117(8)(d), F.S.

Currently, an authorized trustee is required to provide written notice, known as a decanting notice, as to how he or she intends to exercise power to invade the principal of a trust. This notice must be provided to certain enumerated parties 60 days before the effective date of the exercise of that power. Some authorized trustees include on the notice a statement from a statutory form that actions for a breach of trust “may be subject to a 6-month statute of limitations from the receipt of the trust accounting or other written report.”¹⁰ This statement can be confusing to both beneficiaries and trustees because the earliest date that the statute of limitations could begin to run is either when the actual decanting occurs, a time period that is no sooner than the earlier of 60 days after the delivery of the notice or when notice is waived. This confusion could be resolved if language is added to clarify that a notice of a proposed decanting is not a trust disclosure document.

Protection of Successor Trustees – s. 736.08125, F.S.

The Florida Trust Code provides that a successor trustee is not personally liable for the actions taken by a former trustee. Additionally, the successor trustee does not have a duty to initiate an action against any former trustee or file a claim against any former trustee’s estate under certain enumerated circumstances.¹¹ However, s. 736.08125(3), F.S., states that “Nothing in this section affects any liability of the prior trustee or the right of the successor trustee or any beneficiary to pursue an action or claim against the prior trustee.” Some practitioners suggest that the statute does not absolutely prohibit a successor trustee from bringing an action against a former trustee even when all of the beneficiaries are barred from bringing an action. This produces confusion for practitioners and can lead to conflicting applications of the statute. One group believes that a successor trustee is barred when the beneficiaries are barred. Another group interprets the statute to say that a successor trustee is permitted to bring a claim even if the beneficiaries are barred from that action.¹²

Ademption by Satisfaction

The word “adeem” is a verb that means to revoke, cancel, or withdraw an item.¹³ In probate legal terms, “ademption by satisfaction” occurs when specific property granted under the terms of a will is no longer in the testator’s estate when he or she dies because the gift was satisfied during the testator’s life. An example would be that a decedent bequeathed her car to a particular beneficiary in her will. However, the decedent did not own a car when she died, therefore, the gift of the car would be “adeemed.” The result is that the beneficiary would not inherit the car.¹⁴

¹⁰ Section 736.1008(4)(a) and (c), F.S.

¹¹ Section 736.08125(1)(a) – (e), F.S.

¹² Real Property, Probate, and Trust Law (RPPTL) Section of The Florida Bar, *White Paper: Former Trustee Liability* (2024) (on file with the Senate Committee on Judiciary).

¹³ “Adeem.” Merriam-Webster.com Legal Dictionary, Merriam-Webster, <https://www.merriam-webster.com/legal/adeem>.

¹⁴ Law.Com, Services & Resources Legal Dictionary, <https://dictionary.law.com/Default.aspx?selected=2322>; Smith Gambrell Russell Newsletter, *To Adeem or Not to Adeem ... That Is the Question*, Issue 4/Spring 2012,

An “Ademption by Satisfaction” statute is contained in the Florida Probate Code¹⁵ but there is no comparable statute in the Florida Trust Code. The provision in the Probate Code states that property given to someone in the testator’s lifetime is treated as a satisfaction of a devise¹⁶ of the gift to that person, in whole or in part only if:

- The will provides for deduction of the lifetime gift,
- The testator declares in a contemporaneous writing that the gift is to be deducted from the devise or is in satisfaction of the devise, or
- The devisee, or recipient, acknowledges in writing that the gift is in satisfaction.

To summarize the intent of the statute, property that is given to someone during a testator’s life satisfies the intent of the will to make a devise *only if* the testator’s will provides for that or when the testator or recipient acknowledges it to be so in a written statement.

Community Property Trust Act – s. 736.1502, F.S.

The Florida Community Property Trust Act was created in 2021 and is contained within Part XV of ch. 736.¹⁷ The Act permits a married couple to form a joint trust that holds their assets which generally may be used for their benefit while both spouses are living. Perhaps the most important benefit is the savings of substantial income tax when the first spouse dies.¹⁸ Although the state permits the formation of a community property trust, Florida is not a community property state. Florida is among the 41 states that follow the common law which holds that each spouse is recognized as an individual who has separate legal and property rights.¹⁹

Definition of “Community Property”

The term “community property” is defined in s. 736.1502(1), F.S. to mean

[T]he property and the appreciation of and income from the property owned by a qualified trustee of a community property trust during the marriage of the settlor spouses. The property owned by a community property trust pursuant to this part

https://www.sgrlaw.com/newsletter/newsletters/trusts_estates_trends/trustsnestatestrends_spring201/1834-2/#:~:text=Ademption%20is%20a%20legal%20term,adeemed%2C%20and%20the%20gift%20fails.

¹⁵ The Florida Probate Code is contained in chapters 731-735, F.S.

Section 732.609, F.S. For purposes of part satisfaction, property given during the testator’s lifetime is valued at the time the devisee came into possession or enjoyment of the property or at the time of the death of the testator, whichever occurs first.

¹⁶ “Devise” means the act of giving property by a will. (BLACK’S LAW DICTIONARY (12th ed. 2024)).

¹⁷ Ch. 2021-183, ss. 29-40, Laws of Fla.

¹⁸ Joseph M. Percopo, *Understanding the New Florida Community Property Trust, Part I*, The Florida Bar Journal, July/August 2022, <https://www.floridabar.org/the-florida-bar-journal/understanding-the-new-florida-community-property-trust-part-i/>; Joseph M. Percopo, *Understanding the New Florida Community Property Trust, Part II*, The Florida Bar Journal, September/October 2022, <https://www.floridabar.org/the-florida-bar-journal/understanding-the-new-florida-community-property-trust-part-ii/>.

¹⁹ In a community property state, property that is acquired during the course of the marriage is owned equally by the spouses. If the couple divorces, the assets acquired during the marriage are divided equally between the spouses. According to the IRS, there are nine community property states in the country: Arizona, California, Idaho, Louisiana, New Mexico, Nevada, Texas, Washington, and Wisconsin. IRS, Internal Revenue Manual, 25.18.1 *Basic Principles of Community Property Law*, (May 2023) https://www.irs.gov/irm/part25/irm_25-018-001.

and the appreciation of and income from such property *shall be deemed to be* community property for purposes of general law.

The inclusion of the phrase “shall be deemed” has caused concern among some professionals as being inconsistent with other provisions in the Community Property Trust Act. In contrast, s. 736.1505(3), F.S., states that “All property owned by a community property trust *is* community property under the laws of the state during the marriage of the settlor spouses.”

Definition of “Community Property Trust”

“Community property trust” is defined as

[A]n express trust that complies with s. 736.1503 and is *created on or after* July 1, 2021.

The phrase “created on or after” July 1, 2021 has also caused concern among professionals who work in this area.²⁰ Some married couples have already established community property trusts or joint revocable trusts before July 1, 2021, in another state before moving to Florida and becoming residents. In order to qualify their trust as a community property trust in this state, the couples want to amend or restate the terms of their existing trust. By adding the language “amended, restated, or modified” the provision is clarified so that a couple who amends, restates, or modifies their existing trust, if it meets the additional statutory requirements, would meet the requirement of s. 736.1502(2), F.S., because the trust would be created on the date of the amendment, restatement, or modification even though the original community trust was created earlier.

Homestead Property – s. 736.151, F.S.

Homestead property is protected under the State Constitution in three specific ways. The property is:

- Exempt from forced sale by creditors.²¹
- Given an exemption from property taxes.²²
- Protected with certain restrictions should a homestead owner attempt to devise or alienate the property if the owner is survived by a spouse or minor child.²³

The Florida Trust Code currently recognizes that homestead property placed in a community property trust retains its homestead nature and receives the appropriate exemptions. The statute also states that property acquired in the name of the trustee may initially qualify as the settlor spouses’ homestead if that property would qualify as the settlor spouses’ homestead if title was held outside of the trust in one or both of the spouses’ individual names.²⁴

²⁰ Real Property, Probate, and Trust Law (RPPTL) Section of The Florida Bar, *White Paper on Minor Clarifications to the Florida Community Property Trust Act* (2024) (on file with the Senate Committee on Judiciary).

²¹ FLA. CONST. art. X, s. 4(a).

²² FLA. CONST. art. VII, s. 6.

²³ FLA. CONST. art. X, s. 4(c).

²⁴ Section 736.151(1), F.S.

The concern has been raised that a county property appraiser might believe that transferring the homestead property into a community property trust is technically a change of ownership.²⁵ The result is that the property appraiser would reassess the value of the property for property tax purposes and the homeowner would pay higher taxes.

III. Effect of Proposed Changes:

Section 1 – A Trustee’s Power to Invade the Principal in a Trust

Authorized Trustee - s. 736.04117(1)(b), F.S.

This section is revised to clarify that an “authorized trustee” will not be considered a settlor of a second trust even if he or she created the trust instrument that governs the second trust or made a distribution of assets from the first trust to the second trust. In order to determine the settlor’s intent for a second trust or a modification of the first trust, consideration may be given to the intent of a settlor of the first trust, the settlor of the second trust, or the authorized trustee.²⁶

Distribution from a First Trust to a Second Trust or Supplemental Needs Trust - s.736.04117(2)(a), (3), and (4)(a), F.S.

Each of these three provisions is amended with identical language to expressly permit the trustee to modify the terms of a first trust. This will permit the trustee to avoid certain administrative tasks such as retitling assets and obtaining a new EIN or employer identification number from the IRS.

Notice Provision – s. 736.04117(8)(d), F.S.

The revisions to this paragraph clarify that an authorized trustee’s notice to invade the principal of the first trust *is not a trust disclosure document* and does not limit a beneficiary’s right to object to the trustee’s power to invade principal of the trust except as otherwise stated in the statutes. The revision also clarifies that a trust disclosure document pertaining to the distribution does not start a limitations period unless the trust disclosure document is provided after the effective date of the exercise of the trustee’s power to invade the principal.

Application – s. 736.04117(12), F.S.

Newly created s. 736.04117(12), F.S., is added to the decanting provisions to state that the decanting statute applies to all trusts that are governed by Florida law or any trusts that have a principal place of administration within the state. This clarifies which state’s laws govern when a trust originated in another state but is now operational in this state.

²⁵ Real Property, Probate, and Trust Law (RPPTL) Section of The Florida Bar, *White Paper on Minor Clarifications to the Florida Community Property Trust Act* (2024) (on file with the Senate Committee on Judiciary).

²⁶ The language governing intent is drawn from the Uniform Law Commission’s *Uniform Trust Decanting Act*, Section 25 (2015).

**Section 2 – Protection of Successor Trustees – s. 736.08125(3), F.S. and
Section 3 – Claims Against Former Trustees - s. 736.10085, F.S.**

The bill resolves the confusion surrounding a former trustee's liability and when an action may be brought against him or her. This is accomplished by creating a new s. 736.10085, F.S., and cross-referencing it in the existing s. 736.08125(3), F.S., which defines the bases for a former trustee's liability.

If a beneficiary is barred from bringing certain claims or actions against a former trustee, a fiduciary acting on the beneficiary's behalf is also barred. Fiduciaries do not have an independent right to bring a claim or action against a former trustee if the beneficiary is barred from bringing the claim or action.

Section 4 – Ademption by Satisfaction in a Revocable Trust – s. 736.10085, F.S.

The bill creates an "ademption by satisfaction" provision in the Trust Code that is very similar to, and modeled after, the provision contained in the Probate Code. The newly created statute governs property that is devised to or from a revocable trust²⁷ that a settlor gave to someone during the settlor's lifetime or property that is distributed to someone from a revocable trust during the settlor's lifetime.

These gifts made during a settlor's lifetime are treated as a satisfaction of a devise to the person, in whole or in part, upon the settlor's death if any of these circumstances apply:

- The terms of the trust instrument provide for the deduction of the lifetime gift or distribution.
- The settlor or the trustee declares in a contemporaneous writing that the gift or distribution is to be deducted from the devise or is in satisfaction of the devise.
- The devisee acknowledges in writing that the gift or distribution is in satisfaction of the devise.

When a part satisfaction occurs, the property distributed or given during the settlor's lifetime is to be valued at the time the devisee came into possession or enjoyment of the property or at the time of the death of the settlor, whichever occurs first.

This new "Ademption by Satisfaction" statute applies to revocable trusts that become irrevocable on or after July 1, 2025.

Section 5 – Community Property Trust Act – s. 736.1502, F.S.

Definition of "Community Property"

The term "community property" is amended in s. 736.1502(1), F.S., to delete the phrase "shall be deemed" to clarify that any asset that is held in a community property trust is community property.

²⁷ A "revocable trust" means a trust that is revocable by the settlor without the consent of the trustee or a person holding an adverse interest. Section 736.0103(20), F.S.

Definition of “Community Property Trust”

The definition of “community property trust” is amended and the phrase “amended, restated, or modified” is added.

By adding the language “amended, restated, or modified” the provision is clarified so that a couple who amends, restates, or modifies their existing trust, if it meets the additional statutory requirements, would meet the requirement of s. 736.1502(2), F.S., because the trust would be *created* on the date of the amendment, restatement, or modification even though the original community trust was created earlier.

Section 6 – Homestead Property – s. 736.151(3), F.S.

The addition of this new subsection to the homestead property statute clarifies that transferring homestead property into a community property trust is *not* a change of ownership for the purpose of reassessing the value of the homestead property. As such, the property appraiser may not reassess the value of the home. It should be treated as a qualified transfer between spouses, which is permitted in existing s. 193.155(3)(a)2., F.S.²⁸

Section 7 – Retroactive Applicability of the Amendments

The bill provides that amendments made to s. 736.04117, F.S., a trustee’s power to invade the principal in a trust, s. 736.1502, F.S., the Community Property Trust Act, involving the definitions of community property and community property trust, as well as s. 736.151, F.S., the transfer of homestead property are remedial. The amendments apply to all trusts that are created before, on, or after the effective date of the bill.

These amendments are designed to be remedial in nature, not substantive changes to existing law, and will take effect when the bill becomes a law.

Section 8 – Effective Date

The bill takes effect upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

²⁸ Section 193.155(3)(a)2., F.S. states that when a “Legal or equitable title is changed or transferred between husband and wife, including a change or transfer to a surviving spouse ...” it is not a change of ownership for purposes of homestead assessments.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Retroactivity

Three provisions in this bill apply retroactively: s.736.04117, F.S., relating to a trustee's power to invade the principal in a trust, s. 736.1502(2), F.S., relating to community property trusts, and s. 736.151, F.S., relating to homestead property.

State statutes are presumed to apply prospectively and not retroactively. In essence, statutes generally apply to actions that occur on or after the effective date of an act, not before the legislation becomes effective. In general, laws that are remedial or procedural may be applied retroactively. However, substantive laws may not be applied retroactively even if the Legislature intends that they apply retroactively, if the "laws impair vested rights, create new obligations, or impose new penalties."²⁹ The changes to the Trust Code appear to be clarifying provisions and remedial in nature such that their retroactive application should not be unconstitutional.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The provisions in the bill are designed to bring clarity to settlors, trustees, and beneficiaries. As such, this could result in a financial savings to those people because they will not have to pay fees for legal research to resolve ambiguous language that currently exists in the statutes.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

²⁹ *Patronis v. United Insurance Company of America*, 299 So 3d. 1152, 1156 (Fla. 1st DCA 2020) (quoting *State Farm Mut. Auto. Ins. Co. v. Laforet*, 658 So. 2d 55, 61 (Fla. 1995).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 736.04117, 736.08125, 736.1502, and 736.151.

This bill creates the following sections of the Florida Statutes: 736.10085, 736.1110.

This bill creates one undesignated section of Florida Law.

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

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

CS by Judiciary on February 18, 2025:

The committee substitute makes technical changes to the underlying bill by:

- Removing the retroactive application language of amendments made to s. 736.04117, F.S., and including that language in the retroactive application of other statutes in Section 7 and stating that the changes are remedial.
- Deleting as unnecessary Section 8, the directive to the Division of Law Revision to make technical changes to the bill to provide a chapter number and effective date.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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. .
. .
. .
. .

House

The Committee on Community Affairs (Berman) recommended the following:

Senate Amendment

Delete lines 58 - 140

and insert:

a settlor of the second trust, and the authorized trustee may be considered.

(2) DISTRIBUTION FROM FIRST TRUST TO SECOND TRUST WHEN AUTHORIZED TRUSTEE HAS ABSOLUTE POWER TO INVADE.—

(a) Unless a trust instrument expressly provides otherwise, an authorized trustee who has absolute power under the terms of



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11 the trust to invade its principal, referred to in this section
12 as the "first trust," to make current distributions to or for
13 the benefit of one or more beneficiaries may instead exercise
14 such power by modifying the terms of the first trust or by
15 appointing all or part of the principal of the trust subject to
16 such power in favor of a trustee of one or more other trusts,
17 whether created under the same trust instrument as the first
18 trust or a different trust instrument, including a trust
19 instrument created for the purposes of exercising the power
20 granted by this section, each referred to in this section as the
21 "second trust," for the current benefit of one or more of such
22 beneficiaries only if:

23 1. The beneficiaries of the second trust include only
24 beneficiaries of the first trust; and

25 2. The second trust does not reduce any vested interest.

26 (3) DISTRIBUTION FROM FIRST TRUST TO SECOND TRUST WHEN
27 AUTHORIZED TRUSTEE DOES NOT HAVE ABSOLUTE POWER TO INVADE.-

28 Unless the trust instrument expressly provides otherwise, an
29 authorized trustee who has a power, other than an absolute
30 power, under the terms of a first trust to invade principal to
31 make current distributions to or for the benefit of one or more
32 beneficiaries may instead exercise such power by modifying the
33 terms of the first trust or by appointing all or part of the
34 principal of the first trust subject to such power in favor of a
35 trustee of one or more second trusts. If the authorized trustee
36 exercises such power:

37 (a) The second trusts, in the aggregate, must ~~shall~~ grant
38 each beneficiary of the first trust beneficial interests in the
39 second trusts which are substantially similar to the beneficial



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40 interests of the beneficiary in the first trust.

41 (b) If the first trust grants a power of appointment to a
42 beneficiary of the first trust, the second trust must ~~shall~~
43 grant such power of appointment in the second trust to such
44 beneficiary, and the class of permissible appointees must ~~shall~~
45 be the same as in the first trust.

46 (c) If the first trust does not grant a power of
47 appointment to a beneficiary of the first trust, the second
48 trust may not grant a power of appointment in the second trust
49 to such beneficiary.

50 (d) Notwithstanding paragraphs (a), (b), and (c), the term
51 of the second trust may extend beyond the term of the first
52 trust, and, for any period after the first trust would have
53 otherwise terminated, in whole or in part, under the provisions
54 of the first trust, the trust instrument of the second trust
55 may, with respect to property subject to such extended term:

56 1. Include language providing the trustee with the absolute
57 power to invade the principal of the second trust during such
58 extended term; and

59 2. Create a power of appointment, if the power holder is a
60 current beneficiary of the first trust, or expand the class of
61 permissible appointees in favor of which a power of appointment
62 may be exercised.

63 (4) DISTRIBUTION FROM FIRST TRUST TO SUPPLEMENTAL NEEDS
64 TRUST.—

65 (a) Notwithstanding subsections (2) and (3), unless the
66 trust instrument expressly provides otherwise, an authorized
67 trustee who has the power under the terms of a first trust to
68 invade the principal of the first trust to make current



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69 distributions to or for the benefit of a beneficiary with a
70 disability may instead exercise such power by modifying the
71 terms of the first trust or by appointing all or part of the
72 principal of the first trust in favor of a trustee of a second
73 trust that is a supplemental needs trust if:

74 1. The supplemental needs trust benefits the beneficiary
75 with a disability;

76 2. The beneficiaries of the second trust include only
77 beneficiaries of the first trust; and

78 3. The authorized trustee determines that the exercise of
79 such power will further the purposes of the first trust.

80 (8) NOTICE.—

81 (d) The authorized trustee's notice under this subsection
82 is not a trust disclosure document as defined in s. 736.1008(4)
83 and does not limit the right of any beneficiary to object to the
84 exercise of the authorized trustee's power to invade principal
85 except as otherwise provided in other applicable provisions of
86 this code. With respect to the exercise of the authorized
87 trustee's power to invade principal, a trust disclosure

By the Committee on Judiciary; and Senator Berman

590-02004-25

2025262c1

1 A bill to be entitled
2 An act relating to trusts; amending s. 736.04117,
3 F.S.; revising the definition of the term "authorized
4 trustee"; revising how an authorized trustee may
5 exercise the power to invade principal as an
6 authorized trustee administering a trust; providing
7 that notice of such exercise by an authorized trustee
8 is not a trust disclosure document; providing that a
9 trust disclosure document may not commence a
10 limitations period unless such trust disclosure
11 document is provided after the effective date of the
12 exercise of the power to invade principal by an
13 authorized trustee; providing applicability; amending
14 s. 736.08125, F.S.; providing an exception with regard
15 to protection of successor trustees; creating s.
16 736.10085, F.S.; barring certain actions initiated by
17 specified parties against prior trustees; creating s.
18 736.1110, F.S.; providing that property devised to or
19 from a revocable trust which is devised, given, or
20 distributed to a donee by a settlor during the
21 settlor's lifetime is treated as a satisfaction of
22 devise to that donee if certain criteria are met;
23 providing that property distributed or given to a
24 devisee during a settlor's lifetime is to be valued at
25 the time the devisee came into possession or enjoyment
26 of the property, or at the time of the death of the
27 settlor, whichever occurs first; providing
28 applicability; amending s. 736.1502, F.S.; revising
29 the definitions of the terms "community property" and

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30 "community property trust"; amending s. 736.151, F.S.;

31 providing that homestead property transferred by one

32 or both settlor spouses to a community property trust

33 will not be treated as a change of ownership for the

34 purposes of reassessing the property; providing that

35 such transfer qualifies as a change or transfer of

36 legal or equitable title between spouses; providing

37 construction and retroactive application; providing an

38 effective date.

39

40 Be It Enacted by the Legislature of the State of Florida:

41

42 Section 1. Paragraph (b) of subsection (1), paragraph (a)

43 of subsection (2), subsection (3), paragraph (a) of subsection

44 (4), and paragraph (d) of subsection (8) of section 736.04117,

45 Florida Statutes, are amended, and subsection (12) is added to

46 that section, to read:

47 736.04117 Trustee's power to invade principal in trust.—

48 (1) DEFINITIONS.—As used in this section, the term:

49 (b) "Authorized trustee" means a trustee, other than the

50 settlor or a beneficiary, who has the power to invade the

51 principal of a trust. For the purposes of this section, an

52 authorized trustee will not be considered a settlor of a second

53 trust, even if the authorized trustee created the trust

54 instrument governing the second trust or made a distribution of

55 assets from the first trust to the second trust. In determining

56 settlor intent with respect to a second trust or a modification

57 of the first trust, the intent of a settlor of the first trust,

58 a settlor of the second trust, or the authorized trustee may be

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59 considered.

60 (2) DISTRIBUTION FROM FIRST TRUST TO SECOND TRUST WHEN
61 AUTHORIZED TRUSTEE HAS ABSOLUTE POWER TO INVADE.—

62 (a) Unless a trust instrument expressly provides otherwise,
63 an authorized trustee who has absolute power under the terms of
64 the trust to invade its principal, referred to in this section
65 as the "first trust," to make current distributions to or for
66 the benefit of one or more beneficiaries may instead exercise
67 such power by modifying the terms of the first trust or by
68 appointing all or part of the principal of the trust subject to
69 such power in favor of a trustee of one or more other trusts,
70 whether created under the same trust instrument as the first
71 trust or a different trust instrument, including a trust
72 instrument created for the purposes of exercising the power
73 granted by this section, each referred to in this section as the
74 "second trust," for the current benefit of one or more of such
75 beneficiaries only if:

76 1. The beneficiaries of the second trust include only
77 beneficiaries of the first trust; and

78 2. The second trust does not reduce any vested interest.

79 (3) DISTRIBUTION FROM FIRST TRUST TO SECOND TRUST WHEN
80 AUTHORIZED TRUSTEE DOES NOT HAVE ABSOLUTE POWER TO INVADE.—

81 Unless the trust instrument expressly provides otherwise, an
82 authorized trustee who has a power, other than an absolute
83 power, under the terms of a first trust to invade principal to
84 make current distributions to or for the benefit of one or more
85 beneficiaries may instead exercise such power by modifying the
86 terms of the first trust or by appointing all or part of the
87 principal of the first trust subject to such power in favor of a

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88 trustee of one or more second trusts. If the authorized trustee
89 exercises such power:

90 (a) The second trusts, in the aggregate, must ~~shall~~ grant
91 each beneficiary of the first trust beneficial interests in the
92 second trusts which are substantially similar to the beneficial
93 interests of the beneficiary in the first trust.

94 (b) If the first trust grants a power of appointment to a
95 beneficiary of the first trust, the second trust must ~~shall~~
96 grant such power of appointment in the second trust to such
97 beneficiary, and the class of permissible appointees must ~~shall~~
98 be the same as in the first trust.

99 (c) If the first trust does not grant a power of
100 appointment to a beneficiary of the first trust, the second
101 trust may not grant a power of appointment in the second trust
102 to such beneficiary.

103 (d) Notwithstanding paragraphs (a), (b), and (c), the term
104 of the second trust may extend beyond the term of the first
105 trust, and, for any period after the first trust would have
106 otherwise terminated, in whole or in part, under the provisions
107 of the first trust, the trust instrument of the second trust
108 may, with respect to property subject to such extended term:

109 1. Include language providing the trustee with the absolute
110 power to invade the principal of the second trust during such
111 extended term; and

112 2. Create a power of appointment, if the power holder is a
113 current beneficiary of the first trust, or expand the class of
114 permissible appointees in favor of which a power of appointment
115 may be exercised.

116 (4) DISTRIBUTION FROM FIRST TRUST TO SUPPLEMENTAL NEEDS

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117 TRUST.—

118 (a) Notwithstanding subsections (2) and (3), unless the
119 trust instrument expressly provides otherwise, an authorized
120 trustee who has the power under the terms of a first trust to
121 invade the principal of the first trust to make current
122 distributions to or for the benefit of a beneficiary with a
123 disability may instead exercise such power by modifying the
124 terms of the first trust or by appointing all or part of the
125 principal of the first trust in favor of a trustee of a second
126 trust that is a supplemental needs trust if:

127 1. The supplemental needs trust benefits the beneficiary
128 with a disability;

129 2. The beneficiaries of the second trust include only
130 beneficiaries of the first trust; and

131 3. The authorized trustee determines that the exercise of
132 such power will further the purposes of the first trust.

133 (8) NOTICE.—

134 (d) The authorized trustee's notice under this subsection
135 is not a trust disclosure document as defined in s. 736.1008(4)
136 and does not limit the right of any beneficiary to object to the
137 exercise of the authorized trustee's power to invade principal
138 except as otherwise provided in other applicable provisions of
139 this code. With respect to the exercise of the authorized
140 trustee's power to invade principal, such trust disclosure
141 document will not commence a limitations period unless the trust
142 disclosure document is provided after the effective date of the
143 exercise of such power to invade principal by the authorized
144 trustee.

145 (12) APPLICATION.—This section applies to all trusts that

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146 are governed by the laws of this state or that have a principal
147 place of administration within this state.

148 Section 2. Subsection (3) of section 736.08125, Florida
149 Statutes, is amended to read:

150 736.08125 Protection of successor trustees.—

151 (3) Except as provided in s. 736.10085, ~~nothing in this~~
152 section does not affect ~~affects~~ any liability of the prior
153 trustee or the right of the successor trustee or any beneficiary
154 to pursue an action or claim against the prior trustee.

155 Section 3. Section 736.10085, Florida Statutes, is created
156 to read:

157 736.10085 Claims against former trustees.—An action or
158 claim by a successor trustee or other person acting on behalf of
159 the trust against a prior trustee is barred to the same extent
160 that the action or claim would be barred if brought by the
161 beneficiary whose interests are represented by the successor
162 trustee or other person acting on behalf of the trust.

163 Section 4. Section 736.1110, Florida Statutes, is created
164 to read:

165 736.1110 Ademption by satisfaction.—

166 (1) Property devised to or from a revocable trust which a
167 settlor gave to a donee during the settlor's lifetime or which
168 is distributed from a revocable trust to a donee during the
169 settlor's lifetime is to be treated as a satisfaction of a
170 devise to that donee, in whole or in part, upon the settlor's
171 death, if any of the following circumstances applies:

172 (a) The trust instrument provides for the deduction of the
173 lifetime gift or distribution.

174 (b) The settlor or the trustee of the revocable trust

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175 declares in a contemporaneous writing that the gift or
176 distribution is to be deducted from the devise or is in
177 satisfaction of the devise.

178 (c) The devisee acknowledges in writing that the gift or
179 distribution is in satisfaction of the devise.

180 (2) For purposes of part satisfaction, property distributed
181 or given during the settlor's lifetime is valued at the time the
182 devisee came into possession or enjoyment of the property or at
183 the time of the death of the settlor, whichever occurs first.

184 (3) This section applies to revocable trusts that become
185 irrevocable on or after July 1, 2025.

186 Section 5. Subsections (1) and (2) of section 736.1502,
187 Florida Statutes, are amended to read:

188 736.1502 Definitions.—Unless the context otherwise
189 requires, as used in this part:

190 (1) "Community property" means the property and the
191 appreciation of and income from the property owned by a
192 qualified trustee of a community property trust during the
193 marriage of the settlor spouses. The property owned by a
194 community property trust pursuant to this part and the
195 appreciation of and income from such property are ~~shall be~~
196 ~~deemed to be~~ community property for purposes of general law.

197 (2) "Community property trust" means an express trust that
198 complies with s. 736.1503 and is created, amended, restated, or
199 modified on or after July 1, 2021.

200 Section 6. Subsection (3) is added to section 736.151,
201 Florida Statutes, to read:

202 736.151 Homestead property.—

203 (3) A transfer of homestead property by one or both of the

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204 settlor spouses to a community property trust will not be
205 treated as a change of ownership for purposes of reassessing the
206 property and instead qualifies as a change or transfer of legal
207 or equitable title between spouses as described in s.
208 193.155(3)(a)2.

209 Section 7. The amendments made by this act to ss.
210 736.04117, 736.1502, and 736.151, Florida Statutes, are remedial
211 and apply to trusts created before, on, or after the effective
212 date of this act.

213 Section 8. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: February 19, 2025

I respectfully request that **Senate Bill #262**, relating to Trusts, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Lori Berman". The signature is written in black ink and is positioned above a horizontal line.

Senator Lori Berman
Florida Senate, District 26

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 Community Affairs

BILL: SB 466

INTRODUCER: Senators Leek and Burgess

SUBJECT: Florida Museum of Black History

DATE: March 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	Pre-meeting
2.			AEG	
3.			RC	

I. Summary:

SB 466 specifies legislative intent recognizing the designation of St. Johns County for the Florida Museum of Black History by the Florida Museum of Black History Task Force.

The bill establishes and specifies the membership of a board of directors to oversee the commission, construction, operation, and administration of the museum. The board is directed to work with the Foundation for the Museum of Black History, Inc., in its duties. The St. Johns Board of County Commissioners is directed to provide administrative assistance and staffing to the board of directors until the planning, design, and engineering of the museum are completed.

The bill takes effect on July 1, 2025.

II. Present Situation:

Department of State

The Department of State (DOS), created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Arts and Culture, and Administration. The head of the DOS is the Secretary of State (Secretary). The Secretary is appointed by and serves at the pleasure of the Governor and is confirmed by the Senate. The Secretary performs functions conferred by the State Constitution upon the custodian of state records.¹ The Secretary also serves as the state protocol officer and, in consultation with the Governor and other governmental officials, develops, maintains, publishes, and distributes the state protocol manual.²

¹ Section 20.10(1), F.S.

² Section 15.01(1), F.S.

Division of Historical Resources

The DOS's Division of Historical Resources (division) is responsible for preserving and promoting Florida's historical archaeological resources.³ The division Director's Office oversees a Historic Preservation Grants program to help preserve and maintain Florida's historic buildings and archaeological sites and coordinates outreach programs.⁴ The division Director also serves as the State Historic Preservation Officer, acting as the liaison with the national historic preservation program conducted by the National Park Service.⁵

The division is comprised of the following Bureaus:

- Bureau of Historic Preservation;
- Bureau of Historical Museums; and
- Bureau of Archeological Research.⁶

The division is also responsible for encouraging, promoting, maintaining, and operating Florida history museums.⁷ The division provides support to museums and works to promote the use of resources for educational and cultural purposes. The division directly oversees the following museums:

- Museum of Florida History, which is the state's official history museum and showcases Florida's diverse history from prehistoric times to the present day;⁸
- Mission San Luis, a living history museum that showcases the life of the Apalachee Indians and Spanish settlers, and also hosts workshops such as pottery and blacksmithing;⁹
- Knott House Museum, which showcases the history of Tallahassee and its role in the civil war including the Emancipation Proclamation being read on the steps of the house in 1865;¹⁰ and
- The Grove Museum, which showcases the life of the Call and Collins families, who owned the property and played a significant role in Florida's history including contributions in agriculture, civil rights, and politics.¹¹

Other museums recognized by the state include:

- Certain state railroad museums;¹²
- The Florida Museum of Transportation and History;¹³
- The John and Mable Ringling Museum of Art;¹⁴

³ See s. 267.031, F.S.

⁴ Section 267.0617, F.S. See also Fla. Dep't of State, *Grants*, <https://dos.fl.gov/historical/grants/> (last visited Mar. 8, 2025).

⁵ Fla. Dep't of State, *About*, <https://dos.myflorida.com/historical/about/> (last visited Mar. 8, 2025); see also s. 267.031, F.S.

⁶ Fla. Dep't of State, *About*, <https://dos.myflorida.com/historical/about/> (last visited Mar. 8, 2025).

⁷ Section 267.071(2), F.S.

⁸ *Id.*; see also Fla. Dep't of State, *Museum of Florida History*, <https://museumoffloridahistory.com/explore/exhibits/> (last visited Mar. 8, 2025).

⁹ See Fla. Dep't of State, *Visit Mission San Luis*, <https://missionsanluis.org/visit/> (last visited Mar. 8, 2025).

¹⁰ See Fla. Dep't of State, *About the Knott House*, <https://museumoffloridahistory.com/visit/knott-house-museum/about-the-knott-house/> (last visited Mar. 8, 2025).

¹¹ See Fla. Dep't of State, *The Grove Museum*, <https://thegrovemuseum.com/> (last visited Mar. 8, 2025). The Grove Advisory Council advises the division on the operation, maintenance, and preservation of the museum. S. 267.075, F.S.

¹² See s. 15.045, F.S.

¹³ Section 15.046, F.S.

¹⁴ See ss. 265.27 and 1004.45, F.S.

- The Ringling Museum of the Circus;¹⁵
- The Florida Historic Capitol Museum;¹⁶
- The Florida Agricultural Legacy Learning Center;¹⁷ and
- The Florida Museum of Natural History.¹⁸

Florida Museum of Black History Task Force

In the 2023 Session, the Legislature passed CS/CS/HB 1441 which provided for the creation of the Black History Task Force within the division for the purposes of providing recommendations for the planning, construction, operation, and administration of a Florida Museum of Black History.¹⁹ The task force was comprised of nine members, three each appointed by the Governor, President of the Senate, and Speaker of the House, all of whom served without compensation.²⁰

The task force was directed to develop:

- Plans for the location, design, and construction of the museum.
- Recommendations for the operation and administration of the museum.
- A marketing plan to promote the museum.
- A transition plan for the museum to become financially self-sufficient.
- Recommendations for archival and artifact acquisition, preservation, and research; exhibits; and educational materials, which were required to include materials relating to:
 - The role of African-American participation in defending and preserving Florida and the United States, including the contributions of the residents of Fort Mose, the Tuskegee Airmen, and all African-American veterans.
 - The history of slavery in the state.
 - The history of segregation in the state.
 - Notable African Americans in the state.
 - Dr. Mary McLeod Bethune, including the founding of Bethune Cookman University.
 - The history of historically black colleges and universities in this state.
 - The inherent worth and dignity of human life, with a focus on the prevention of genocide.²¹

¹⁵ Section 1004.45, F.S.

¹⁶ Section 272.129, F.S. The Florida Historic Capitol Museum Council provides guidance and support to the museum director and support staff. S. 272.131, F.S.

¹⁷ Section 570.692, F.S.

¹⁸ Section 1004.56, F.S.

¹⁹ The bill was signed into law by Governor DeSantis on May 11, 2023, and became ch. 2023-72, Laws of Fla., and was codified at s. 267.0722, F.S.

²⁰ The members were Sen. Geraldine Thompson, Chair, appointed by Senate President Passidomo; Brian M. Butler, appointed by Governor DeSantis; Howard M. Holley, Sr., appointed by Speaker Renner; Rep. Berny Jacques, appointed by Governor DeSantis; Tony Lee, Ed.D., appointed by Governor DeSantis; Rep. Kiyon Michael, appointed by Speaker Renner; Gayle Phillips, appointed by Speaker Renner; Sen. Bobby Powell, appointed by Senate President Passidomo; and Dr. Nashid Madyun, appointed by Senate President Passidomo. Fla. Dep't of State, *The Florida Museum of Black History Task Force*, <https://dos.fl.gov/historical/museums/blackhistorytaskforce/> (last visited Mar. 8, 2025).

²¹ Section 267.0722(4), F.S.

The task force was required to submit a report to the Governor and Legislature before July 1, 2024, detailing its plans. After the task force submitted the report, the task force was required to disband.²²

Final Report of the Florida Museum of Black History Task Force

Between September 25, 2023, and June 28, 2024, the task force conducted ten public meetings. The public meetings consisted of presentations from staff, experts, and various community stakeholders. The task force also solicited input from Florida residents and visitors through a survey that gathered responses from over 4,000 individuals. The task force developed their recommendations based on the requirements of s. 267.0722 and information provided from meeting presentations, public comment, and the survey.²³

The Final Report was adopted by the task force at its final meeting on June 28, 2024.²⁴ The principal topic examined by the Task Force was the most appropriate location to recommend for the future Florida Museum of Black History. The task force heard presentations on potential locations beginning with its October 26, 2023, meeting. To aid the task force in recommending the most appropriate location, staff were asked by the task force to develop Location Selection Criteria to score locations. The Task Force's final ranking list based on these scores was: St. Augustine/St. Johns County with a score of 96.78; Eatonville/Orange County with a score of 95.33, and Opa-locka with a score of 84.89. The task force voted at its May 21, 2024 meeting to recommend St. Augustine/St. Johns County as the site for the future Florida Museum of Black History.²⁵

As required by s. 267.0722, F.S., the task force also included in the Final Report substantive recommendations for design and construction of the museum, operation, administration, and marketing of the museum, as well as recommendations for exhibits and materials to include in the museum.²⁶

Proposed site of the Florida Museum of Black History in St. Johns County

Supplemental materials included in the Final Report produced by the task force highlighted the extensive historical heritage of St. Johns County, including the Historic Downtown of St. Augustine.²⁷ St. Johns County hosts over 10 million visitors and tourists annually seeking to visit numerous historic sites such as Fort Mose, the first legally sanctioned, free African American settlement in the nation.²⁸

²² Section 267.0722(6), F.S.

²³ Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) at 2-3, <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Mar 8, 2025).

²⁴ Fla. Dep't of State, *The Florida Museum of Black History Task Force*, <https://dos.fl.gov/historical/museums/blackhistorytaskforce/> (last visited Mar. 8, 2025).

²⁵ Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) at 4-6, <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Mar 8, 2025).

²⁶ *See id.*

²⁷ Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Mar 8, 2025).

²⁸ *Id.*; *see also* Fort Mose Historical Society, *The Fort Mose Story*, <https://fortmose.org/about-fort-mose/> (last visited Mar. 8, 2025).

The County has formed a partnership with Florida Memorial University (FMU), a historically black university, to curate a property that is 2.5 miles away from the center of Historic Downtown St. Augustine.²⁹ The St. Johns County Board of County Commissioners voted on April 16, 2024, to negotiate a purchase and sale agreement with FMU to develop a museum on the FMU campus.³⁰ The site is a 14.5 acre site that is the former home of FMU, then known as the Florida Normal & Industrial Institute.³¹ The Florida Normal and Industrial Institute came to St. Augustine in 1918 originated through a merger of earlier two institutions dedicated to serving former slaves and their descendants.³²

Foundation for the Museum of Black History, Inc.

The Foundation for the Museum of Black History, Inc., is a corporation not-for-profit formed under ch. 617, F.S., and operated for charitable purposes under s. 501(c)(3) of the Internal Revenue Code.³³ The Foundation was formed in October of 2024 for the purposes of assisting the community with planning and fundraising initiatives to support the design and construction of the Florida Museum of Black History in St. Johns County and planning projects and events to facilitate fundraising efforts for the creation of the Museum.³⁴

III. Effect of Proposed Changes:

SB 466 creates s. 267.07221, F.S., to specify legislative intent recognizing the work of the Florida Museum of Black History Task Force in selecting a location for the museum and designate St. Johns County as the site for the museum. Additionally, the bill specifies legislative intent to establish a board of directors of oversee the commission, construction, operation, and administration of the museum.

The bill establishes the Florida Museum of Black History Board of Directors within the Division of Historical Resources. The bill specifies the membership of the board of directors and requires the appointments to be made by July 31, 2025. Unless the members are classified as ex officio, they may not hold state or local elective office while serving on the board. Vacancies must be filled in the same manner as the original appointments were. The membership of the board is to be composed of:

- Three individuals appointed by the Governor, one of whom shall serve as chair.
- Three individuals appointed by the President of the Senate.

²⁹ Fla. Museum of Black History Task Force, *Final Report*, (June 28, 2024) <https://files.floridados.gov/media/708141/fmbhtf-report-062824-final-compressed.pdf> (last visited Mar 8, 2025).

³⁰ St. Johns Cultural Council, *Florida Museum of Black History Task Force Recommends St. Johns County to Governor's Office as the Location of State's First Black History Museum*, (July 1, 2024) <https://stjohnsculture.com/news/florida-museum-of-black-history-task-force-recommends-st-johns-county-to-governors-office-as-the-location-of-states-first-black-history-museum/> (last visited Mar. 8, 2025).

³¹ Florida Memorial University, *Proposed Location of Black History Museum in St. Augustine*, (April 23, 2024), <https://www.fmu.edu/proposed-location-of-black-history-museum-in-st-augustine/> (last visited Mar. 8, 2025).

³² St. Johns Cultural Council, *AL Lewis Archway: Florida Normal & Industrial Institute*, <https://historiccoastculture.com/venue/al-lewis-archway-florida-normal-industrial-institute/> (last visited Mar. 8, 2025).

³³ *Articles of Incorporation of The Foundation for the Museum of Black History, Inc.*, (Oct. 21, 2024) <https://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2024%5C1115%5C00369832.Tif&documentNumber=N24000013011> (last visited Mar. 8, 2025).

³⁴ *Id.*

- Two members of the Senate, appointed by the President of the Senate and serving ex officio.
- Three individuals appointed by the Speaker of the House of Representatives.
- Two members of the House of Representatives, appointed by the Speaker of the House of Representatives and serving ex officio.

The board of directors is directed to work with the Foundation for the Museum of Black History, Inc., in overseeing the commission, construction, operation, and administration of the museum. The St. Johns Board of County Commissioners is directed to provide administrative assistance and staffing to the board of directors until the planning, design, and engineering of the museum are completed.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19 of the State Constitution requires that legislation that increases or creates taxes or fees be passed by a 2/3 vote of each chamber in a bill with no other subject. The bill does not increase or create new taxes or fees. Thus, the constitutional requirements related to new or increased taxes or fees do not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Lines 54-57 require the St. Johns Board of County Commissioners to provide administrative assistance and staffing to the Florida Museum of Black History Board of Directors. The county can likely accomplish this within existing resources, so any associated costs should be negligible.

VI. Technical Deficiencies:

None.

VII. Related Issues:

It may be more appropriate for a state entity, such as the Department of State, to provide administrative support to the board of directors, as opposed to a county.

VIII. Statutes Affected:

This bill creates section 267.07221 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Leek

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1 A bill to be entitled
2 An act relating to the Florida Museum of Black
3 History; creating s. 267.07221, F.S.; providing
4 legislative intent; establishing the Florida Museum of
5 Black History Board of Directors; providing for the
6 membership of the board; requiring that appointments
7 to the board be made by a specified date; prohibiting
8 specified members of the board from holding state or
9 local elective office while serving on the board;
10 providing for the filling of vacancies; requiring that
11 the board work jointly with the Foundation for the
12 Museum of Black History, Inc.; requiring the St. Johns
13 County Board of County Commissioners to provide
14 administrative support and staffing to the board until
15 specified actions are completed; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 267.07221, Florida Statutes, is created
21 to read:

22 267.07221 Florida Museum of Black History Board of
23 Directors.—

24 (1) It is the intent of the Legislature to recognize the
25 work of the Florida Museum of Black History Task Force in
26 selecting a location for the Florida Museum of Black History and
27 designating St. Johns County as the site for the museum. It is
28 further the intent of the Legislature, under the authority
29 provided in s. 267.0722(7), to establish a board of directors to

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30 oversee the commission, construction, operation, and
31 administration of the museum.

32 (2) (a) The Florida Museum of Black History Board of
33 Directors is established within the division and shall be
34 composed of the following members:

35 1. Three individuals appointed by the Governor, one of whom
36 shall serve as chair.

37 2. Three individuals appointed by the President of the
38 Senate.

39 3. Two members of the Senate, appointed by the President of
40 the Senate and serving ex officio.

41 4. Three individuals appointed by the Speaker of the House
42 of Representatives.

43 5. Two member of the House of Representatives, appointed by
44 the Speaker of the House of Representatives and serving ex
45 officio.

46 (b) Appointments must be made no later than July 31, 2025.
47 Members appointed pursuant to subparagraphs (a)1., 2., and 4.
48 may not hold any state or local elective office while serving on
49 the board. Vacancies on the board must be filled in the same
50 manner as the initial appointments.

51 (3) The board shall work jointly with the Foundation for
52 the Museum of Black History, Inc., a nonprofit organization
53 created to support the creation of the museum.

54 (4) The St. Johns County Board of County Commissioners
55 shall provide administrative assistance and staffing to the
56 board until the project planning, design, and engineering are
57 completed.

58 Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: February 14, 2025

I respectfully request that **Senate Bill #466**, relating to Florida Black History Museum, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Tom Leek", written over a horizontal line.

Senator Tom Leek
Florida Senate, District 7

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 Community Affairs

BILL: SB 582

INTRODUCER: Senator Leek

SUBJECT: Unlawful Demolition of Historical Buildings and Structures

DATE: March 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shuler	Fleming	CA	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 582 authorizes a code enforcement board or special magistrate to impose increased fines for the demolition of a structure listed on the National Register of Historic Places. To impose the fine, the demolition of the historic structure must have been knowing and willful, not permitted, and not the result of a natural disaster.

The bill is effective on July 1, 2025.

II. Present Situation:

County and Municipal Code Enforcement

Code enforcement is a function of local government and affects people's daily lives. Its purpose is to enhance the quality of life and economy of local government by protecting the health, safety, and welfare of the community.¹ Chapters 125, 162, and 166 of the Florida Statutes² provide counties and municipalities with a mechanism to enforce their codes and ordinances. These statutes provide non-binding, permissible code enforcement mechanisms that may be used by local governments in any combination they choose, and they may enforce their codes by any other means.³

Code Enforcement Boards Act (Part I, Ch. 162, F.S.)

The Local Government Code Enforcement Boards Act (Act), located in Part I of ch. 162, F.S., allows each county and municipality to create by ordinance one or more local government code

¹ Section 162.02, F.S.

² Chapter 125, Part II, F.S. (county self-government), ch. 162, Part I, F.S. (the Code Enforcement Boards Act), ch. 162, Part II, F.S. (supplemental procedures for county or municipal code or ordinance enforcement procedures), and s. 166.0415, F.S. (city ordinance enforcement).

³ Sections 125.69(4)(k), 162.13, 162.21(8), and 166.0415(7), F.S.

enforcement boards.⁴ A code enforcement board is an administrative board made up of members appointed by the governing body of a county or municipality with the authority to hold hearings and impose administrative fines and other noncriminal penalties for violations of county or municipal codes or ordinances.⁵ Members of the enforcement boards⁶ must be residents of the respective municipality or county and, whenever possible, must include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.⁷

Code enforcement boards have the power to:

- Adopt rules for the conduct of its hearings;
- Subpoena alleged violators, witnesses, and evidence to its hearings;
- Take testimony under oath; and
- Issue orders that have the force of law to command steps necessary to bring a violation into compliance.⁸

Section 162.06, F.S., establishes the procedures for local governments to address violations of various codes using a code enforcement board. It begins with the county or municipal code inspector⁹ who initiates code enforcement procedures by notifying the violator and giving him or her reasonable time to correct the violation.¹⁰ If the violation continues to exist after such time period as specified by the code inspector,¹¹ then the inspector will notify the code enforcement board and request a hearing.¹²

In each case heard before a code enforcement board, the case is presented, and testimony is taken from both the code inspector and alleged violator.¹³ At the conclusion of the hearing, the board issues findings of fact and provides an order stating the proper relief granted.¹⁴ All final administrative orders of the code enforcement board may be appealed to the circuit court 30 days after execution of the order.¹⁵

As an alternative to a code enforcement board, the Act allows counties and municipalities to adopt an alternate code enforcement system that gives code enforcement officials or special magistrates the authority to hold hearings and assess fines against violators of respective codes or ordinances.¹⁶ Each of these methods are offered by statute as devices to be used at the local

⁴ Section 162.03, F.S.

⁵ Sections 162.02 and 162.05(1), F.S.

⁶ Code enforcement boards are either five-member or seven-member boards. If a local government has a population over 5,000 persons, the board must be a seven-member board. Section 162.05, F.S.

⁷ Section 162.05(2), F.S.

⁸ Section 162.08, F.S.

⁹ Section 162.04(2), F.S., defines the term “code inspector” to mean “any authorized agent or employee of the county or municipality whose duty it is to assure code compliance.”

¹⁰ Section 162.06(2), F.S.

¹¹ The code inspector does not need to provide the violator reasonable time to remedy the violation if it is a repeat violation; the violation presents a serious threat to the public health, safety, and welfare; or the violation is irreparable or irreversible in nature. Sections. 162.06(3) and (4), F.S.

¹² Section 162.06(2), F.S. A hearing may also be called by written notice signed by at least three members of a seven-member enforcement board or signed by at least two members of a five-member enforcement board. Section 162.07(1), F.S.

¹³ Section 162.07(2)-(3), F.S.

¹⁴ Section 162.07(4), F.S.

¹⁵ Section 162.11, F.S.

¹⁶ Section 162.03, F.S.

governments' discretion, but a local government may use any method they choose to enforce codes and ordinances.¹⁷

Administrative Fines for Code Enforcement Violations

A code enforcement board may, upon notification by the code inspector that repairs have not been completed by a specified date or upon finding that repeat violations have occurred, order violators to pay a fine for each day of the continued violation.¹⁸ If the violation presents a serious threat to the public health, safety, and welfare, the code enforcement board must notify the local governing body, which may make all reasonable repairs to bring the property in compliance and charge the violator the reasonable cost of those repairs in addition to the fine imposed.¹⁹ If, after due notice and hearing, a code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine.²⁰

Administrative fines may not exceed \$250 per day for a first violation and may not exceed \$500 per day for a repeat violation.²¹ If the board finds the violation is irreparable or irreversible in nature, the board may impose a fine of up to \$5,000.²² When determining the amount of the fine, the board may consider the following factors:

- The gravity of the violation.
- Any actions taken by the violator to correct the violation.
- Any previous violations committed by the violator.²³

A code enforcement board may choose to reduce the amount of the fine initially imposed.²⁴

A county or municipality with a population of 50,000 or greater may adopt, by a majority vote plus one of the entire governing body, an ordinance that allows code enforcement boards or special magistrates to impose fines in excess of the above limits.²⁵ The ordinance may provide for fines of up to \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.²⁶ In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs.²⁷ Any

¹⁷ The Attorney General has opined that “once a municipality has adopted the procedures of Chapter 162, Florida Statutes, to enforce its municipal codes and ordinances, it may not alter or amend those statutorily prescribed procedures but must utilize them as they are set forth in the statutes.” Op. Att’y Gen. 2000-53 (2000). A local government may, however, maintain a ch. 162, F.S., code enforcement board and still decide to enforce a particular violation by bringing a charge in county court, or any other means provided by law. *Goodman v. Cnty. Court in Broward Cnty., Fla.* 711 So. 2d 587 (Fla 4th DCA 1998).

¹⁸ Section 162.09(1), F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Section 162.09(2)(a), F.S.

²² *Id.*

²³ Section 162.09(2)(b), F.S.

²⁴ Section 162.09(2)(c), F.S.

²⁵ Section 162.09(2)(d), F.S.

²⁶ *Id.*

²⁷ *Id.*

ordinance imposing such fines must include criteria to be considered by the code enforcement board or special magistrate in determining the amount of the fines.²⁸

A certified copy of an order imposing a fine, including any repair costs incurred by the local government, may be recorded in the public records and constitutes a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.²⁹ Upon petition to the circuit court, the order is enforceable in the same manner as a court judgment, including execution and levy against the personal property of the violator, but such order cannot be deemed to be a court judgment except for enforcement purposes.³⁰ A lien arising from such a fine runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered.³¹

National Register of Historic Places

The National Register of Historic Places,³² under the National Park Service is the official list of the Nation's historic places worthy of preservation is “part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America’s historic and archeological resources.”³³ The program reviews property nominations and lists eligible properties in the National Register; offers guidance on evaluating, documenting, and listing historic places; and helps qualified historic properties receive preservation benefits and incentives.³⁴

In Florida, there are more than 1,700 properties and districts listed on the National Register.³⁵ Nominations for those properties must be submitted to the National Park Service through the Florida Department of State’s Division of Resources, following a review and recommendation by the Florida National Register Review Board.³⁶ Listing in the National Register does not, in itself, impose any obligation on the property owner, or restrict the owner's basic right to use and dispose of the property as he or she sees fit, but does encourage the preservation of significant historic resources.³⁷

Demolition Permits

It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local government or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the

²⁸ *Id.*

²⁹ Section 162.09(3), F.S.

³⁰ *Id.*

³¹ *Id.*

³² 54 U.S.C. ch. 3021.

³³ U.S. Department of the Interior, National Park Service, National Register of Historic Places, *What is the National Register of Historic Places?*, <https://www.nps.gov/subjects/nationalregister/what-is-the-national-register.htm> (last visited Mar. 8, 2025).

³⁴ *Id.*

³⁵ Fla. Dep’t of State, *National Register of Historic Places*, <https://dos.myflorida.com/historical/preservation/national-register/> (last visited Mar. 8, 2025).

³⁶ *Id.*

³⁷ *Id.*

payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.³⁸ The enforcing agency may revoke any such permit if the demolition is in violation of, or not in conformity with, the provisions of the Building Code.³⁹

A local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish his or her single-family residential structure provided that such structure is located in a coastal high-hazard area, moderate flood zone, or special flood hazard area according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency for the purpose of participating in the National Flood Insurance Program if the lowest finished floor elevation of such structure is at or below base flood elevation as established by the Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher, provided the permit complies with all applicable Building Code, Fire Prevention Code, and local amendments to such codes.⁴⁰

However, a local law, ordinance, or regulation may restrict demolition permits for certain designated historic structures:

- Structure designated on the National Register of Historic Places;
- Privately owned single-family residential structure designated historic by a local, state, or federal governmental agency on or before January 1, 2022; or
- Privately owned single-family residential structure designated historic after January 1, 2022, by a local, state, or federal governmental agency with the consent of its owner.⁴¹

III. Effect of Proposed Changes:

SB 582 authorizes a code enforcement board or special magistrate to impose a fine that exceeds the limits specified in s. 162.09, F.S., for the demolition of a structure that is individually listed on the National Register of Historic Places or is a contributing resource to a district listed on the National Register. To impose the fine, a code enforcement board or special magistrate must find, based on competent substantial evidence, that the demolition of the historic structure was knowing and willful and not permitted or the result of a natural disaster. The fine may not exceed 20 percent of the fair or just market value of the property as determined by the property appraiser.

The bill is effective on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

³⁸ Section 553.79(1)(a), F.S.

³⁹ *Id.*

⁴⁰ Section 553.79(25)(a), F.S.

⁴¹ Section 553.79(25)(d), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19 of the State Constitution requires that legislation that increases or creates taxes or fees be passed by a 2/3 vote of each chamber in a bill with no other subject. The bill does not increase or create new taxes or fees. Thus, the constitutional requirements related to new or increased taxes or fees do not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Local governments may receive increased revenues from additional fines for the demolition of buildings listed on the National Register without permits.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 162.09 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Leek

7-00629B-25

2025582__

1 A bill to be entitled
2 An act relating to unlawful demolition of historical
3 buildings and structures; amending s. 162.09, F.S.;
4 authorizing a code enforcement board or special
5 magistrate to impose a fine that exceeds certain
6 limits for the unlawful demolition of certain
7 historical buildings or structures under certain
8 circumstances; providing that such fine may not exceed
9 a certain percentage of just market valuation;
10 providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (e) is added to subsection (2) of
15 section 162.09, Florida Statutes, to read:

16 162.09 Administrative fines; costs of repair; liens.-
17 (2)

18 (e) For the demolition of a building or structure that is
19 individually listed in the National Register of Historic Places
20 as defined in s. 267.021 or is a contributing resource to a
21 National Register-listed district, a code enforcement board or
22 special magistrate may impose a fine that exceeds the limits of
23 this subsection if the code enforcement board or special
24 magistrate finds, based on competent substantial evidence, that
25 the demolition of the building or structure was knowing and
26 willful and was not permitted or the result of a natural
27 disaster. A fine imposed pursuant to this paragraph may not
28 exceed 20 percent of the fair or just market valuation of the
29 property before demolition of the building or structure, as

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30 determined by the property appraiser.

31 Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: February 21, 2025

I respectfully request that **Senate Bill #582**, relating to Unlawful Demolition of Buildings and Structures, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Leek", written over a horizontal line.

Sen. Tom Leek
Florida Senator, District 7

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 Community Affairs

BILL: SB 608

INTRODUCER: Senator DiCeglie

SUBJECT: Gulf of America

DATE: March 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 608 renames the Gulf of Mexico as the Gulf of America throughout the Florida Statutes.

The bill takes effect July 1, 2025.

II. Present Situation:

Gulf of America

On January 20, 2025, President Donald Trump signed Executive Order 14172, entitled “Restoring Names That Honor American Greatness.” In relevant part, the President “direct[ed] that the [the Gulf of Mexico] officially be renamed the Gulf of America.” Additionally, the Executive Order instructs the Secretary of the Interior to take all appropriate actions to rename the “Gulf of Mexico” to the “Gulf of America.” The Secretary is directed to update the Geographic Names Information System to reflect such change. The Board on Geographic Names, established by the Executive Order, provides guidance to ensure all federal references to the Gulf of America, including references included on agency maps, or in contracts and other documents and communications, shall reflect its renaming.

III. Effect of Proposed Changes:

The bill revises fifty-two statutes to rename the Gulf of Mexico as the Gulf of America throughout the Florida Statutes. The bill also reenacts certain statutes to amend cross-references and incorporate amendments.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article II, Section 1(a), and Article X, Section 16(b) of the State Constitution refer to the Gulf of Mexico.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 7.03, 7.08, 7.09, 7.11, 7.15, 7.17, 7.19, 7.23, 7.27, 7.29, 7.33, 7.36, 7.38, 7.41, 7.46, 7.51, 7.52, 7.55, 7.56, 7.62, 7.65, 7.66, 125.0104, 161.052, 161.053, 161.088, 161.141, 161.151, 161.161, 161.54, 161.55,

206.9935, 253.03, 253.12, 253.783, 258.09, 258.395, 258.3991, 327.02, 327.60, 331.307, 373.019, 373.069, 375.031, 376.25, 377.242, 377.2431, 379.101, 379.244, 379.248, 380.0555, and 380.24.

This bill reenacts the following sections of the Florida Statutes: 337.401, 327.371, 379.2431

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator DiCeglie

18-01127-25

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1 A bill to be entitled

2 An act relating to the Gulf of America; amending ss.
3 7.03, 7.08, 7.09, 7.11, 7.15, 7.17, 7.19, 7.23, 7.27,
4 7.29, 7.33, 7.36, 7.38, 7.41, 7.46, 7.51, 7.52, 7.55,
5 7.56, 7.62, 7.65, 7.66, 125.0104, 161.052, 161.053,
6 161.088, 161.141, 161.151, 161.161, 161.54, 161.55,
7 206.9935, 253.03, 253.12, 253.783, 258.09, 258.395,
8 258.3991, 327.02, 327.60, 331.307, 373.019, 373.069,
9 375.031, 376.25, 377.242, 377.2431, 379.101, 379.244,
10 379.248, 380.0555, and 380.24, F.S.; renaming the Gulf
11 of Mexico as the "Gulf of America" throughout the
12 Florida Statutes; reenacting s. 337.401(7)(b) and (p),
13 F.S., relating to the use of rights-of-way for
14 utilities subject to regulation, to incorporate the
15 amendment made to s. 161.053, F.S., in references
16 thereto; reenacting ss. 327.371(1) and 379.2431(2)(p),
17 F.S., relating to the regulation of human-powered
18 vessels and the regulation of marine animals,
19 respectively, to incorporate the amendment made to s.
20 327.02, F.S., in references thereto; providing an
21 effective date.

22
23 WHEREAS, the Gulf of Mexico spans approximately 1,700 miles
24 along the United States coastline, of which 770 miles are
25 located along the Florida coast, and

26 WHEREAS, on January 20, 2025, President Donald J. Trump
27 issued Executive Order Number 14172 entitled "Restoring Names
28 that Honor American Greatness" directing the Secretary of the
29 Interior to rename the Gulf of Mexico as the "Gulf of America"

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30 in order to recognize the importance of the body of water to the
31 United States, and

32 WHEREAS, the Legislature intends to reflect this name
33 change in the Florida Statutes, NOW, THEREFORE,

34
35 Be It Enacted by the Legislature of the State of Florida:

36
37 Section 1. Section 7.03, Florida Statutes, is amended to
38 read:

39 7.03 Bay County.—The boundary lines of Bay County are as
40 follows: Beginning at the southwest corner of section eighteen
41 in township two, north, range eleven, west; thence west on the
42 section line to the southwest corner of section eighteen in
43 township two, north, range twelve, west; thence south on the
44 range line dividing ranges twelve and thirteen, west, to the
45 Meridian base line; thence west on the base line to the thread
46 of Pine Log Creek in range sixteen, west; thence southwesterly
47 along the thread of said creek into the Choctawhatchee River to
48 the thread of said river; thence southwesterly along the thread
49 of said river to a point where said river intersects the range
50 line dividing ranges seventeen and eighteen, west; thence south
51 on said range line to the Gulf of America ~~Mexico~~; thence in a
52 southeastwardly direction following the meanderings of said
53 gulf, including the waters of said gulf within the jurisdiction
54 of the State of Florida, including all islands opposite the
55 shoreline to a point where range line dividing ranges eleven and
56 twelve, west, intersects with said gulf; thence north on said
57 range line to place of beginning.

58 Section 2. Section 7.08, Florida Statutes, is amended to

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59 read:

60 7.08 Charlotte County.—The boundary lines of Charlotte
61 County are as follows: Beginning at the northeast corner of
62 township forty south, range twenty-seven east; thence south on
63 range line dividing ranges twenty-seven and twenty-eight east,
64 to the township line dividing townships forty-two and forty-
65 three south, and Lee County; thence west on said township line
66 to the waters of the Gulf of America ~~Mexico~~; thence northerly
67 and westerly along said Gulf of America ~~Mexico~~, including the
68 waters of said gulf within the jurisdiction of the State of
69 Florida, to the intersection therewith of the township line
70 dividing townships forty and forty-one south; thence east on
71 said township line to the southeast corner of township forty
72 south, range twenty east; thence north on the range line
73 dividing ranges twenty and twenty-one east to the northwest
74 corner of township forty south, range twenty-one east; thence
75 east on township line dividing townships thirty-nine and forty
76 south to the place of beginning.

77 Section 3. Section 7.09, Florida Statutes, is amended to
78 read:

79 7.09 Citrus County.—The boundary lines of Citrus County are
80 as follows: Beginning at a point in the thread or center of the
81 Withlacoochee River on the section line dividing sections twelve
82 and thirteen, township twenty-one south, range twenty east;
83 thence on said line west to the southwest corner of section
84 nine, township twenty-one south, range nineteen east; thence
85 north on said section line to township line dividing townships
86 twenty and twenty-one south; thence west on said township line
87 to the Gulf of America ~~Mexico~~; thence north along said gulf,

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88 including all islands along said gulf coast, and including the
89 waters of said gulf within the jurisdiction of the State of
90 Florida, to the most southern outlet of the Withlacoochee River
91 at its mouth, leaving out all the islands in the mouth of said
92 river; thence easterly along the thread of said river to the
93 point of beginning, including all the lands and islands which
94 said river line may enclose.

95 Section 4. Section 7.11, Florida Statutes, is amended to
96 read:

97 7.11 Collier County.—The boundary lines of Collier County
98 are as follows: Beginning where the north line to township
99 forty-eight south extended westerly intersects the western
100 boundary of the State of Florida in the waters of the Gulf of
101 America ~~Mexico~~; thence easterly on said township line to the
102 northwest corner of section four of township forty-eight south
103 of range twenty-five east; thence south to the northwest corner
104 of section nine of said township and range; thence east to the
105 eastern boundary line of range twenty-six east; thence north on
106 said range line to the northwest corner of township forty-seven
107 south of range twenty-seven east; thence east on the north line
108 of township forty-seven south to the east line of range twenty-
109 seven east; thence north on said range line to the north line of
110 township forty-six south; thence east on the north line of
111 township forty-six south to the east line of range thirty east;
112 thence south on said range line to the north line of township
113 forty-nine south; thence east on the north line of said township
114 forty-nine south to the east line of range thirty-four east and
115 the west boundary of Broward County; thence south on said range
116 line, concurrent with the west boundary of Broward and Miami-

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117 Dade Counties, to the point of intersection with the south line
118 of township fifty-three south; thence west on the south line of
119 said township fifty-three south to where that line extended
120 intersects the western boundary of the State of Florida in the
121 waters of the Gulf of America ~~Mexico~~; thence northwesterly and
122 along the waters of said Gulf of America ~~Mexico~~, including the
123 waters of said gulf within the jurisdiction of the State of
124 Florida, to the point of beginning.

125 Section 5. Section 7.15, Florida Statutes, is amended to
126 read:

127 7.15 Dixie County.—The boundary lines of Dixie County are
128 as follows: Beginning at a point where township line between
129 townships seven and eight south, intersects the Suwannee River,
130 thence southerly down the thread of the main stream of said
131 Suwannee River to the Gulf of America ~~Mexico~~; thence along said
132 Gulf of America ~~Mexico~~, including the waters of said gulf within
133 the jurisdiction of the State of Florida, to the mouth of the
134 Steinhatchee River; thence northerly along the thread of the
135 said Steinhatchee River to the point where it is intersected by
136 the section line between sections fifteen and sixteen, in
137 township eight, south of range ten east; thence north on said
138 section line and other sections to the township line between
139 townships seven and eight south; thence east on said township
140 line dividing townships seven and eight south, to the point of
141 beginning.

142 Section 6. Section 7.17, Florida Statutes, is amended to
143 read:

144 7.17 Escambia County.—The County of Escambia comprehends
145 all that part of the State of Florida lying to the west and

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146 south of a line beginning at the Alabama line where said line
147 crosses the Escambia River; running thence down the thread of
148 said river to Escambia Bay; thence along said bay to Deer Point,
149 at the intersection of Santa Rosa Sound with said bay; thence up
150 said Santa Rosa Sound to a line parallel to and exactly 1 mile
151 west of the range line dividing ranges twenty-six and twenty-
152 seven west, thence south along such parallel line to the waters
153 of the Gulf of America ~~Mexico~~; and the Counties of Escambia and
154 Santa Rosa shall have concurrent jurisdiction of any offenses
155 committed on the waters of Santa Rosa Sound.

156 Section 7. Section 7.19, Florida Statutes, is amended to
157 read:

158 7.19 Franklin County.—The boundary lines of Franklin County
159 are as follows: Beginning at a point on the Apalachicola River,
160 known as the mouth of Black or Owl Creek; thence northerly up
161 the western bank of said creek to where the same intersects the
162 middle section line of section twenty-six, township five south,
163 range eight west; thence due east on the middle section line to
164 the thread of the Ochlockonee River; thence south and easterly
165 following the thread of said river, and the thread of such
166 channel thereof as may be necessary to include the islands in
167 said river; to a point directly south of the southernmost point
168 of Grass Island; thence along a straight line to the center
169 point of the U.S. 98 (State Road 30) bridge across Ochlockonee
170 Bay; thence east-southeast to a point directly north of the
171 easternmost point of James Island; thence easterly to the
172 boundary line of the State of Florida; thence south and westerly
173 along said boundary line, including the waters of the Gulf of
174 America ~~Mexico~~ within the jurisdiction of the State of Florida,

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175 to the Forbes line, produced southerly; thence following the
176 Forbes line to the Jackson River; thence follow the Jackson
177 River until it joins the Apalachicola River; thence northerly
178 along the Apalachicola River to the mouth of the Brothers River;
179 thence follow the Brothers River until it intersects the stream
180 known as Brickyard Cutoff; thence follow Brickyard Cutoff to the
181 Apalachicola River; thence northerly along the thread of said
182 river to the place of beginning.

183 Section 8. Section 7.23, Florida Statutes, is amended to
184 read:

185 7.23 Gulf County.—The boundary lines of Gulf County are as
186 follows: Beginning at a point in the Apalachicola River where
187 said river is intersected by the section line between sections
188 twenty-three and twenty-six, township three south, range nine
189 west; thence west on said section line and other section lines
190 across the remainder of ranges nine west and ranges ten and
191 eleven west to the southwest corner of section nineteen,
192 township three south, range eleven west, at the Bay County line;
193 thence south on the range line between ranges eleven and twelve
194 west, concurrent with the eastern boundary of Bay County, to the
195 Gulf of America ~~Mexico~~; thence south and easterly through said
196 gulf, including the waters of the Gulf of America ~~Mexico~~ within
197 the jurisdiction of the State of Florida, to a point where the
198 Forbes line would intersect said boundary line; thence
199 northeasterly with said line until same crosses the waters of
200 the Apalachicola River; thence northerly up the thread of said
201 river to the place of beginning.

202 Section 9. Section 7.27, Florida Statutes, is amended to
203 read:

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204 7.27 Hernando County.—The boundary lines of Hernando County
205 are as follows: Beginning at a point on the Withlacoochee River
206 where the same is intersected by the section line dividing
207 sections twelve and thirteen, township twenty-one south, range
208 twenty east; thence southeasterly along the thread of said river
209 to the juncture therewith of the Little Withlacoochee River;
210 thence southeasterly along the thread of said Little
211 Withlacoochee River to the head of same; thence east to the
212 range line between ranges twenty-two and twenty-three east;
213 thence south on said range line to the line dividing sections
214 twenty-four and thirteen, township twenty-three south, range
215 twenty-two east; thence west on said section line and other
216 section lines to the line between ranges twenty and twenty-one
217 east; thence south on said range line to the line dividing
218 townships twenty-three and twenty-four south; thence west on
219 said township line to the Gulf of America ~~Mexico~~; thence
220 northerly, including the waters of said gulf within the
221 jurisdiction of the State of Florida, to the township line
222 dividing townships twenty and twenty-one south; thence east,
223 concurrent with the south boundary line of Citrus County, on
224 said township line to where same is intersected by the section
225 line dividing sections four and five, township twenty-one south,
226 range nineteen east; thence south on said section line and other
227 section lines to the southwest corner of section nine, township
228 twenty-one south, range nineteen east; thence east on the south
229 line of said section nine and other sections to the place of
230 beginning.

231 Section 10. Section 7.29, Florida Statutes, is amended to
232 read:

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233 7.29 Hillsborough County.—The boundary lines of
234 Hillsborough County are as follows: Beginning at the northeast
235 corner of section one in township twenty-seven south, range
236 sixteen east; thence east on the north line of township twenty-
237 seven south to the line between ranges twenty-two and twenty-
238 three east; thence south on said range line to the line between
239 townships thirty-two and thirty-three south; thence west on said
240 township line to the south bank of Tampa bay; thence in a direct
241 line to a point midway between Egmont and Passage Keys in the
242 Gulf of America ~~Mexico~~; thence westerly to the boundary of the
243 State of Florida; thence northerly on the boundary of the State
244 of Florida to a point in the Gulf of America ~~Mexico~~ due west of
245 the northern shore of Mullet Key; thence due east to a point one
246 hundred yards due west of the northernmost shore of Mullet Key;
247 thence in a line one hundred yards from the shore line around
248 the southern portion of Mullet Key to a point one hundred yards
249 due east of the easternmost shore of Mullet Key; thence due
250 north to a point due east of the northernmost shore of Mullet
251 Key; thence due east to the middle waters of Tampa Bay; thence
252 in a northerly direction through the middle waters of Tampa Bay
253 and Old Tampa Bay to a point where the range line between ranges
254 sixteen and seventeen east strikes said shore; thence north on
255 said range line to the place of beginning.

256 Section 11. Section 7.33, Florida Statutes, is amended to
257 read:

258 7.33 Jefferson County.—The boundary lines of Jefferson
259 County are as follows: Beginning at the point on the Gulf of
260 America ~~Mexico~~ where the line between ranges two and three east
261 strikes said gulf; thence north on said line to the base

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262 parallel line; thence in a direction northeast to the point
263 where the sections twenty-one, and twenty-eight and twenty-nine
264 of township one north, range three east, corner; thence north on
265 the section line dividing sections twenty and twenty-one and
266 other sections of township one north, range three east, to
267 township line dividing townships one and two north, range three
268 east; thence east on said township line to the waters of the
269 Miccosukee; thence up Lake Miccosukee to the south boundary of
270 township three north, range three east; thence on said township
271 line to the east line of section thirty-four in said township
272 three north, range three east; thence north on the east line of
273 section thirty-four and other sections in said township and said
274 range to the boundary line between the States of Georgia and
275 Florida; thence east along said boundary line to the northwest
276 corner of lot number one hundred eighty, township three north,
277 range seven east, or the west boundary of Madison County; thence
278 south to the southwest corner of said lot number one hundred
279 eighty; thence east on the south boundary of said lot number one
280 hundred eighty to the northeast corner of section twenty-seven,
281 township three north, range seven east; thence due south to the
282 southeast corner of section ten, township two north, range seven
283 east; thence due west to the southwest corner of the said
284 section ten; thence due south to the southeast corner of section
285 sixteen, township two north, range seven east; thence due west
286 to the southwest corner of said section sixteen; thence due
287 south to the southeast corner of section twenty, township two
288 north, range seven east; thence due west to the southwest corner
289 of section nineteen, township two north, range seven east;
290 thence due south to the southeast corner of section twenty-five,

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291 township two north, range six east; thence due west to the
292 southwest corner of section twenty-six, township two north,
293 range six east; thence due south to the southwest corner of
294 section thirty-five, township two north, range six east; thence
295 due west to the thread of the Big Aucilla River; thence
296 southerly along the thread of said river, concurrent with the
297 west boundary of Madison and Taylor Counties, to the mouth of
298 said Big Aucilla River; thence westerly through the waters of
299 the Gulf of America ~~Mexico~~, including the waters of said gulf
300 within the jurisdiction of the State of Florida, to the point of
301 beginning.

302 Section 12. Section 7.36, Florida Statutes, is amended to
303 read:

304 7.36 Lee County.—The boundary lines of Lee County are as
305 follows: Beginning where the north line of township forty-three
306 south, intersects the range line between ranges twenty-seven and
307 twenty-eight east, at the line between Charlotte and Glades
308 Counties; thence west on said township line to the Gulf of
309 America ~~Mexico~~; thence southerly along said gulf, including all
310 islands and the waters of said gulf within the jurisdiction of
311 the State of Florida, to the north line of township forty-eight
312 south, extended westward; thence east on said township line to
313 the northwest corner of section four, township forty-eight
314 south, range twenty-five east; thence south to the northwest
315 corner of section nine of said township and range; thence east
316 on the north boundary of said section nine and other sections to
317 the eastern boundary of range twenty-six east; thence north on
318 said range line to the northwest corner of township forty-seven
319 south, range twenty-seven east; thence east on the north line of

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320 township forty-seven south, to the east line of range twenty-
321 seven east; thence north on said range line to the place of
322 beginning.

323 Section 13. Section 7.38, Florida Statutes, is amended to
324 read:

325 7.38 Levy County.—The boundary lines of Levy County are as
326 follows: Beginning at the mouth of the most southern outlet of
327 the Big Withlacoochee River, running in an eastwardly direction,
328 including all the islands in the mouth of said river, along the
329 thread of said river to where the range line dividing ranges
330 seventeen and eighteen east intersects said river; thence north
331 on said range line to the township line between townships
332 fourteen and fifteen south; thence east on said township line to
333 the middle line of township fourteen south, range nineteen east;
334 thence north on said middle line to the township line between
335 townships eleven and twelve south; thence west on said township
336 line to the range line between ranges seventeen and eighteen
337 east; thence north on said range line to the northeast corner of
338 section thirteen, township eleven south, range seventeen east;
339 thence west on the north line of said section thirteen and other
340 sections to the range line between ranges sixteen and seventeen
341 east; thence north on said range line to the township line
342 between townships ten and eleven south; thence west on said
343 township line to the range line between ranges fifteen and
344 sixteen east; thence north on said range line to the northeast
345 corner of section thirty-six, township ten south, range fifteen
346 east; thence west on the north boundary of said section thirty-
347 six to the northwest corner of said section thirty-six, thence
348 north one half mile to the middle line of section twenty-six,

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349 township ten south, range fifteen east; thence west on the
350 middle line of said section twenty-six and other sections to the
351 range line between ranges fourteen and fifteen east; thence
352 north to the northeast corner of section twenty-five, township
353 ten south, range fourteen east; thence west on the north line of
354 said section twenty-five and other sections to the thread of the
355 Suwannee River; thence southerly along the thread of the main
356 stream of said river to its mouth; thence south and easterly
357 along the Gulf of America ~~Mexico~~, including all the islands,
358 keys, and the waters of said gulf within the jurisdiction of the
359 State of Florida, to the point of beginning.

360 Section 14. Section 7.41, Florida Statutes, is amended to
361 read:

362 7.41 Manatee County.—The boundary lines of Manatee County
363 are as follows: Beginning on the south bank of Tampa Bay where
364 the line between townships thirty-two and thirty-three south
365 strikes said bay; thence east on said township line to where
366 same is intersected by the line dividing ranges twenty-two and
367 twenty-three east; thence south on said range line, known as the
368 Washington line, to the southeast corner of township thirty-
369 seven south, range twenty-two east; thence west on the township
370 line between townships thirty-seven and thirty-eight south to
371 the southwest corner of township thirty-seven south, range
372 twenty-one east; thence north on the range line between ranges
373 twenty and twenty-one east to the southeast corner of township
374 thirty-five south, range twenty east; thence west on the
375 township line between townships thirty-five and thirty-six south
376 to the Gulf of America ~~Mexico~~; thence northward along the said
377 gulf, including the waters of said gulf within the jurisdiction

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378 of the State of Florida, to a point midway between Egmont and
379 Passage Keys; thence in a direct line to the place of beginning.

380 Section 15. Section 7.46, Florida Statutes, is amended to
381 read:

382 7.46 Okaloosa County.—The boundary lines of Okaloosa County
383 are as follows: Beginning on the Alabama state line where same
384 is intersected by range line dividing ranges twenty-five and
385 twenty-six west; thence east on said state line to the
386 intersection of said state line with the range line dividing
387 ranges twenty-one and twenty-two west; thence south on said
388 range line to the Gulf of America ~~Mexico~~; thence in a westerly
389 direction following the meanderings of said gulf, including the
390 waters of said gulf within the jurisdiction of the State of
391 Florida, to the line dividing ranges twenty-five and twenty-six
392 west; thence north on said range line to the place of beginning;
393 provided that the counties of Escambia, Santa Rosa and Okaloosa
394 shall have concurrent jurisdiction of any offenses committed on
395 the waters of Santa Rosa Sound.

396 Section 16. Section 7.51, Florida Statutes, is amended to
397 read:

398 7.51 Pasco County.—The boundary lines of Pasco County are
399 as follows: Beginning at the intersection of the section line
400 between sections thirty-three and thirty-four of township
401 twenty-six south, of range twenty-two east, with the township
402 line between townships twenty-six and twenty-seven south, of
403 range twenty-two east; thence north along the section lines to
404 the line dividing sections three and four of said township and
405 to the township line dividing townships twenty-five and twenty-
406 six; thence east on said township line to the range line

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407 dividing ranges twenty-two and twenty-three east; thence north
408 on said range line to the line dividing sections twenty-four and
409 thirteen of township twenty-three south, of range twenty-two
410 east; thence west to the line dividing ranges twenty and twenty-
411 one east; thence south to the line dividing townships twenty-
412 three and twenty-four south; thence west on said line to the
413 Gulf of America ~~Mexico~~; thence southerly along the gulf coast,
414 including islands and the waters of said gulf within the
415 jurisdiction of the State of Florida, to the north line of
416 Pinellas County, the township line dividing townships twenty-six
417 and twenty-seven south; thence east on said line to the place of
418 beginning.

419 Section 17. Section 7.52, Florida Statutes, is amended to
420 read:

421 7.52 Pinellas County.—The boundary lines of Pinellas County
422 are as follows: Beginning at a point where the line dividing
423 townships twenty-six and twenty-seven south if projected in a
424 westerly direction intersects with the western boundary of the
425 jurisdictional waters of the State of Florida in the Gulf of
426 America ~~Mexico~~; thence east on said line to the northeast corner
427 of section one in township twenty-seven south, range sixteen
428 east; thence south to the shore of old Tampa Bay; thence in a
429 southerly direction through the middle waters of old Tampa Bay
430 and Tampa Bay, to a point in Tampa Bay due east of the north
431 shore of Mullet Key; thence due west to a point due north of a
432 point 100 yards due east from the easternmost point of Mullet
433 Key; thence in a line 100 yards from the shoreline around the
434 southern portion of Mullet Key to a point 100 yards west of the
435 northernmost shore of Mullet Key; thence west to a point where

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436 such line intersects the western boundary of the jurisdictional
437 waters of the State of Florida in the Gulf of America ~~Mexico~~ and
438 northward, including the waters of said gulf within the
439 jurisdiction of the State of Florida, to point of beginning;
440 provided however that nothing herein contained shall now or at
441 any time hereafter in any manner whatsoever repeal, amend,
442 change or disturb in any manner whatsoever the apportionment,
443 allotment, allocation, basis of computation, or other formula
444 wherein and whereby the participation in the gas tax by both
445 counties hereto under and by virtue of ss. 206.41 and 206.47 or
446 any law hereafter enacted, is changed so that Hillsborough
447 County would receive a lesser amount and Pinellas County would
448 receive a greater amount of such gas funds or tax by reason of
449 the change of the boundary line herein authorized.

450 Section 18. Section 7.55, Florida Statutes, is amended to
451 read:

452 7.55 Santa Rosa County.—The boundary lines of Santa Rosa
453 County are as follows: Beginning at the Alabama line, where said
454 line crosses the Escambia River; thence down the thread of said
455 river to Escambia Bay; thence along said bay to Deer Point, at
456 the intersection of Santa Rosa Sound with said bay; thence up
457 said Santa Rosa Sound to a line parallel to and exactly 1 mile
458 westerly of the line dividing range twenty-six west and range
459 twenty-seven west; thence southerly along said line to the
460 waters of the Gulf of America ~~Mexico~~; thence easterly along the
461 waters of the Gulf of America ~~Mexico~~ to a point of intersection
462 with the range line dividing range twenty-five west and range
463 twenty-six west; thence northerly along said range line to the
464 dividing line between the State of Florida and the State of

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465 Alabama, thence westerly along said dividing line to the point
466 of beginning; provided that the Counties of Escambia, Santa
467 Rosa, and Okaloosa shall have concurrent jurisdiction of any
468 offenses committed on the waters of Santa Rosa Sound.

469 Section 19. Section 7.56, Florida Statutes, is amended to
470 read:

471 7.56 Sarasota County.—The boundary lines of Sarasota County
472 are as follows: Beginning in the Gulf of America ~~Mexico~~ at a
473 point on a prolongation of the township line between townships
474 thirty-five and thirty-six south; thence east on said
475 prolongation and said line to the southeast corner of township
476 thirty-five south, range twenty east; thence south on the range
477 line between ranges twenty and twenty-one east, to the southwest
478 corner of township thirty-seven south, range twenty-one east;
479 thence east on the township line between townships thirty-seven
480 and thirty-eight south to the southeast corner of township
481 thirty-seven south, range twenty-two east; thence south on the
482 range line between ranges twenty-two and twenty-three east, to
483 the southeast corner of township thirty-nine south, range
484 twenty-two east; thence west on the township line between
485 townships thirty-nine and forty south to the southwest corner of
486 township thirty-nine south, range twenty-one east; thence south
487 on the range line between ranges twenty and twenty-one east to
488 the southeast corner of township forty south, range twenty east;
489 thence west on the township line between townships forty and
490 forty-one south to the Gulf of America ~~Mexico~~; thence northerly
491 along the coast of the Gulf of America ~~Mexico~~, including the
492 waters of said gulf within the jurisdiction of the State of
493 Florida, to the place of beginning.

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494 Section 20. Section 7.62, Florida Statutes, is amended to
495 read:

496 7.62 Taylor County.—The boundary lines of Taylor County are
497 as follows: Beginning in the mouth of the Big Aucilla River;
498 thence northerly, concurrent with the east boundary of Jefferson
499 County, along the thread of said river to where same is
500 intersected by the middle line of township two south, range five
501 east; thence east on said middle township line, concurrent with
502 the south boundary line of Madison County, across ranges six,
503 seven and eight east to the range line between ranges eight and
504 nine east; thence south on said range line to the township line
505 between townships two and three south; thence east on said
506 township line to the range line between ranges nine and ten
507 east; thence south on said range line, concurrent with the west
508 boundary of Lafayette County to the middle line of section
509 seven, township seven south, range ten east; thence east on said
510 middle line to the east line of said section seven; thence due
511 south on the east line of said section seven and other sections
512 to the township line between townships seven and eight south;
513 thence east on said township line to the east line of section
514 four, township eight south, range ten east, or the northwest
515 corner of Dixie County; thence south, concurrent with the west
516 boundary of Dixie County, on the east line of said section four
517 and other sections to where same intersects the thread of the
518 Steinhatchee River; thence southerly along the thread of the
519 said Steinhatchee River to the mouth of said river; thence
520 northerly through the Gulf of America ~~Mexico~~, including the
521 waters of said gulf within the jurisdiction of the State of
522 Florida, to the place of beginning.

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523 Section 21. Section 7.65, Florida Statutes, is amended to
524 read:

525 7.65 Wakulla County.—The boundary lines of Wakulla County
526 are as follows: Beginning on the range line between ranges two
527 and three east where the same strikes the Gulf of America
528 ~~Mexico~~; thence north on said range line to the north boundary of
529 section thirty-six, township two south, range two east; thence
530 due west on the north line of said section thirty-six and other
531 sections to the railroad leading from Tallahassee to St. Marks;
532 thence north along said railroad two sections; thence west on
533 the north line of section twenty, township two south, range one
534 east, and other sections, to the thread of Ochlockonee River;
535 thence southerly and easterly along the thread of said river
536 concurrent with the north and east boundary of Franklin County
537 to a point directly south of the southernmost point of Grass
538 Island; thence along a straight line to the center point of the
539 U.S. 98 (State Road 30) bridge across Ochlockonee Bay; thence
540 east-southeast to a point directly north of the easternmost
541 point of James Island; thence easterly to the boundary line of
542 the State of Florida in the Gulf of America ~~Mexico~~; thence north
543 and easterly along said gulf, including the waters of said gulf
544 within the jurisdiction of the State of Florida, to the place of
545 beginning.

546 Section 22. Section 7.66, Florida Statutes, is amended to
547 read:

548 7.66 Walton County.—The boundary lines of Walton County are
549 as follows: Beginning on the Alabama state line where same is
550 intersected by the line dividing centrally range eighteen west;
551 thence south on the section lines to the line dividing townships

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552 two and three north, in range eighteen west; thence east to the
553 Choctawhatchee River; thence down the thread of the
554 Choctawhatchee River to a point where said Choctawhatchee River
555 intersects the range line dividing ranges seventeen and eighteen
556 west; thence south on said range line to the Gulf of America
557 ~~Mexico~~; thence in a westwardly direction following the
558 meanderings of said gulf, including the waters of said gulf
559 within the jurisdiction of the State of Florida, to the range
560 line dividing ranges twenty-one and twenty-two west; thence
561 north on said line to the dividing line between Florida and
562 Alabama; thence easterly along said state line to the place of
563 beginning.

564 Section 23. Paragraph (c) of subsection (5) of section
565 125.0104, Florida Statutes, is amended to read:

566 125.0104 Tourist development tax; procedure for levying;
567 authorized uses; referendum; enforcement.—

568 (5) AUTHORIZED USES OF REVENUE.—

569 (c) A county located adjacent to the Gulf of America ~~Mexico~~
570 or the Atlantic Ocean, except a county that receives revenue
571 from taxes levied pursuant to s. 125.0108, which meets the
572 following criteria may use up to 10 percent of the tax revenue
573 received pursuant to this section to reimburse expenses incurred
574 in providing public safety services, including emergency medical
575 services as defined in s. 401.107(3), and law enforcement
576 services, which are needed to address impacts related to
577 increased tourism and visitors to an area. However, if taxes
578 collected pursuant to this section are used to reimburse
579 emergency medical services or public safety services for tourism
580 or special events, the governing board of a county or

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581 municipality may not use such taxes to supplant the normal
 582 operating expenses of an emergency medical services department,
 583 a fire department, a sheriff's office, or a police department.
 584 To receive reimbursement, the county must:

585 1.a. Generate a minimum of \$10 million in annual proceeds
 586 from any tax, or any combination of taxes, authorized to be
 587 levied pursuant to this section;

588 b. Have at least three municipalities; and

589 c. Have an estimated population of less than 275,000,
 590 according to the most recent population estimate prepared
 591 pursuant to s. 186.901, excluding the inmate population; or

592 2. Be a fiscally constrained county as described in s.
 593 218.67(1).

594

595 The board of county commissioners must by majority vote approve
 596 reimbursement made pursuant to this paragraph upon receipt of a
 597 recommendation from the tourist development council.

598 Section 24. Subsections (1), (5), and (10) of section
 599 161.052, Florida Statutes, are amended to read:

600 161.052 Coastal construction and excavation; regulation.—

601 (1) A ~~No~~ person, firm, corporation, municipality, county,
 602 or other public agency may not ~~shall~~ excavate or construct any
 603 dwelling house, hotel, motel, apartment building, seawall,
 604 revetment, or other structure incidental to or related to such
 605 structure, including but not limited to such attendant
 606 structures or facilities as a patio, swimming pool, or garage,
 607 within 50 feet of the line of mean high water at any riparian
 608 coastal location fronting the Gulf of America ~~Mexico~~ or Atlantic
 609 coast shoreline of the state, exclusive of bays, inlets, rivers,

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610 bayous, creeks, passes, and the like. In areas where an erosion
611 control line has been established under ~~the provisions of~~ ss.
612 161.141-161.211, that line, or the presently existing mean high-
613 water line, whichever is more landward, shall be considered to
614 be the mean high-water line for the purposes of this section.

615 (5) The setback requirements as defined herein do ~~shall~~ not
616 apply to any riparian coastal locations fronting the Atlantic
617 Ocean or Gulf of America ~~Mexico~~ which have vegetation-type
618 nonsandy shores.

619 (10) A coastal county or municipality fronting on the Gulf
620 of America ~~Mexico~~ or the Atlantic Ocean shall advise the
621 department within 5 days after receipt of any permit application
622 for construction or other activities proposed to be located
623 within 50 feet of the line of mean high water. Within 5 days
624 after receipt of such application, the county or municipality
625 shall notify the applicant of the requirements for state
626 permits.

627 Section 25. Paragraphs (a) and (b) of subsection (1) and
628 subsection (14) of section 161.053, Florida Statutes, are
629 amended to read:

630 161.053 Coastal construction and excavation; regulation on
631 county basis.—

632 (1)(a) The Legislature finds and declares that the beaches
633 in this state and the coastal barrier dunes adjacent to such
634 beaches, by their nature, are subject to frequent and severe
635 fluctuations and represent one of the most valuable natural
636 resources of Florida and that it is in the public interest to
637 preserve and protect them from imprudent construction which can
638 jeopardize the stability of the beach-dune system, accelerate

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639 erosion, provide inadequate protection to upland structures,
640 endanger adjacent properties, or interfere with public beach
641 access. In furtherance of these findings, it is the intent of
642 the Legislature to provide that the department establish coastal
643 construction control lines on a county basis along the sand
644 beaches of the state fronting on the Atlantic Ocean, the Gulf of
645 America Mexico, or the Straits of Florida. Such lines must ~~shall~~
646 be established so as to define that portion of the beach-dune
647 system which is subject to severe fluctuations based on a 100-
648 year storm surge, storm waves, or other predictable weather
649 conditions. However, the department may establish a segment or
650 segments of a coastal construction control line further landward
651 than the impact zone of a 100-year storm surge, provided such
652 segment or segments do not extend beyond the landward toe of the
653 coastal barrier dune structure that intercepts the 100-year
654 storm surge. Such segment or segments may ~~shall~~ not be
655 established if adequate dune protection is provided by a state-
656 approved dune management plan. Special siting and design
657 considerations shall be necessary seaward of established coastal
658 construction control lines to ensure the protection of the
659 beach-dune system, proposed or existing structures, and adjacent
660 properties and the preservation of public beach access.

661 (b) As used in this subsection:

662 1. When establishing coastal construction control lines as
663 provided in this section, the definition of "sand beach" shall
664 be expanded to include coastal barrier island ends contiguous to
665 the sand beaches of the state fronting on the Atlantic Ocean,
666 the Gulf of America Mexico, or the Straits of Florida.

667 2. "Coastal barrier island ends" means those areas on the

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668 ends of barrier islands fronting the Atlantic Ocean, the Gulf of
669 America ~~Mexico~~, or the Straits of Florida, which are subject to
670 severe fluctuations based on a 100-year storm surge, storm
671 waves, or other predictable weather conditions.

672 3. "Coastal barrier islands" means geological features
673 which are completely surrounded by marine waters that front upon
674 the open waters of the Atlantic Ocean, the Gulf of America
675 ~~Mexico~~, or the Straits of Florida and are composed of quartz
676 sands, clays, limestone, oolites, rock, coral, coquina,
677 sediment, or other material, including spoil disposal, which
678 features lie above the line of mean high water. Mainland areas
679 which were separated from the mainland by artificial
680 channelization for the purpose of assisting marine commerce may
681 ~~shall~~ not be considered coastal barrier islands.

682 (14) A coastal county or municipality fronting on the Gulf
683 of America ~~Mexico~~, the Atlantic Ocean, or the Straits of Florida
684 shall advise the department within 5 days after receipt of any
685 permit application for construction or other activities proposed
686 to be located seaward of the line established by the department
687 pursuant to this section. Within 5 days after receipt of such
688 application, the county or municipality shall notify the
689 applicant of the requirements for state permits.

690 Section 26. Section 161.088, Florida Statutes, is amended
691 to read:

692 161.088 Declaration of public policy respecting beach
693 erosion control and beach restoration and nourishment projects.-
694 Because beach erosion is a serious menace to the economy and
695 general welfare of the people of this state and has advanced to
696 emergency proportions, it is hereby declared to be a necessary

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697 governmental responsibility to properly manage and protect
698 Florida beaches fronting on the Atlantic Ocean, Gulf of America
699 ~~Mexico~~, and Straits of Florida from erosion and that the
700 Legislature make provision for beach restoration and nourishment
701 projects, including inlet management projects that cost-
702 effectively provide beach-quality material for adjacent
703 critically eroded beaches. The Legislature declares that such
704 beach restoration and nourishment projects, as approved pursuant
705 to s. 161.161, are in the public interest; must be in an area
706 designated as critically eroded shoreline, or benefit an
707 adjacent critically eroded shoreline; must have a clearly
708 identifiable beach management benefit consistent with the
709 state's beach management plan; and must be designed to reduce
710 potential upland damage or mitigate adverse impacts caused by
711 improved, modified, or altered inlets, coastal armoring, or
712 existing upland development. Given the extent of the problem of
713 critically eroded beaches, it is also declared that beach
714 restoration and nourishment projects must ~~shall~~ be funded in a
715 manner that encourages all cost-saving strategies, fosters
716 regional coordination of projects, improves the performance of
717 projects, and provides long-term solutions. The Legislature
718 further declares that nothing herein is intended to reduce or
719 amend the beach protection programs otherwise established in
720 this chapter or to result in local governments altering the
721 coastal management elements of their local government
722 comprehensive plans pursuant to chapter 163.

723 Section 27. Section 161.141, Florida Statutes, is amended
724 to read:

725 161.141 Property rights of state and private upland owners

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726 in beach restoration project areas.—The Legislature declares
727 that it is the public policy of the state to cause to be fixed
728 and determined, pursuant to beach restoration, beach
729 nourishment, and erosion control projects, the boundary line
730 between sovereignty lands of the state bordering on the Atlantic
731 Ocean, the Gulf of America ~~Mexico~~, or the Straits of Florida,
732 and the bays, lagoons, and other tidal reaches thereof, and the
733 upland properties adjacent thereto; except that such boundary
734 line may ~~shall~~ not be fixed for beach restoration projects that
735 result from inlet or navigation channel maintenance dredging
736 projects unless such projects involve the construction of
737 authorized beach restoration projects. However, prior to
738 construction of such a beach restoration project, the board of
739 trustees must establish the line of mean high water for the area
740 to be restored; and any additions to the upland property
741 landward of the established line of mean high water which result
742 from the restoration project remain the property of the upland
743 owner subject to all governmental regulations and are not to be
744 used to justify increased density or the relocation of the
745 coastal construction control line as may be in effect for such
746 upland property. The resulting additions to upland property are
747 also subject to a public easement for traditional uses of the
748 sandy beach consistent with uses that would have been allowed
749 prior to the need for the restoration project. It is further
750 declared that there is no intention on the part of the state to
751 extend its claims to lands not already held by it or to deprive
752 any upland or submerged land owner of the legitimate and
753 constitutional use and enjoyment of his or her property. If an
754 authorized beach restoration, beach nourishment, and erosion

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755 control project cannot reasonably be accomplished without the
756 taking of private property, the taking must be made by the
757 requesting authority by eminent domain proceedings. In any
758 action alleging a taking of all or part of a property or
759 property right as a result of a beach restoration project, in
760 determining whether such taking has occurred or the value of any
761 damage alleged with respect to the owner's remaining upland
762 property adjoining the beach restoration project, the
763 enhancement, if any, in value of the owner's remaining adjoining
764 property of the upland property owner by reason of the beach
765 restoration project shall be considered. If a taking is
766 judicially determined to have occurred as a result of a beach
767 restoration project, the enhancement in value to the owner's
768 remaining adjoining property by reason of the beach restoration
769 project must ~~shall~~ be offset against the value of the damage, if
770 any, resulting to such remaining adjoining property of the
771 upland property owner by reason of the beach restoration
772 project, but such enhancement in the value may ~~shall~~ not be
773 offset against the value of the property or property right
774 alleged to have been taken. If the enhancement in value exceeds
775 ~~shall exceed~~ the value of the damage, if any, to the remaining
776 adjoining property, there shall be no recovery over against the
777 property owner for such excess.

778 Section 28. Subsection (3) of section 161.151, Florida
779 Statutes, is amended to read:

780 161.151 Definitions; ss. 161.141-161.211.—As used in ss.
781 161.141-161.211:

782 (3) "Erosion control line" means the line determined in
783 accordance with ~~the provisions of~~ ss. 161.141-161.211 which

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784 represents the landward extent of the claims of the state in its
785 capacity as sovereign titleholder of the submerged bottoms and
786 shores of the Atlantic Ocean, the Gulf of America ~~Mexico~~, and
787 the bays, lagoons and other tidal reaches thereof on the date of
788 the recording of the survey as authorized in s. 161.181.

789 Section 29. Subsection (1) of section 161.161, Florida
790 Statutes, is amended to read:

791 161.161 Procedure for approval of projects.—

792 (1) The department shall develop and maintain a
793 comprehensive long-term beach management plan for the
794 restoration and maintenance of the state's critically eroded
795 beaches fronting the Atlantic Ocean, Gulf of America ~~Mexico~~, and
796 Straits of Florida. In developing and maintaining this plan, the
797 department shall:

798 (a) Address long-term solutions to the problem of
799 critically eroded beaches in this state.

800 (b) Evaluate each improved, modified, or altered inlet and
801 determine whether the inlet is a significant cause of beach
802 erosion. With respect to each inlet determined to be a
803 significant cause of beach erosion, the plan must ~~shall~~ include
804 the extent to which such inlet causes beach erosion and
805 recommendations to mitigate the erosive impact of the inlet,
806 including, but not limited to, inlet sediment bypassing;
807 improvement of infrastructure to facilitate sand bypassing;
808 modifications to channel dredging, jetty design, and disposal of
809 spoil material; establishment of feeder beaches; and beach
810 restoration and beach nourishment.

811 (c) Evaluate criteria for beach restoration and beach
812 nourishment projects, including, but not limited to, dune

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813 elevation and width and revegetation and stabilization
814 requirements and beach profiles.

815 (d) Consider the establishment of regional sediment
816 management alternatives for one or more individual beach and
817 inlet sand bypassing projects as an alternative to beach
818 restoration when appropriate and cost-effective, and recommend
819 the location of such regional sediment management alternatives
820 and the source of beach-compatible sand.

821 (e) Identify causes of shoreline erosion and change,
822 determine erosion rates, and maintain an updated list of
823 critically eroded sandy beaches based on data, analyses, and
824 investigations of shoreline conditions.

825 (f) Assess impacts of development and coastal protection
826 structures on shoreline change and erosion.

827 (g) Identify short-term and long-term economic costs and
828 benefits of beaches to the state and individual beach
829 communities.

830 (h) Study dune and vegetation conditions, identify existing
831 beach projects without dune features or with dunes without
832 adequate elevations, and encourage dune restoration and
833 revegetation to be incorporated as part of storm damage recovery
834 projects or future dune maintenance events.

835 (i) Identify beach areas used by marine turtles and develop
836 strategies for protection of the turtles and their nests and
837 nesting locations.

838 (j) Identify alternative management responses to preserve
839 undeveloped beach and dune systems and to restore damaged beach
840 and dune systems. In identifying such management responses, the
841 department shall consider, at a minimum, beach restoration and

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842 nourishment, armoring, relocation, dune and vegetation
843 restoration, and acquisition.

844 (k) Document procedures and policies for preparing
845 poststorm damage assessments and corresponding recovery plans,
846 including repair cost estimates.

847 (l) Identify and assess appropriate management measures for
848 all of the state's critically eroded sandy beaches.

849 Section 30. Subsections (1) and (2) of section 161.54,
850 Florida Statutes, are amended to read:

851 161.54 Definitions.—In construing ss. 161.52–161.58:

852 (1) "Coastal building zone" means the land area from the
853 seasonal high-water line landward to a line 1,500 feet landward
854 from the coastal construction control line as established
855 pursuant to s. 161.053, and, for those coastal areas fronting on
856 the Gulf of America Mexico, Atlantic Ocean, Florida Bay, or
857 Straits of Florida and not included under s. 161.053, the land
858 area seaward of the most landward velocity zone (V-zone) line as
859 established by the Federal Emergency Management Agency and shown
860 on flood insurance rate maps.

861 (2) "Coastal barrier islands" means geological features
862 which are completely surrounded by marine waters that front upon
863 the open waters of the Gulf of America Mexico, Atlantic Ocean,
864 Florida Bay, or Straits of Florida and are composed of quartz
865 sands, clays, limestone, oolites, rock, coral, coquina,
866 sediment, or other material, including spoil disposal, which
867 features lie above the line of mean high water. Mainland areas
868 which were separated from the mainland by artificial
869 channelization for the purpose of assisting marine commerce may
870 ~~shall~~ not be considered coastal barrier islands.

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871 Section 31. Subsection (4) of section 161.55, Florida
872 Statutes, is amended to read:

873 161.55 Requirements for activities or construction within
874 the coastal building zone.—The following requirements shall
875 apply beginning March 1, 1986, to construction within the
876 coastal building zone and shall be minimum standards for
877 construction in this area:

878 (4) APPLICATION TO COASTAL BARRIER ISLANDS.—All
879 requirements of this part which are applicable to the coastal
880 building zone shall also apply to coastal barrier islands. The
881 coastal building zone on coastal barrier islands is ~~shall be~~ the
882 land area from the seasonal high-water line to a line 5,000 feet
883 landward from the coastal construction control line established
884 pursuant to s. 161.053, or the entire island, whichever is less.
885 For coastal barrier islands on which a coastal construction
886 control line has not been established pursuant to s. 161.053,
887 the coastal building zone is ~~shall be~~ the land area seaward of
888 the most landward velocity zone (V-zone) boundary line fronting
889 upon the Gulf of America ~~Mexico~~, Atlantic Ocean, Florida Bay, or
890 Straits of Florida. All land area in the Florida Keys located
891 within Monroe County must ~~shall~~ be included in the coastal
892 building zone. The coastal building zone on any coastal barrier
893 island between Sebastian Inlet and Fort Pierce Inlet may be
894 reduced in size upon approval of the Land and Water Adjudicatory
895 Commission, if it determines that the local government with
896 jurisdiction has provided adequate protection for the barrier
897 island. In no case, however, shall the coastal building zone be
898 reduced to an area less than a line 2,500 feet landward of the
899 coastal construction control line. The Land and Water

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900 Adjudicatory Commission shall withdraw its approval for a
 901 reduced coastal building zone if it determines that 6 months
 902 after a local government comprehensive plan is due for
 903 submission to the state land planning agency pursuant to s.
 904 163.3167 the local government with jurisdiction has not adopted
 905 a coastal management element which is in compliance with s.
 906 163.3178.

907 Section 32. Paragraph (c) of subsection (1) of section
 908 206.9935, Florida Statutes, is amended to read:

909 206.9935 Taxes imposed.—

910 (1) TAX FOR COASTAL PROTECTION.—

911 (c)1. Excluding natural gas drilling activities, if
 912 offshore oil drilling activity is approved by the United States
 913 Department of the Interior for the waters off the coast of this
 914 state in the Atlantic Ocean, Gulf of America ~~Mexico~~, or Straits
 915 of Florida, paragraph (b) does ~~shall~~ not apply. Instead, the
 916 excise tax is ~~shall be~~ 2 cents per barrel of pollutant, or
 917 equivalent measure as established by the department, produced in
 918 or imported into this state, and the proceeds must ~~shall~~ be
 919 deposited into the Coastal Protection Trust Fund with a cap of
 920 \$100 million.

921 2. If a discharge of catastrophic proportions occurs, the
 922 results of which could significantly reduce the balance in the
 923 fund, the Secretary of Environmental Protection may, by rule,
 924 increase the levy of the excise tax to an amount not to exceed
 925 10 cents per barrel for a period of time sufficient to pay any
 926 proven claim against the fund and restore the balance in the
 927 fund until it again equals or exceeds \$50 million; except that
 928 for any fiscal year immediately following the year in which the

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929 fund is equal to or exceeds \$50 million, the excise tax and fund
930 shall be governed by ~~the provisions of~~ subparagraph 1.

931 Section 33. Paragraph (a) of subsection (10) of section
932 253.03, Florida Statutes, is amended to read:

933 253.03 Board of trustees to administer state lands; lands
934 enumerated.—

935 (10) The Board of Trustees of the Internal Improvement
936 Trust Fund and the state through any of its agencies are hereby
937 prohibited from levying any charge, by whatever name known, or
938 attaching any lien, on any and all materials dredged from state
939 sovereignty tidal lands or submerged bottom lands or on the
940 lands constituting the spoil areas on which such dredged
941 materials are placed, except as otherwise provided for in this
942 subsection, when such materials are dredged by or on behalf of
943 the United States or the local sponsors of active federal
944 navigation projects in the pursuance of the improvement,
945 construction, maintenance, and operation of such projects or by
946 a public body authorized to operate a public port facility (all
947 such parties referred to herein shall hereafter be called
948 "public body") in pursuance of the improvement, construction,
949 maintenance, and operation of such facility, including any
950 public transfer and terminal facilities, which actions are
951 hereby declared to be for a public purpose. The term "local
952 sponsor" means the local agency designated pursuant to an act of
953 Congress to assume a portion of the navigation project costs and
954 duties. Active federal navigation projects are those
955 congressionally approved projects which are being performed by
956 the United States Army Corps of Engineers or maintained by the
957 local sponsors.

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958 (a) Except for beach nourishment seaward of existing lines
959 of vegetation on privately owned or publicly owned uplands
960 fronting on the waters of the Atlantic Ocean or Gulf of America
961 ~~Mexico~~ and authorized pursuant to ~~the provisions of~~ part I of
962 chapter 161, ~~no~~ materials dredged from state sovereignty tidal
963 or submerged bottom lands by a public body may not ~~shall~~ be
964 deposited on private lands until:

965 1. The United States Army Corps of Engineers or the local
966 sponsor has first certified that no public lands are available
967 within a reasonable distance of the dredging site; and

968 2. The public body has published notice of its intention to
969 use ~~utilize~~ certain private lands for the deposit of materials,
970 in a newspaper published and having general circulation in the
971 appropriate county at least three times within a 60-day period
972 prior to the date of the scheduled deposit of any such material,
973 and therein advised the general public of the opportunity to bid
974 on the purchase of such materials for deposit on the purchaser's
975 designated site, provided any such deposit shall be at no
976 increased cost to the public body. Such notice must ~~shall~~ state
977 the terms, location, and conditions for receipt of bids and
978 shall state that the public body shall accept the highest
979 responsible bid. All bids must ~~shall~~ be submitted to the Board
980 of Trustees of the Internal Improvement Trust Fund. All moneys
981 obtained from such purchases of materials must ~~shall~~ be remitted
982 forthwith to the Board of Trustees of the Internal Improvement
983 Trust Fund. Compliance with this subsection shall vest, without
984 any obligation, full title to the materials in the owner of the
985 land where deposited.

986 Section 34. Paragraph (b) of subsection (5) of section

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987 253.12, Florida Statutes, is amended to read:

988 253.12 Title to tidal lands vested in state.-

989 (5)

990 (b) ~~Neither~~ This subsection or ~~nor~~ any other provision of
991 this chapter may not shall be construed to permit any state
992 agency or county, city, or other political subdivision to
993 construct islands or extend or add to existing lands or islands
994 bordering on or being in the navigable waters as defined herein
995 or drain such waters for a municipal, county, state, or other
996 public purpose unless such agency is the riparian upland owner
997 or holds the consent in writing of the riparian upland owner
998 consenting to such construction or extension or drainage
999 operation. For the purposes of this subsection, the term
1000 "riparian upland owners" means ~~shall be defined as~~ those persons
1001 owning upland property abutting those portions of the waters to
1002 be filled or drained, which are within 1,000 feet outboard of
1003 said riparian upland, but not more than one-half the distance to
1004 the opposite upland, if any, and within the extensions of the
1005 side boundary lines thereof, when said side boundary lines are
1006 extended in the direction of the channel along an alignment
1007 which would be required to distribute equitably the submerged
1008 land between the upland and the channel. However, this paragraph
1009 may not ~~nothing herein shall~~ be construed to deny or limit any
1010 state agency or county, city, or other political subdivision
1011 from exercising the right of eminent domain to the extent and
1012 for the purposes authorized by law in connection with such
1013 construction, extension, or drainage projects; and this
1014 paragraph may not ~~nothing herein shall~~ be construed to have
1015 application in those instances when the board is authorized by

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1016 law to establish an erosion control line to implement an
1017 authorized beach nourishment, replenishment, or erosion-control
1018 project, or for the placement of sand dredged from navigation
1019 channels on beaches fronting the waters of the Atlantic Ocean or
1020 the Gulf of America ~~Mexico~~, provided such sand is not placed
1021 landward of existing lines of vegetation.

1022 Section 35. Section 253.783, Florida Statutes, is amended
1023 to read:

1024 253.783 Expenditures for acquisition of land for a canal
1025 connecting the waters of the Atlantic Ocean with the Gulf of
1026 America ~~Mexico~~ via the St. Johns River prohibited.—The
1027 department may not ~~shall~~ make ~~no~~ expenditures for the purpose of
1028 acquiring land for constructing, operating, or promoting a canal
1029 across the peninsula of Florida connecting the waters of the
1030 Atlantic Ocean with the waters of the Gulf of America ~~Mexico~~ via
1031 the St. Johns River.

1032 Section 36. Section 258.09, Florida Statutes, is amended to
1033 read:

1034 258.09 Rauscher Park designated.—There is designated and
1035 established as a state park to be known as Rauscher Park, in
1036 Escambia County, the lands lying between the Big Lagoon and the
1037 Gulf of America ~~Mexico~~, now owned by Escambia County, or
1038 hereafter acquired by Escambia County, adjacent or contiguous
1039 thereto, from private owners or from the United States
1040 Government; and the board of county commissioners of Escambia
1041 County may execute proper conveyance to the board of
1042 commissioners of state institutions covering the property now
1043 owned by Escambia County, as aforesaid, and said board of county
1044 commissioners of Escambia County may acquire in the name of the

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1045 Division of Recreation and Parks of the Department of
1046 Environmental Protection any property adjacent or contiguous
1047 thereto, from private owners or from the United States
1048 Government; and said division may accept in the name of the
1049 state the title to any such lands, whether from said Escambia
1050 County, or whether same be property acquired from private owners
1051 or the United States Government.

1052 Section 37. Section 258.395, Florida Statutes, is amended
1053 to read:

1054 258.395 Big Bend Seagrasses Aquatic Preserve.—The following
1055 described area in Wakulla, Jefferson, Taylor, Dixie, and Levy
1056 Counties is hereby designated by the Legislature for inclusion
1057 in the aquatic preserve system under the Florida Aquatic
1058 Preserve Act of 1975. Such area, to be known as the Big Bend
1059 Seagrasses Aquatic Preserve, must ~~shall~~ be included in the
1060 aquatic preserve system and must ~~shall~~ include all the
1061 sovereignty submerged lands lying within the following described
1062 boundaries: Begin where the northerly mean high water line of
1063 Withlacoochee River meets the mean high water line of the Gulf
1064 of America ~~Mexico~~, Township 17 South, Range 15 East, Levy
1065 County: Thence from the said point of beginning proceed
1066 northwesterly along the mean high water line of the coast and
1067 its navigable tributaries to the intersection of the westerly
1068 mean high water line of St. Marks River with the mean high water
1069 line of the Gulf of America ~~Mexico~~, in Township 4 South, Range 1
1070 East, Wakulla County; thence proceed south three marine leagues
1071 into the Gulf of America ~~Mexico~~; thence proceed southeasterly
1072 along a line three marine leagues from and parallel to the line
1073 of mean high water previously described to an intersection with

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1074 a line projected west from the point of beginning; thence
 1075 proceed east to the point of beginning. Less and except all
 1076 those sovereignty submerged lands within 500 feet of any
 1077 incorporated or unincorporated municipality within the above
 1078 described lands. Less and except: Begin at the intersection of
 1079 the southerly projection of the east line of Range line 4 East
 1080 with the mean high water line of the Gulf of America Mexico;
 1081 thence proceed southwest to a point on the three marine league
 1082 line; thence proceed southeasterly three marine leagues from and
 1083 parallel to the mean high water line to a point which is
 1084 southwest of the intersection of the southerly line of Section
 1085 22, Township 6 South, Range 6 East, Taylor County, with the mean
 1086 high water line of the Gulf of America Mexico; thence proceed
 1087 Northeast to the foresaid point of intersection; thence proceed
 1088 northwesterly along the mean high water line of the Gulf of
 1089 America Mexico and its tributaries to the point of beginning.
 1090 Less and except all those local access channels adjacent to
 1091 Keaton Beach and a proposed navigational channel more
 1092 particularly described as follows: Begin at State Plane
 1093 Coordinate; X=2,288,032; Y=298,365: Thence proceed West 11,608
 1094 feet; thence proceed south 1,440 feet; thence proceed east
 1095 11,608 feet; thence proceed north 1,440 feet to the point of
 1096 beginning; less and except all those sovereign submerged lands
 1097 lying northerly and easterly of U.S. Highway 19.

1098 Section 38. Subsection (2) of section 258.3991, Florida
 1099 Statutes, is amended to read:

1100 258.3991 Nature Coast Aquatic Preserve.—

1101 (2) BOUNDARIES.—For purposes of this section, the Nature
 1102 Coast Aquatic Preserve consists of the state-owned submerged

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1103 lands lying west of a meandering line following the westernmost
1104 shorelines of Citrus, Hernando, and Pasco Counties, excluding
1105 artificial waterways, canals, inland rivers, and tributaries.
1106 Such state-owned submerged lands include all those lands seaward
1107 of the mean high-water line and tidally connected to the Gulf of
1108 America ~~Mexico~~, lying south of a line extending westerly
1109 approximately 4.5 miles along Latitude 28.910000°, Florida West
1110 Zone (NAD83) from the mean high-water line of the corresponding
1111 shoreline at Fort Island Gulf Beach Park, Latitude 28.910000°,
1112 Longitude -82.690000°, and lying westward of a line extending
1113 north approximately 1.8 miles from Latitude 28.909402°,
1114 Longitude -82.764° to Latitude 28.9355°, Longitude -82.764°,
1115 lying southward of a line extending westerly approximately 2.0
1116 miles to Latitude 28.9355°, Longitude -82.798214°, lying
1117 westward of a line extending north approximately 4.5 miles to
1118 the easternmost point of the southern boundary of the Big Bend
1119 Seagrasses Aquatic Preserve at point Latitude 29.001614°,
1120 Longitude -82.798921°, and will be continuous with the eastern
1121 shoreline of the northern boundary of the Pinellas County
1122 Aquatic Preserve, respectively. The boundary of the Nature Coast
1123 Aquatic Preserve designated as the shoreline will be the mean
1124 high-water line along such shoreline unless otherwise stated and
1125 will not supersede the boundaries of currently designated
1126 Outstanding Florida Waters, state parks, national wildlife
1127 refuges, or aquatic preserves.

1128 Section 39. Subsection (15) of section 327.02, Florida
1129 Statutes, is amended to read:

1130 327.02 Definitions.—As used in this chapter and in chapter
1131 328, unless the context clearly requires a different meaning,

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1132 the term:

1133 (15) "Florida Intracoastal Waterway" means the Atlantic
1134 Intracoastal Waterway, the Georgia state line north of
1135 Fernandina to Miami; the Port Canaveral lock and canal to the
1136 Atlantic Intracoastal Waterway; the Atlantic Intracoastal
1137 Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to
1138 Fort Myers; the St. Johns River, Jacksonville to Sanford; the
1139 Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf
1140 Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to
1141 Anclote open bay section, using the Gulf of America ~~Mexico~~; the
1142 Gulf Intracoastal Waterway, Carrabelle to the Alabama state line
1143 west of Pensacola; and the Apalachicola, Chattahoochee, and
1144 Flint Rivers in Florida.

1145 Section 40. Paragraph (c) of subsection (4) of section
1146 327.60, Florida Statutes, is amended to read:

1147 327.60 Local regulations; limitations.—

1148 (4)

1149 (c) Upon approval of the Administrator of the United States
1150 Environmental Protection Agency pursuant to 33 U.S.C. s. 1322, a
1151 county designated as a rural area of opportunity may create a
1152 no-discharge zone for freshwater water bodies within the
1153 county's jurisdiction to prohibit treated and untreated sewage
1154 discharges from floating structures and live-aboard vessels not
1155 capable of being used as a means of transportation and from
1156 houseboats. Within no-discharge zone boundaries, operators of
1157 such floating structures, live-aboard vessels, and houseboats
1158 shall retain their sewage on board for discharge at a pumpout
1159 facility or for discharge more than 3 miles off the coast in the
1160 Atlantic Ocean or more than 9 miles off the coast in the Gulf of

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1161 America ~~Mexico~~. Violations of this paragraph are punishable as
1162 provided in s. 327.53(6) and (7).

1163 Section 41. Subsection (1) of section 331.307, Florida
1164 Statutes, is amended to read:

1165 331.307 Development of Cape San Blas facility.—The
1166 spaceport facility at Cape San Blas may only be developed in
1167 accordance with the recommendations of the Spaceport Florida
1168 Feasibility Study upon the following conditions:

1169 (1) Construction at the site may ~~shall~~ not cause
1170 significant degradation of the water quality or injure aquatic
1171 life in St. Joseph Bay or the adjacent water of the Gulf of
1172 America ~~Mexico~~.

1173 Section 42. Subsection (3) of section 373.019, Florida
1174 Statutes, is amended to read:

1175 373.019 Definitions.—When appearing in this chapter or in
1176 any rule, regulation, or order adopted pursuant thereto, the
1177 term:

1178 (3) "Coastal waters" means waters of the Atlantic Ocean or
1179 the Gulf of America ~~Mexico~~ within the jurisdiction of the state.

1180 Section 43. Paragraphs (a), (b), (d), and (e) of subsection
1181 (2) of section 373.069, Florida Statutes, are amended to read:

1182 373.069 Creation of water management districts.—

1183 (2) Notwithstanding the provisions of any other special or
1184 general act to the contrary, the boundaries of the respective
1185 districts named in subsection (1) shall include the areas within
1186 the following boundaries:

1187 (a) *Northwest Florida Water Management District*.—Begin at
1188 the point where the section line between Sections 26 and 27,
1189 Township 4 South, Range 3 East intersects the Gulf of America

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1190 ~~Mexico~~; thence north along the section line to the northwest
1191 corner of Section 2, Township 1 South, Range 3 East; thence east
1192 along the Tallahassee Base Line to the southeast corner of
1193 Section 36, Township 1 North, Range 4 East; thence north along
1194 the range line to the northwest corner of Section 6, Township 1
1195 North, Range 5 East; thence east along the township line to the
1196 southeast corner of Section 36, Township 2 North, Range 5 East;
1197 thence north along the range line to the northeast corner of
1198 Section 24, Township 2 North, Range 5 East; thence west along
1199 the section line to the southwest corner of the east 1/2 of
1200 Section 13, Township 2 North, Range 5 East; thence north to the
1201 northwest corner of the east 1/2 of Section 13, Township 2
1202 North, Range 5 East; thence east along the section line to the
1203 southeast corner of Section 12, Township 2 North, Range 5 East;
1204 thence north along the range line to the northeast corner of
1205 Section 24, Township 3 North, Range 5 East; thence west along
1206 the Watson Line to the southwest corner of Lot Number 168;
1207 thence north along the line between Lot Numbers 168 and 169, 154
1208 and 155 to the Georgia line; thence westward along the Georgia-
1209 Florida line to the intersection of the south boundary of the
1210 State of Alabama; thence west along the Alabama-Florida line to
1211 the intersection of the northwest corner Alabama-Florida
1212 Boundary; thence south along the Alabama-Florida line to the
1213 Gulf of America ~~Mexico~~; thence east along the Gulf of America
1214 ~~Mexico~~, including the waters of said gulf within the
1215 jurisdiction of the State of Florida, to the Point of Beginning.

1216 (b) *Suwannee River Water Management District*.—Begin in the
1217 Gulf of America ~~Mexico~~ on the section line between Sections 29
1218 and 32, Township 15 South, Range 15 East; thence east along the

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1219 section lines to the southwest corner of Section 27, Township 15
1220 South, Range 17 East; thence north along the section line to the
1221 northwest corner of Section 3, Township 15 South, Range 17 East;
1222 thence east along the section line to the easterly right-of-way
1223 line of State Road No. 337; thence northerly along said easterly
1224 right-of-way line of State Road No. 337 to the southerly right-
1225 of-way line of State Road No. 24; thence northeasterly along
1226 said southerly right-of-way line of State Road No. 24 to the
1227 Levy-Alachua county line; thence south along the Levy-Alachua
1228 county line, also being the range line between Range 17 and 18
1229 East to the southeast corner of Section 36, Township 11 South,
1230 Range 17 East; thence easterly along the Levy-Alachua county
1231 line, also being the township line between Townships 11 and 12
1232 South, to the southeast corner of Section 36, Township 11 South,
1233 Range 18 East; thence north along the range line to the
1234 northwest corner of Section 19, Township 9 South, Range 19 East;
1235 thence east along the section line to the southeast corner of
1236 Section 13, Township 9 South, Range 19 East; thence north along
1237 the range line to the northwest corner of Section 6, Township 9
1238 South, Range 20 East; thence eastward along the township line to
1239 the southeast corner of Section 36, Township 8 South, Range 20
1240 East; thence north along the township line to the northwest
1241 corner of Section 18, Township 8 South, Range 21 East; thence
1242 east along the section line to the northeast corner of Section
1243 15, Township 8 South, Range 21 East; thence south along the
1244 section line to the southwest corner of Section 23, Township 8
1245 South, Range 21 East; thence east along the section line to the
1246 northeast corner of Section 26, Township 8 South, Range 21 East;
1247 thence south along the section line to the southwest corner of

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1248 the north 1/2 of Section 25, Township 8 South, Range 21 East;
1249 thence east along a line to the northeast corner of the south
1250 half of Section 25, Township 8 South, Range 21 East; thence
1251 south along the range line to the southwest corner of Section
1252 30, Township 8 South, Range 22 East; thence east along the
1253 section line to the northeast corner of Section 32, Township 8
1254 South, Range 22 East; thence south along the section line to the
1255 southwest corner of Section 16, Township 9 South, Range 22 East;
1256 thence eastward along the section line to the southeast corner
1257 of the west 1/8 of Section 18, Township 9 South, Range 23 East;
1258 thence northward to the northeast corner of the west 1/8 of
1259 Section 18, Township 9 South, Range 23 East; thence west to the
1260 southwest corner of Section 7, Township 9 South, Range 23 East;
1261 thence northward along the Bradford-Clay County line to the
1262 northeast corner of Section 36, Township 8 South, Range 22 East;
1263 thence west along the section line to the southwest corner of
1264 the east 1/2 of Section 25, Township 8 South, Range 22 East;
1265 thence north to the northeast corner of the west 1/2 of Section
1266 24, Township 8 South, Range 22 East; thence west along the
1267 section line to the southwest corner of Section 13, Township 8
1268 South, Range 22 East; thence north along the section line to the
1269 northwest corner of Section 25, Township 7 South, Range 22 East;
1270 thence east along the section line to the southeast corner of
1271 Section 24, Township 7 South, Range 22 East; thence north along
1272 the Bradford-Clay County line to the intersection of the south
1273 boundary of Baker County; thence west along the Baker-Bradford
1274 County line to the intersection of the east boundary of Union
1275 County; thence west along the Union-Baker County line to the
1276 southwest corner of Section 18, Township 4 South, Range 20 East;

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1277 thence north along the range line to the northeast corner of
1278 Section 1, Township 3 South, Range 19 East; thence west along
1279 the township line to the intersection of the east boundary of
1280 Columbia County; thence north along the Baker-Columbia County
1281 line to the intersection of the north boundary line of the State
1282 of Florida; thence westward along the Georgia-Florida line to
1283 the northwest corner of Lot Number 155; thence south along the
1284 line between Lot Number 154 and 155, 168 and 169 to the Watson
1285 Line; thence east along the Watson Line to the northeast corner
1286 of Section 24, Township 3 North, Range 5 East; thence south
1287 along the range line between Ranges 5 and 6 East to the
1288 southeast corner of Section 12, Township 2 North, Range 5 East;
1289 thence west along the section line to the northwest corner of
1290 the east 1/2 of Section 13, Township 2 North, Range 5 East;
1291 thence south to the southwest corner of the east 1/2 of Section
1292 13, Township 2 North, Range 5 East; thence east along the
1293 section line to the northeast corner of Section 24, Township 2
1294 North, Range 5 East; thence south along the range line between
1295 Ranges 5 and 6 East to the southeast corner of Section 36,
1296 Township 2 North, Range 5 East; thence west along the township
1297 line between Townships 1 and 2 North to the northwest corner of
1298 Section 6, Township 1 North, Range 5 East; thence south along
1299 the range line between Ranges 4 and 5 East to the southeast
1300 corner of Section 36, Township 1 North, Range 4 East; thence
1301 west along the Tallahassee Base Line to the northwest corner of
1302 Section 2, Township 1 South, Range 3 East; thence south along
1303 the section line to the Gulf of America Mexico; thence along the
1304 shore of the Gulf of America Mexico, including the waters of
1305 said gulf within the jurisdiction of the State of Florida, to

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1306 the point of the beginning.

1307 (d) *Southwest Florida Water Management District.*—Begin at
1308 the intersection of the north boundary of Lee County with the
1309 Gulf of America ~~Mexico~~; thence eastward along the Lee-Charlotte
1310 County line to the Southeast corner of Section 33, Township 42
1311 South, Range 24 East; thence North into Charlotte County, along
1312 the section lines to the Northeast corner of Section 4, Township
1313 42 South, Range 24 East; thence East along the township line
1314 between Townships 41 and 42 South to the Southeast corner of
1315 Section 36, Township 41 South, Range 25 East; thence north along
1316 the section line to the northwest corner of Section 6, Township
1317 41 South, Range 26 East; thence east along the section line to
1318 the southeast corner of Section 36, Township 40 South, Range 26
1319 East; thence North along the range line between Ranges 26 and 27
1320 to the Northeast corner of Section 1, Township 40 South, Range
1321 26 East, and the Charlotte-Desoto County line; thence east along
1322 the Charlotte-Desoto County line to the southeast corner of
1323 Section 36, Township 39 South, Range 27 East; thence north along
1324 the DeSoto-Highlands County line to the intersection of the
1325 South boundary of Hardee County; thence north along the Hardee-
1326 Highlands County line to the southwest corner of Township 35
1327 South, Range 28 East; thence east along the north boundary of
1328 Township 36 South to the northeast corner of Section 1, Township
1329 36 South, Range 28 East; thence south along the range line to
1330 the southeast corner of Section 12, Township 37 South, Range 28
1331 East; thence east along the section line to the northeast corner
1332 of Section 15, Township 37 South, Range 29 East; thence south
1333 along the section line to the southeast corner of Section 34,
1334 Township 37 South, Range 29 East; thence east along the township

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1335 line to the northeast corner of Section 1, Township 38 South,
1336 Range 29 East; thence south along the range line to the
1337 southeast corner of Section 1, Township 39 South, Range 29 East;
1338 thence east along the section line to the northwest corner of
1339 Section 11, Township 39 South, Range 30 East; thence north along
1340 the section line to the southwest corner of Section 35, Township
1341 38 South, Range 30 East; thence east along the township line to
1342 the southeast corner of the west 1/4 of Section 35, Township 38
1343 South, Range 30 East; thence north along the 1/4-section line of
1344 Sections 35, 26, and 23, Township 38 South, Range 30 East to the
1345 northeast corner of the west 1/4 section of Section 23, Township
1346 38 South, Range 30 East; thence west along the section line to
1347 the northwest corner of Section 23, Township 38 South, Range 30
1348 East; thence north along the section line to the northwest
1349 corner of Section 2, Township 37 South, Range 30 East; thence
1350 west along the township line to the southwest corner of Section
1351 34, Township 36 South, Range 30 East; thence north along the
1352 section line to the northwest corner of Section 3, Township 36
1353 South, Range 30 East; thence west along the township line to the
1354 southwest corner of Section 31, Township 35 South, Range 30
1355 East; thence north along the range line between Ranges 29 and 30
1356 East, through Townships 35, 34, and 33 South, to the northeast
1357 corner of Township 33 South, Range 29 East, being on the
1358 Highlands-Polk County line; thence west along the Highlands-Polk
1359 County line to the southeast corner of Township 32 South, Range
1360 28 East; thence north along the range line between Ranges 28 and
1361 29 East, in Townships 32 and 31 South, to the northeast corner
1362 of Section 12 in Township 31 South, Range 28 East; thence east
1363 along the section line to the northeast corner of Section 7,

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1364 Township 31 South, Range 29 East; thence north along the section
1365 line to the northwest corner of Section 17, Township 30 South,
1366 Range 29 East; thence east along the section line to the
1367 northeast corner of the west 1/2 of Section 17, Township 30
1368 South, Range 29 East; thence north along the 1/2-section line to
1369 the northeast corner of the west 1/2 of Section 5, Township 30
1370 South, Range 29 East; thence west along the section line to the
1371 southwest corner of Section 32, Township 29 South, Range 29
1372 East; thence north along the section line to the northeast
1373 corner of Section 19 in Township 29 South, Range 29 East; thence
1374 west along the north boundaries of Section 19, Township 29
1375 South, Range 29 East, and Sections 24, 23, 22, 21, and 20,
1376 Township 29 South, Range 28 East, to the northwest corner of
1377 said Section 20; thence north along the section line to the
1378 intersection of said section line with the west shore line of
1379 Lake Pierce in Township 29 South, Range 28 East; thence
1380 following the west shore of Lake Pierce to its intersection
1381 again with the west section line of Section 5, Township 29
1382 South, Range 28 East; thence north along the section line to the
1383 northwest corner of Section 5, Township 29 South, Range 28 East;
1384 thence east along the township line to the southwest corner of
1385 Section 33, Township 28 South, Range 28 East; thence north along
1386 the section line to the northwest corner of the southwest 1/4 of
1387 the southwest 1/4 of Section 28, Township 28 South, Range 28
1388 East; thence east along the 1/4-section line to the intersection
1389 of said 1/4-section line with Lake Pierce; thence follow the
1390 shore line northeasterly to its intersection with the 1/2-
1391 section line of Section 28, Township 28 South, Range 28 East;
1392 thence north on the 1/2-section line to the northwest corner of

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1393 the southeast 1/4 of Section 28, Township 28 South, Range 28
1394 East; thence east to the northeast corner of the southeast 1/4
1395 of Section 28, Township 28 South, Range 28 East; thence south
1396 along the section line to the northwest corner of Section 3,
1397 Township 29 South, Range 28 East; thence east along the section
1398 line to the northeast corner of Section 3, Township 29 South,
1399 Range 28 East; thence north along the section line to the
1400 northwest corner of Section 23, Township 28 South, Range 28
1401 East; thence west along the section line to the southwest corner
1402 of Section 16, Township 28 South, Range 28 East; thence north
1403 along the section line to the northwest corner of Section 16,
1404 Township 28 South, Range 28 East; thence west along the section
1405 line to the southwest corner of Section 8, Township 28 South,
1406 Range 28 East; thence north along the section line to the
1407 northwest corner of Section 5, Township 28 South, Range 28 East;
1408 thence west along the township line to the intersection of said
1409 township line with Lake Marion; thence following the south shore
1410 line of Lake Marion to its intersection again with said township
1411 line; thence west along the township line to the southeast
1412 corner of Section 36, Township 37 South, Range 27 East; thence
1413 north along the range line between Ranges 27 and 28 East to the
1414 intersection of said range line with Lake Marion; thence
1415 following the west shore of Lake Marion to its intersection
1416 again with the range line between Ranges 27 and 28 East; thence
1417 north along said range line, in Townships 27 and 26 South, to
1418 the northeast corner of Township 26 South, Range 27 East, being
1419 on the Polk-Osceola County line; thence west along the Polk-
1420 Osceola County line to the northwest corner of Township 26
1421 South, Range 27 East; thence north along the section line to the

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1422 Lake-Polk County line; thence west along the county line to the
1423 southwest corner of Section 32, Township 24 South, Range 26
1424 East; thence into Lake County, north along the section lines to
1425 the northeast corner of Section 30, Township 24 South, Range 26
1426 East; thence west along the section lines to the northeast
1427 corner of Section 28, Township 24 South, Range 25 East; thence
1428 north along the section lines to the northeast corner of Section
1429 16, Township 24 South, Range 25 East; thence west along the
1430 section line to the northwest corner of Section 16, Township 24
1431 South, Range 25 East; thence north along the section line to the
1432 northeast corner of Section 8, Township 24 South, Range 25 East;
1433 thence west along the section lines to the range line between
1434 Ranges 24 and 25; thence north along the range line to the
1435 northeast corner of Section 1, Township 23 South, Range 24 East,
1436 also being on the township line between Townships 22 and 23
1437 South; thence west along the township line to the northwest
1438 corner of Section 6, Township 23 South, Range 24 East also being
1439 on the Sumter-Lake County line; thence north along the Sumter-
1440 Lake County line, also being the range line between Ranges 23
1441 and 24, to the northeast corner of Section 1, Township 18 South,
1442 Range 23 East and the Marion County line; thence west, along the
1443 Sumter-Marion County line, also being the township line between
1444 Townships 17 and 18 South, to the westerly right-of-way line of
1445 Interstate Highway 75; thence northerly along the westerly
1446 right-of-way line of Interstate Highway 75 to the Alachua-Marion
1447 County line, said line also being the township line between
1448 Townships 11 and 12 South; thence west along the Alachua-Marion
1449 County line to the northwest corner of Section 3, Township 12
1450 South, Range 19 East and the Levy County line; thence westerly

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1451 along the Levy-Alachua County line, also being the township line
1452 between Townships 11 and 12 South, to the southeast corner of
1453 Section 36, Township 11 South, Range 17 East; thence north along
1454 the Levy-Alachua County line, also being the range line between
1455 Ranges 17 and 18 East, to the southerly right-of-way line of
1456 State Road No. 24; thence southwesterly along said southerly
1457 right-of-way line to the easterly right-of-way line of State
1458 Road No. 337; thence southerly, along said easterly right-of-way
1459 line of State Road No. 337, to the south line of Section 35,
1460 Township 14 South, Range 17 East; thence west along the section
1461 line to the northwest corner of Section 3, Township 15 South,
1462 Range 17 East; thence south along the section lines to the
1463 southwest corner of Section 27, Township 15 South, Range 17
1464 East; thence west to the Gulf of America ~~Mexico~~; thence south
1465 along the Gulf of America ~~Mexico~~, including the waters of said
1466 gulf within the jurisdiction of the State of Florida, to the
1467 point of beginning.

1468 (e) *South Florida Water Management District.*—Begin at the
1469 intersection of the north boundary of Lee County with the Gulf
1470 of America ~~Mexico~~; thence easterly along the Lee-Charlotte
1471 County line to the southwest corner of Section 34, Township 42
1472 South, Range 24 East; thence northerly along the section lines
1473 to the northwest corner of Section 3, Township 42 South, Range
1474 24 East; thence easterly along the Township line between
1475 Townships 41 and 42 South to the southwest corner of Section 31,
1476 Township 41 South, Range 26 East; thence northerly along the
1477 Range line between Ranges 25 and 26 East to the northwest corner
1478 of Section 6, Township 41 South, Range 26 East; thence easterly
1479 along the Township line between Townships 40 and 41 South to the

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1480 southwest corner of Section 31, Township 40 South, Range 27
1481 East; thence northerly along the Range line between Ranges 26
1482 and 27 East to the Charlotte-DeSoto County line; thence easterly
1483 along the Charlotte-Desoto County line to the west line of
1484 Highlands County; thence northerly along the Highlands-Desoto
1485 County line and along the Highlands-Hardee County line to the
1486 northwest corner of Township 36 South, Range 28 East; thence
1487 east along the north boundary of Township 36 South to the
1488 northeast corner of Section 1, Township 36 South, Range 28 East;
1489 thence south along the range line to the southeast corner of
1490 Section 12, Township 37 South, Range 28 East; thence east along
1491 the section line to the northeast corner of Section 15, Township
1492 37 South, Range 29 East; thence south along the section line to
1493 the southeast corner of Section 34, Township 37 South, Range 29
1494 East; thence east along the township line to the northeast
1495 corner of Section 1, Township 38 South, Range 29 East; thence
1496 south along the range line to the southeast corner of Section 1,
1497 Township 39 South, Range 29 East; thence east along the section
1498 line to the northwest corner of Section 11, Township 39 South,
1499 Range 30 East; thence north along the section line to the
1500 southwest corner of Section 35, Township 38 South, Range 30
1501 East; thence east along the township line to the southeast
1502 corner of the west 1/4 of Section 35, Township 38 South, Range
1503 30 East; thence north along the 1/4-section line of Sections 35,
1504 26, and 23, Township 38 South, Range 30 East to the northeast
1505 corner of the west 1/4 section of Section 23, Township 38 South,
1506 Range 30 East; thence west along the section line to the
1507 northwest corner of Section 23, Township 38 South, Range 30
1508 East; thence north along the section line to the northwest

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1509 corner of Section 2, Township 37 South, Range 30 East; thence
1510 west along the township line to the southwest corner of Section
1511 34, Township 36 South, Range 30 East; thence north along the
1512 section line to the northwest corner of Section 3, Township 36
1513 South, Range 30 East; thence west along the township line to the
1514 southwest corner of Section 31, Township 35 South, Range 30
1515 East; thence north along the range line between Ranges 29 and 30
1516 East, through Townships 35, 34, and 33 South, to the northwest
1517 corner of Township 33 South, Range 30 East, being on the
1518 Highlands-Polk County line; thence west along the Highlands-Polk
1519 County line to the southwest corner of Township 32 South, Range
1520 29 East; thence north along the range line between Ranges 28 and
1521 29 East, in Townships 32 and 31 South, to the northwest corner
1522 of Section 7 in Township 31 South, Range 29 East; thence east
1523 along the section line to the northeast corner of Section 7,
1524 Township 31 South, Range 29 East; thence north along the section
1525 line to the northwest corner of Section 17, Township 30 South,
1526 Range 29 East; thence east along the section line to the
1527 northeast corner of the west 1/2 of Section 17, Township 30
1528 South, Range 29 East; thence north along the 1/2-section line to
1529 the northeast corner of the west 1/2 of Section 5, Township 30
1530 South, Range 29 East; thence west along the section line to the
1531 southwest corner of Section 32, Township 29 South, Range 29
1532 East; thence north along the section line to the northeast
1533 corner of Section 19 in Township 29 South, Range 29 East; thence
1534 west along the south boundaries of Section 18, Township 29
1535 South, Range 29 East and Sections 13, 14, 15, 16, and 17 in
1536 Township 29 South, Range 28 East, to the southwest corner of
1537 said Section 17; thence north along the section line to the

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1538 intersection of said section line with the west shore line of
1539 Lake Pierce in Township 29 South, Range 28 East; thence
1540 following the west shore of Lake Pierce to its intersection
1541 again with the west section line of Section 5, Township 29
1542 South, Range 28 East; thence north along the section line to the
1543 northwest corner of Section 5, Township 29 South, Range 28 East;
1544 thence east along the township line to the southwest corner of
1545 Section 33, Township 28 South, Range 28 East; thence north along
1546 the section line to the northwest corner of the southwest 1/4 of
1547 the southwest 1/4 of Section 28, Township 28 South, Range 28
1548 East; thence east along the 1/4-section line to the intersection
1549 of said 1/4-section line with Lake Pierce; thence follow the
1550 shore line northeasterly to its intersection with the 1/2-
1551 section line of Section 28, Township 28 South, Range 28 East;
1552 thence north on the 1/2-section line to the northwest corner of
1553 the southeast 1/4 of Section 28, Township 28 South, Range 28
1554 East; thence east along the 1/2-section line to the northeast
1555 corner of the southeast 1/4 of Section 28, Township 28 South,
1556 Range 28 East; thence south along the section line to the
1557 northwest corner of Section 3, Township 29 South, Range 28 East;
1558 thence east along the section line to the northeast corner of
1559 Section 3, Township 29 South, Range 28 East; thence north along
1560 the section line to the northwest corner of Section 23, Township
1561 28 South, Range 28 East; thence west along the section line to
1562 the southwest corner of Section 16, Township 28 South, Range 28
1563 East; thence north along the section line to the northwest
1564 corner of Section 16, Township 28 South, Range 28 East; thence
1565 west along the section line to the southwest corner of Section
1566 8, Township 28 South, Range 28 East; thence north along the

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1567 section line to the northwest corner of Section 5, Township 28
1568 South, Range 28 East; thence west along the township line to the
1569 intersection of said township line with Lake Marion; thence
1570 following the south shore line of Lake Marion to its
1571 intersection again with said township line; thence west along
1572 the township line to the southeast corner of Section 36,
1573 Township 27 South, Range 27 East; thence north along the range
1574 line between Ranges 27 and 28 East to the intersection of said
1575 range line with Lake Marion; thence following the west shore of
1576 Lake Marion to its intersection again with the range line
1577 between Ranges 27 and 28 East; thence north along said range
1578 line, in Townships 27 and 26 South, to the northwest corner of
1579 Township 26 South, Range 28 East, being on the Polk-Osceola
1580 County line; thence west along the Polk-Osceola County line to
1581 the southwest corner of Township 25 South, Range 27 East; thence
1582 northerly along the range line between Ranges 26 and 27 East to
1583 the northwest corner of Section 18, Township 23 South, Range 27
1584 East; thence easterly along the section lines to the southwest
1585 corner of Section 12, Township 23 South, Range 27 East; thence
1586 northerly along the section lines to the northwest corner of
1587 Section 1, Township 23 South, Range 27 East; thence easterly
1588 along the Township line between Townships 22 and 23 South to the
1589 southwest corner of Section 31, Township 22 South, Range 29
1590 East; thence northerly along the Range line between Ranges 28
1591 and 29 East to the northwest corner of Section 30, Township 22
1592 South, Range 29 East; thence easterly along the section lines to
1593 the westerly right-of-way line of U.S. Highway 441; thence
1594 southerly along the westerly right-of-way line to the
1595 intersection with the northerly right-of-way line of State Road

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1596 528A; thence easterly along the northerly right-of-way line to
1597 the intersection with the northerly right-of-way line of State
1598 Road 528, also known as the Bee Line Expressway; thence easterly
1599 along the northerly right-of-way line of State Road 528 to the
1600 intersection with the range line between Township 23 South,
1601 Range 31 East and Township 23 South, Range 32 East; thence
1602 southerly along the Range line between Ranges 31 and 32 East to
1603 the Orange-Osceola County line; thence easterly along said
1604 county line between Townships 24 and 25 South to the northeast
1605 corner of Section 5, Township 25 South, Range 32 East; thence
1606 southerly along the section lines to the southeast corner of
1607 Section 32, Township 25 South, Range 32 East; thence easterly
1608 along the Township line between Townships 25 and 26 South to the
1609 northeast corner of Section 1, Township 26 South, Range 32 East;
1610 thence southerly along the Range line between Ranges 32 and 33
1611 East to the southeast corner of Section 36, Township 27 South,
1612 Range 32 East; thence westerly along the township line between
1613 Townships 27 and 28 South, to the northeast corner of Section 1,
1614 Township 28 South, Range 32 East; thence southerly along the
1615 Range line between Ranges 32 and 33 East to the southeast corner
1616 of Section 36, Township 29 South, Range 32 East; thence easterly
1617 along the Township line between Townships 29 and 30 South to the
1618 northeast corner of Section 1, Township 30 South, Range 33 East;
1619 thence southerly along the Range line between Ranges 33 and 34
1620 East to the southeast corner of Section 36, Township 30 South,
1621 Range 33 East; thence westerly along the Township line between
1622 Townships 30 and 31 South to the northeast corner of Section 4,
1623 Township 31 South, Range 33 East; thence southerly along the
1624 section lines to the Osceola-Okeechobee County line; thence

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1625 easterly along said county line to the northeast corner of
1626 Section 3, Township 33 South, Range 34 East; thence southerly
1627 along the section lines to the southeast corner of Section 34,
1628 Township 34 South, Range 34 East; thence easterly along the
1629 Township line between Townships 34 and 35 South to the southwest
1630 corner of Section 36, Township 34 South, Range 35 East; thence
1631 northerly along the section lines to the northwest corner of
1632 Section 13, Township 34 South, Range 35 East; thence easterly
1633 along the section line to the Range line between Ranges 35 and
1634 36 East; thence northerly along said Range line to the northwest
1635 corner of Section 18, Township 34 South, Range 36 East; thence
1636 easterly along the section lines to the southwest corner of
1637 Section 10, Township 34 south, Range 36 East; thence northerly
1638 along the section line to the northwest corner of said Section
1639 10; thence easterly along the section lines to the Okeechobee-
1640 St. Lucie County line; thence northerly along said county line
1641 to the south line of Indian River County; thence easterly along
1642 the St. Lucie-Indian River County line to the Atlantic Ocean;
1643 thence southerly along the Atlantic Ocean to the Gulf of America
1644 ~~Mexico~~; thence northerly along the Gulf of America ~~Mexico~~,
1645 including the waters of said Ocean and of said gulf and the
1646 islands therein within the jurisdiction of the State of Florida,
1647 to the point of beginning.

1648 Section 44. Subsection (10) of section 375.031, Florida
1649 Statutes, is amended to read:

1650 375.031 Acquisition of land; procedures.—

1651 (10) The department is empowered and authorized to provide
1652 matching funds to counties and municipalities of up to 50
1653 percent of the cost of purchasing, exclusive of condemnation,

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1654 rights-of-way for access roads or walkways to public beaches
 1655 contiguous with the Atlantic Ocean or the Gulf of America
 1656 ~~Mexico~~.

1657 Section 45. Paragraph (c) of subsection (2) of section
 1658 376.25, Florida Statutes, is amended to read:

1659 376.25 Gambling vessels; registration; required and
 1660 prohibited releases.—

1661 (2) DEFINITIONS.—As used in this section, the term:

1662 (c) "Coastal waters" means waters of the Atlantic Ocean
 1663 within 3 nautical miles of the coastline of the state and waters
 1664 of the Gulf of America ~~Mexico~~ within 9 nautical miles of the
 1665 coastline of the state.

1666 Section 46. Paragraph (a) of subsection (1) of section
 1667 377.242, Florida Statutes, is amended to read:

1668 377.242 Permits for drilling or exploring and extracting
 1669 through well holes or by other means.—The department is vested
 1670 with the power and authority:

1671 (1)(a) To issue permits for the drilling for, exploring
 1672 for, or production of oil, gas, or other petroleum products
 1673 which are to be extracted from below the surface of the land,
 1674 including submerged land, only through the well hole drilled for
 1675 oil, gas, and other petroleum products.

1676 1. A ~~No~~ structure intended for the drilling for, or
 1677 production of, oil, gas, or other petroleum products may not be
 1678 permitted or constructed on any submerged land within any bay or
 1679 estuary.

1680 2. A ~~No~~ structure intended for the drilling for, or
 1681 production of, oil, gas, or other petroleum products may not be
 1682 permitted or constructed within 1 mile seaward of the coastline

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1683 of the state.

1684 3. A ~~Ne~~ structure intended for the drilling for, or
1685 production of, oil, gas, or other petroleum products may not be
1686 permitted or constructed within 1 mile of the seaward boundary
1687 of any state, local, or federal park or aquatic or wildlife
1688 preserve or on the surface of a freshwater lake, river, or
1689 stream.

1690 4. A ~~Ne~~ structure intended for the drilling for, or
1691 production of, oil, gas, or other petroleum products may not be
1692 permitted or constructed within 1 mile inland from the shoreline
1693 of the Gulf of America ~~Mexico~~, the Atlantic Ocean, or any bay or
1694 estuary or within 1 mile of any freshwater lake, river, or
1695 stream unless the department is satisfied that the natural
1696 resources of such bodies of water and shore areas of the state
1697 will be adequately protected in the event of accident or
1698 blowout.

1699 5. Without exception, after July 1, 1989, a ~~ne~~ structure
1700 intended for the drilling for, or production of, oil, gas, or
1701 other petroleum products may not be permitted or constructed
1702 south of 26°00'00" north latitude off Florida's west coast and
1703 south of 27°00'00" north latitude off Florida's east coast,
1704 within the boundaries of Florida's territorial seas as defined
1705 in 43 U.S.C. s. 1301. After July 31, 1990, a ~~ne~~ structure
1706 intended for the drilling for, or production of, oil, gas, or
1707 other petroleum products may not be permitted or constructed
1708 north of 26°00'00" north latitude off Florida's west coast to
1709 the western boundary of the state bordering Alabama as set forth
1710 in s. 1, Art. II of the State Constitution, or located north of
1711 27°00'00" north latitude off Florida's east coast to the

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1712 northern boundary of the state bordering Georgia as set forth in
1713 s. 1, Art. II of the State Constitution, within the boundaries
1714 of Florida's territorial seas as defined in 43 U.S.C. s. 1301.
1715

1716 Each permit shall contain an agreement by the permit holder that
1717 the permit holder will not prevent inspection by division
1718 personnel at any time. The provisions of this section
1719 prohibiting permits for drilling or exploring for oil in coastal
1720 waters do not apply to any leases entered into before June 7,
1721 1991.

1722 Section 47. Subsection (5) of section 377.2431, Florida
1723 Statutes, is amended to read:

1724 377.2431 Conditions for granting permits for natural gas
1725 storage facilities.—

1726 (5) A permit may not be issued for a natural gas storage
1727 facility that includes a natural gas storage reservoir located
1728 beneath an underground source of drinking water unless the
1729 applicant demonstrates that the injection, storage, or recovery
1730 of natural gas will not cause or allow natural gas to migrate
1731 into the underground source of drinking water; in any offshore
1732 location in the Gulf of America ~~Mexico~~, the Straits of Florida,
1733 or the Atlantic Ocean; or in any solution-mined cavern within a
1734 salt formation.

1735 Section 48. Subsection (2) of section 379.101, Florida
1736 Statutes, is amended to read:

1737 379.101 Definitions.—In construing these statutes, where
1738 the context does not clearly indicate otherwise, the word,
1739 phrase, or term:

1740 (2) "Beaches" and "shores" shall mean the coastal and

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1741 intracoastal shoreline of this state bordering upon the waters
1742 of the Atlantic Ocean, the Gulf of America ~~Mexico~~, the Straits
1743 of Florida, and any part thereof, and any other bodies of water
1744 under the jurisdiction of the State of Florida, between the mean
1745 high-water line and as far seaward as may be necessary to
1746 effectively carry out the purposes of this act.

1747 Section 49. Subsection (1) of section 379.244, Florida
1748 Statutes, is amended to read:

1749 379.244 Crustacea, marine animals, fish; regulations;
1750 general provisions.—

1751 (1) OWNERSHIP OF FISH, SPONGES, ETC.—All fish, shellfish,
1752 sponges, oysters, clams, and crustacea found within the rivers,
1753 creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets,
1754 and other bodies of water within the jurisdiction of the state,
1755 and within the Gulf of America ~~Mexico~~ and the Atlantic Ocean
1756 within the jurisdiction of the state, excluding all privately
1757 owned enclosed fish ponds not exceeding 150 acres, are the
1758 property of the state and may be taken and used by its residents
1759 ~~citizens~~ and persons not residents ~~citizens~~, subject to the
1760 reservations and restrictions imposed by these statutes. ~~No~~
1761 Water bottoms owned by the state may not ~~shall~~ ever be sold,
1762 transferred, dedicated, or otherwise conveyed without reserving
1763 in the people the absolute right to fish thereon, except as
1764 otherwise provided in these statutes.

1765 Section 50. Paragraph (a) of subsection (3) of section
1766 379.248, Florida Statutes, is amended to read:

1767 379.248 Sponges; regulation.—

1768 (3) TAKING, POSSESSING COMMERCIAL; SIZE.—

1769 (a) A ~~No~~ person may not take, by any means or method, from

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1770 the waters of the Gulf of America ~~Mexico~~, the straits of this
1771 state or the other waters within the territorial limits of this
1772 state, any commercial sponges, measuring, when wet, less than 5
1773 inches in their maximum diameter.

1774 Section 51. Subsection (3) of section 380.0555, Florida
1775 Statutes, is amended to read:

1776 380.0555 Apalachicola Bay Area; protection and designation
1777 as area of critical state concern.—

1778 (3) DESIGNATION.—Franklin County, as described in s. 7.19,
1779 less all federally owned lands, less all lands lying east of the
1780 line formed by the eastern boundary of State Road 319 running
1781 from the Ochlockonee River to the intersection of State Road 319
1782 and State Road 98 and thence due south to the Gulf of America
1783 ~~Mexico~~, and less any lands removed under subsection (4), is
1784 hereby designated an area of critical state concern on June 18,
1785 1985. ~~State road~~, For the purpose of this section, the term
1786 “state road” has the same meaning as shall be defined as in s.
1787 334.03. For the purposes of this act, this area shall be known
1788 as the Apalachicola Bay Area.

1789 Section 52. Section 380.24, Florida Statutes, is amended to
1790 read:

1791 380.24 Local government participation.—Units of local
1792 government abutting the Gulf of America ~~Mexico~~ or the Atlantic
1793 Ocean, or which include or are contiguous to waters of the state
1794 where marine species of vegetation listed by rule as ratified in
1795 s. 373.4211 constitute the dominant plant community, shall
1796 develop a coastal zone protection element pursuant to s.
1797 163.3177. Such units of local government shall be eligible to
1798 receive technical assistance from the state in preparing coastal

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1799 zone protection elements and shall be the only units of local
 1800 government eligible to apply to the department for available
 1801 financial assistance. Local government participation in the
 1802 coastal management program authorized by this act is ~~shall be~~
 1803 voluntary. All permitting and enforcement of dredged-material
 1804 management and other related activities subject to permit under
 1805 ~~the provisions of~~ chapters 161 and 253 and part IV of chapter
 1806 373 for deepwater ports identified in s. 403.021(9)(b) must
 1807 ~~shall~~ be done through the department consistent with ~~the~~
 1808 ~~provisions of~~ s. 403.021(9).

1809 Section 53. For the purpose of incorporating the amendment
 1810 made by this act to section 161.053, Florida Statutes, in
 1811 references thereto, paragraphs (b) and (p) of subsection (7) of
 1812 section 337.401, Florida Statutes, are reenacted to read:

1813 337.401 Use of right-of-way for utilities subject to
 1814 regulation; permit; fees.—

1815 (7)

1816 (b) As used in this subsection, the term:

1817 1. "Antenna" means communications equipment that transmits
 1818 or receives electromagnetic radio frequency signals used in
 1819 providing wireless services.

1820 2. "Applicable codes" means uniform building, fire,
 1821 electrical, plumbing, or mechanical codes adopted by a
 1822 recognized national code organization or local amendments to
 1823 those codes enacted solely to address threats of destruction of
 1824 property or injury to persons, and includes the National
 1825 Electric Safety Code and the 2017 edition of the Florida
 1826 Department of Transportation Utility Accommodation Manual.

1827 3. "Applicant" means a person who submits an application

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1828 and is a wireless provider.

1829 4. "Application" means a request submitted by an applicant
1830 to an authority for a permit to collocate small wireless
1831 facilities or to place a new utility pole used to support a
1832 small wireless facility.

1833 5. "Authority" means a county or municipality having
1834 jurisdiction and control of the rights-of-way of any public
1835 road. The term does not include the Department of
1836 Transportation. Rights-of-way under the jurisdiction and control
1837 of the department are excluded from this subsection.

1838 6. "Authority utility pole" means a utility pole owned by
1839 an authority in the right-of-way. The term does not include a
1840 utility pole owned by a municipal electric utility, a utility
1841 pole used to support municipally owned or operated electric
1842 distribution facilities, or a utility pole located in the right-
1843 of-way within:

1844 a. A retirement community that:

1845 (I) Is deed restricted as housing for older persons as
1846 defined in s. 760.29(4) (b);

1847 (II) Has more than 5,000 residents; and

1848 (III) Has underground utilities for electric transmission
1849 or distribution.

1850 b. A municipality that:

1851 (I) Is located on a coastal barrier island as defined in s.
1852 161.053(1) (b)3.;

1853 (II) Has a land area of less than 5 square miles;

1854 (III) Has less than 10,000 residents; and

1855 (IV) Has, before July 1, 2017, received referendum approval
1856 to issue debt to finance municipal-wide undergrounding of its

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1857 utilities for electric transmission or distribution.

1858 7. "Collocate" or "collocation" means to install, mount,
1859 maintain, modify, operate, or replace one or more wireless
1860 facilities on, under, within, or adjacent to a wireless support
1861 structure or utility pole. The term does not include the
1862 installation of a new utility pole or wireless support structure
1863 in the public rights-of-way.

1864 8. "FCC" means the Federal Communications Commission.

1865 9. "Micro wireless facility" means a small wireless
1866 facility having dimensions no larger than 24 inches in length,
1867 15 inches in width, and 12 inches in height and an exterior
1868 antenna, if any, no longer than 11 inches.

1869 10. "Small wireless facility" means a wireless facility
1870 that meets the following qualifications:

1871 a. Each antenna associated with the facility is located
1872 inside an enclosure of no more than 6 cubic feet in volume or,
1873 in the case of antennas that have exposed elements, each antenna
1874 and all of its exposed elements could fit within an enclosure of
1875 no more than 6 cubic feet in volume; and

1876 b. All other wireless equipment associated with the
1877 facility is cumulatively no more than 28 cubic feet in volume.
1878 The following types of associated ancillary equipment are not
1879 included in the calculation of equipment volume: electric
1880 meters, concealment elements, telecommunications demarcation
1881 boxes, ground-based enclosures, grounding equipment, power
1882 transfer switches, cutoff switches, vertical cable runs for the
1883 connection of power and other services, and utility poles or
1884 other support structures.

1885 11. "Utility pole" means a pole or similar structure that

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1886 is used in whole or in part to provide communications services
1887 or for electric distribution, lighting, traffic control,
1888 signage, or a similar function. The term includes the vertical
1889 support structure for traffic lights but does not include a
1890 horizontal structure to which signal lights or other traffic
1891 control devices are attached and does not include a pole or
1892 similar structure 15 feet in height or less unless an authority
1893 grants a waiver for such pole.

1894 12. "Wireless facility" means equipment at a fixed location
1895 which enables wireless communications between user equipment and
1896 a communications network, including radio transceivers,
1897 antennas, wires, coaxial or fiber-optic cable or other cables,
1898 regular and backup power supplies, and comparable equipment,
1899 regardless of technological configuration, and equipment
1900 associated with wireless communications. The term includes small
1901 wireless facilities. The term does not include:

1902 a. The structure or improvements on, under, within, or
1903 adjacent to the structure on which the equipment is collocated;

1904 b. Wireline backhaul facilities; or

1905 c. Coaxial or fiber-optic cable that is between wireless
1906 structures or utility poles or that is otherwise not immediately
1907 adjacent to or directly associated with a particular antenna.

1908 13. "Wireless infrastructure provider" means a person who
1909 has been certificated under chapter 364 to provide
1910 telecommunications service or under chapter 610 to provide cable
1911 or video services in this state, or that person's affiliate, and
1912 who builds or installs wireless communication transmission
1913 equipment, wireless facilities, or wireless support structures
1914 but is not a wireless services provider.

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1915 14. "Wireless provider" means a wireless infrastructure
1916 provider or a wireless services provider.

1917 15. "Wireless services" means any services provided using
1918 licensed or unlicensed spectrum, whether at a fixed location or
1919 mobile, using wireless facilities.

1920 16. "Wireless services provider" means a person who
1921 provides wireless services.

1922 17. "Wireless support structure" means a freestanding
1923 structure, such as a monopole, a guyed or self-supporting tower,
1924 or another existing or proposed structure designed to support or
1925 capable of supporting wireless facilities. The term does not
1926 include a utility pole, pedestal, or other support structure for
1927 ground-based equipment not mounted on a utility pole and less
1928 than 5 feet in height.

1929 (p) This subsection does not authorize a person to
1930 collocate or attach small wireless facilities or micro wireless
1931 facilities on a utility pole, unless otherwise permitted by
1932 federal law, or erect a wireless support structure in the right-
1933 of-way located within a municipality that:

1934 1. Is located on a coastal barrier island as defined in s.
1935 161.053(1)(b)3.;

1936 2. Has a land area of less than 5 square miles;

1937 3. Has fewer than 10,000 residents; and

1938 4. Has, before July 1, 2017, received referendum approval
1939 to issue debt to finance municipal-wide undergrounding of its
1940 utilities for electric transmission or distribution.

1941
1942 This paragraph does not apply to the installation, placement,
1943 maintenance, or replacement of micro wireless facilities on any

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1944 existing and duly authorized aerial communications facilities,
1945 provided that once aerial facilities are converted to
1946 underground facilities, any such collocation or construction
1947 shall be only as provided by the municipality's underground
1948 utilities ordinance.

1949 Section 54. For the purpose of incorporating the amendment
1950 made by this act to section 327.02, Florida Statutes, in a
1951 reference thereto, subsection (1) of section 327.371, Florida
1952 Statutes, is reenacted to read:

1953 327.371 Human-powered vessels regulated.—

1954 (1) A person may operate a human-powered vessel within the
1955 boundaries of the marked channel of the Florida Intracoastal
1956 Waterway as defined in s. 327.02:

1957 (a) When the marked channel is the only navigable portion
1958 of the waterway available due to vessel congestion or
1959 obstructions on the water. The operator of the human-powered
1960 vessel shall proceed with diligence to a location where he or
1961 she may safely operate the vessel outside the marked channel of
1962 the Florida Intracoastal Waterway.

1963 (b) When crossing the marked channel, provided that the
1964 crossing is done in the most direct, continuous, and expeditious
1965 manner possible and does not interfere with other vessel traffic
1966 in the channel.

1967 (c) When participating in practices or competitions for
1968 interscholastic, intercollegiate, intramural, or club rowing
1969 teams affiliated with an educational institution identified in
1970 s. 1000.21, s. 1002.01(3), s. 1003.01(17), s. 1005.02(4), or s.
1971 1005.03(1)(d), if the adjacent area outside of the marked
1972 channel is not suitable for such practice or competition. The

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1973 teams must use their best efforts to make use of the adjacent
1974 area outside of the marked channel. The commission must be
1975 notified in writing of the details of any such competition, and
1976 the notification must include, but need not be limited to, the
1977 date, time, and location of the competition.

1978 (d) During an emergency endangering life or limb.

1979 Section 55. For the purpose of incorporating the amendment
1980 made by this act to section 327.02, Florida Statutes, in a
1981 reference thereto, paragraph (p) of subsection (2) of section
1982 379.2431, Florida Statutes, is reenacted to read:

1983 379.2431 Marine animals; regulation.—

1984 (2) PROTECTION OF MANATEES OR SEA COWS.—

1985 (p) Except in the marked navigation channel of the Florida
1986 Intracoastal Waterway as defined in s. 327.02 and the area
1987 within 100 feet of such channel, a local government may
1988 regulate, by ordinance, motorboat speed and operation on waters
1989 within its jurisdiction where the best available scientific
1990 information, as well as other available, relevant, and reliable
1991 information, which may include but is not limited to, manatee
1992 surveys, observations, available studies of food sources, and
1993 water depths, supports the conclusion that manatees inhabit
1994 these areas on a regular basis. However, such an ordinance may
1995 not take effect until it has been reviewed and approved by the
1996 commission. If the commission and a local government disagree on
1997 the provisions of an ordinance, a local manatee protection
1998 committee must be formed to review the technical data of the
1999 commission and the United States Fish and Wildlife Service, and
2000 to resolve conflicts regarding the ordinance. The manatee
2001 protection committee must be comprised of:

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- 2002 1. A representative of the commission;
- 2003 2. A representative of the county;
- 2004 3. A representative of the United States Fish and Wildlife
- 2005 Service;
- 2006 4. A representative of a local marine-related business;
- 2007 5. A representative of the Save the Manatee Club;
- 2008 6. A local fisher;
- 2009 7. An affected property owner; and
- 2010 8. A representative of the Florida Marine Patrol.

2011
2012 If local and state regulations are established for the same
2013 area, the more restrictive regulation shall prevail.

2014 Section 56. This act shall take effect July 1, 2025.



THE FLORIDA SENATE
SENATOR NICK DICEGLIE
District 18

Ben Albritton
President of the Senate

Jason Brodeur
President Pro Tempore

February 24, 2025

Dear Chair McClain,

I respectfully request that **SB 608: Gulf of America** be placed on the agenda of the Committee on Community Affairs at your earliest convenience. If my office can be of any assistance to the committee, please do not hesitate to contact me at DiCeglie.Nick@flsenate.gov or (850) 487-5018. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Nick DiCeglie".

Nick DiCeglie

State Senator, District 18

Proudly Serving Pinellas County

Appropriations Committee on Transportation, Tourism, and Economic Development,
Chair ~ Governmental Oversight and Accountability, Vice Chair ~ Appropriations ~
Appropriations Committee on Agriculture, Environment, and General Government ~
Commerce and Tourism ~ Environment and Natural Resources ~ Judiciary ~ Rules ~
Joint Select Committee on Collective Bargaining

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 Community Affairs

BILL: SB 1002

INTRODUCER: Senator Truenow

SUBJECT: Utility Service Restrictions

DATE: March 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	Pre-meeting
2.	_____	_____	RI	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1002 expands the preemption over utility service restrictions to include boards, agencies, commissions, and authorities of counties and municipal corporations. Preempted entities cannot restrict or prohibit the types or fuel sources of energy produced, used, delivered, converted, or supplied by certain utilities.

The bill nullifies any existing charter, resolution, ordinance, rule, code, or policy from the included entities which conflict with this preemption and which existed before or on July 1, 2021.

The bill takes effect July 1, 2025.

II. Present Situation:

Local Government Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹ Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.² Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.³

¹ FLA. CONST. art. VIII, s. 1(f).

² FLA. CONST. art. VIII, s. 1(g).

³ FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.

In Florida, special districts are separate governmental entities created for a special purpose that have jurisdiction to operate within a limited geographic boundary.⁴ Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.⁵ Throughout the state there are over 1,770 active special districts encompassing more than 80 specialized governmental functions.⁶

Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature has preempted a particular subject area or (2) the local enactment conflicts with a state statute. Where state preemption applies, it precludes a local government from exercising authority in that particular area.⁷

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.⁸ Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.⁹ In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.¹⁰

In cases determining the validity of ordinances in violation of state preemption, the effect has been to find such ordinances null and void.¹¹ In one case, the court stated that implied preemption “is actually a decision by the courts to create preemption in the absence of an explicit legislative directive.”¹² Preemption of a local government enactment is implied only where the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and strong public policy reasons exist for finding preemption.¹³ Implied preemption is found where the local legislation would present the danger of conflict with the state’s pervasive regulatory scheme.¹⁴

⁴ Section 189.012(6), F.S.

⁵ *Id.*

⁶ See Florida Department of Economic Opportunity, *Introduction to Special Districts*, <https://floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/florida-special-district-handbook-online/introduction-to-special-districts> (last visited Mar. 5, 2021).

⁷ See James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemption and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009) available at <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Mar. 5, 2021).

⁸ See *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So.2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).

⁹ *Mulligan*, 934 So. 2d at 1243.

¹⁰ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010). Examples of activities “expressly preempted to the state” include: operator use of commercial mobile radio services and electronic communications devices in motor vehicles, s. 316.0075, F.S.; regulation of the use of cameras for enforcing provisions of the Florida Uniform Traffic Control Law, s. 316.0076, F.S.; and, the adoption of standards and fines related to specified subject areas under the purview of the Department of Agriculture and Consumer Services, s. 570.07, F.S.

¹¹ See, e.g., *Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

¹² *Phantom of Clearwater, Inc.*, 894 So. 2d at 1019.

¹³ *Id.*

¹⁴ *Sarasota Alliance for Fair Elections, Inc.*, 28 So. 3d at 886.

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.¹⁵ The role of the PSC is to ensure Florida’s consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe, affordable, and reliable manner.¹⁶ In order to do so, the PSC exercises authority over public utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.¹⁷

Electric and Gas Utilities

The PSC monitors the safety and reliability of the electric power grid¹⁸ and may order the addition or repair of infrastructure as necessary.¹⁹ The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities²⁰ (called “public utilities” under ch. 366, F.S.).²¹ However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, bulk power supply operations, and planning.²² Municipally owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative’s membership.

Municipal Electric and Gas Utilities, and Special Gas Districts, in Florida

A municipal electric or gas utility is an electric or gas utility owned and operated by a municipality. Ch. 366, F.S., provides the majority of electric and gas utility regulations for Florida. While ch. 366, F.S., does not provide a definition, per se, for a “municipal utility,” variations of this terminology and the concept of these types of utilities appear throughout the chapter. Currently, Florida has 33 municipal electric utilities that serve over 14 percent of the state’s electric utility customers.²³ Florida also has 27 municipally owned gas utilities and four special gas districts.²⁴

¹⁵ Section 350.001, F.S.

¹⁶ See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Feb. 1, 2024).

¹⁷ Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited Feb. 1, 2024).

¹⁸ Section 366.04(5) and (6), F.S.

¹⁹ Section 366.05(1) and (8), F.S.

²⁰ Section 366.05, F.S.

²¹ Section 366.02(8), F.S.

²² Florida Public Service Commission, *About the PSC*, *supra* note 37.

²³ Florida Municipal Electric Association, *About Us*, <https://www.flpublicpower.com/about-us> (last visited Feb. 1, 2024).

²⁴ Florida Public Service Commission, *2023 Facts and Figures of the Florida Utility Industry*, pg. 13, Apr. 2023 (available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202023.pdf>). A “special gas district” is a dependent or independent special district, setup pursuant to ch. 189, F.S., to provide natural gas service. Section 189.012(6), F.S., defines a “special district” as “a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.”

Preemption over Utility Service Restrictions

Section 366.032, F.S., provides that “a municipality, county, special district, development district, or other political subdivision of the state may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the types or fuel sources of energy production which may be used, delivered, converted, or supplied” by the following:²⁵

- Investor-owned electric utilities;
- Municipal electric utilities;
- Rural electric cooperatives;
- Entities formed by interlocal agreement to generate, sell, and transmit electrical energy;
- Investor-owned gas utilities;
- Gas districts;
- Municipal natural gas utilities;
- Natural gas transmission companies; and
- Category I liquefied petroleum gas dealers, category II liquefied petroleum gas dispensers, or category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01, F.S.

Section 366.032(2), F.S., also prohibits (except to enforce the Florida Building Code and Florida Fire Prevention Code) a municipality, county, special district, development district, or other political subdivision of the state from restricting or prohibiting the use of an appliance using the fuels or energy types used, delivered, converted, or supplied by the entities above.

The section also provides that it acts retroactively to any provision that existed before its enactment in 2021.

III. Effect of Proposed Changes:

The bill amends s. 366.032, F.S., to expand the preemption over utility service restrictions to include boards, agencies, commissions, and authorities of counties and municipal corporations. Preempted entities cannot restrict or prohibit the types or fuel sources of energy produced, used, delivered, converted, or supplied by certain utilities.

The bill nullifies any existing charter, resolution, ordinance, rule, code, or policy from the included entities which conflict with this preemption and which existed before or on July 1, 2021.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²⁵ To the extent of serving the customers they are authorized to serve.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill may have an indeterminate effect on the private utilities sector to the extent that it voids any restrictions or prohibitions imposed by preempted entities on the types or the fuel sources of energy production which a utility may use, deliver, convert, or supply to its customers.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 366.032 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Truenow

13-01855A-25

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1 A bill to be entitled
2 An act relating to utility service restrictions;
3 amending s. 366.032, F.S.; including boards, agencies,
4 commissions, and authorities of counties, municipal
5 corporations, or other political subdivisions of the
6 state with the entities preempted from taking certain
7 actions that restrict, prohibit, or have the effect of
8 restricting or prohibiting the types or fuel sources
9 of energy produced, used, delivered, converted, or
10 supplied by certain entities to serve customers;
11 voiding existing specified documents and policies from
12 governmental entities that are preempted by the act;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsections (1), (2), and (5) of section
18 366.032, Florida Statutes, are amended to read:

19 366.032 Preemption over utility service restrictions.—

20 (1) A municipality; ~~a~~ county; ~~a~~ special district; a
21 board, an agency, a commission, or an authority of a county, a
22 municipal corporation, or other political subdivision of the
23 state; ~~a~~ community development district created pursuant to
24 chapter 190; ~~r~~ or other political subdivision of the state may
25 not enact or enforce a resolution, ordinance, rule, code, or
26 policy or take any action that restricts or prohibits or has the
27 effect of restricting or prohibiting the types or fuel sources
28 of energy production which may be used, delivered, converted, or
29 supplied by any of the following entities to serve customers

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30 that such entities are authorized to serve:

31 (a) A public utility or an electric utility as defined in
32 this chapter.~~†~~

33 (b) An entity formed under s. 163.01 that generates, sells,
34 or transmits electrical energy.~~†~~

35 (c) A natural gas utility as defined in s. 366.04(3)(c).~~†~~

36 (d) A natural gas transmission company as defined in s.
37 368.103.~~†~~~~or~~

38 (e) A Category I liquefied petroleum gas dealer,~~a~~~~or~~
39 Category II liquefied petroleum gas dispenser, or a Category III
40 liquefied petroleum gas cylinder exchange operator as defined in
41 s. 527.01.

42 (2) Except to the extent necessary to enforce the Florida
43 Building Code adopted pursuant to s. 553.73 or the Florida Fire
44 Prevention Code adopted pursuant to s. 633.202, a municipality;
45 acounty; aspecial district; a board, an agency, a
46 commission, or an authority of a county, a municipal
47 corporation, or other political subdivision of the state; a
48 community development district created pursuant to chapter 190;
49 or other political subdivision of the state may not enact or
50 enforce a resolution, an ordinance, a rule, a code, or a policy
51 or take any action that restricts or prohibits or has the effect
52 of restricting or prohibiting the use of an appliance, including
53 a stove or grill, which uses the types or fuel sources of energy
54 production which may be used, delivered, converted, or supplied
55 by the entities listed in subsection (1). As used in this
56 subsection, the term "appliance" means a device or apparatus
57 manufactured and designed to use energy and for which the
58 Florida Building Code or the Florida Fire Prevention Code

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59 provides specific requirements.

60 (5) Any charter, resolution, ordinance, rule, code, policy,
61 or action of any municipality, county, special district,
62 community development district created pursuant to chapter 190,
63 or political subdivision, or any board, agency, commission, or
64 authority of such governmental entity which ~~charter, resolution,~~
65 ~~ordinance, rule, code, policy, or action that~~ is preempted by
66 this act and which ~~that~~ existed before or on July 1, 2021, is
67 void.

68 Section 2. This act shall take effect July 1, 2025.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Transportation

SENATOR KEITH TRUENOW

13th District

March 3, 2025

Senator Stan McClain
312 Senate Office Building
404 So Monroe Street
Tallahassee, FL 32399

Dear Chair McClain,

I would like to request SB 1002 Utility Service Restrictions be placed on the next Community Affairs agenda.

This good bill relates to utility service restrictions; amending s. 366.032, F.S.; including boards, agencies, commissions, and authorities of counties, municipal corporations, or other political subdivisions of the state with the entities preempted from taking certain actions that restrict, prohibit, or have the effect of restricting or prohibiting the types or fuel sources of energy produced, used, delivered, converted, or supplied by certain entities to serve customers; voiding existing specified documents and policies from governmental entities that are preempted by the act.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

cc: Elizabeth Fleming, Staff Director
Tatiana Warden, Administrative Assistant

REPLY TO:

- Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- 16207 State Road 50, Suite 401, Clermont, Florida 34711
- 304 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

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BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

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 Community Affairs

BILL: SB 1128

INTRODUCER: Senator Ingoglia

SUBJECT: Building Permits for a Single-family Dwelling

DATE: March 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	Pre-meeting
2.	_____	_____	RI	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1128 provides that a building permit issued for a single-family dwelling may not expire before the effective date of the next edition of the Florida Building Code.

The bill also provides that a permit application for the construction of a single-family dwelling in a jurisdiction for which a state of emergency was issued within the preceding 24 months which is signed and sealed with an attestation by an architect or engineer that the plans comply with the Florida Building Code is deemed approved as a matter of law upon submission.

The bill takes effect July 1, 2025.

II. Present Situation:

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.¹

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced

¹ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Feb. 5, 2024).

the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.² The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.³

Chapter 553, part IV, F.S., is known as the “Florida Building Codes Act” (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁴

The Florida Building Commission (Commission) was statutorily created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,⁵ the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.⁶

Enforcement of the Florida Building Code: Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public’s health, safety, and welfare.⁷ Authorized state and local government agencies enforce the Florida Building Code and issue building permits.⁸

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity. 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 enforcing agency upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.⁹ A local building department or enforcement agency must post each type of building permit application on its website.¹⁰ Each application must be inscribed with the date of application and the Florida Building Code in effect as of that date.¹¹ All permits must contain a disclosure stating that there may be other permitting requirements from other governmental entities beyond the local building department or enforcement agency.¹²

² *Id.*

³ Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Feb. 5, 2024).

⁴ *See* s. 553.72(1), F.S.

⁵ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to “construct safe, sustainable, affordable and resilient structures.” International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Mar. 6, 2025).

⁶ Section 553.73(7)(a), F.S.

⁷ Section 553.72(2), F.S.

⁸ *See* ss. 125.01(1)(bb), 125.56(1), 553.72(3), and 553.80(1) F.S.

⁹ *See* ss. 125.56(4)(a) and 553.79(1), F.S. Other entities may, by resolution or regulation, be directed to issue permits.

¹⁰ Section 553.79(1)(b), F.S.

¹¹ Section 105.3, 2023 Florida Building Code.

¹² Section 553.79(10), F.S.

Building Permit Application Review

Current law requires local governments to review certain building permit applications within a specific time-period of receiving the applications. When a local government receives an application for one of the above building permits, it must inform the applicant within 5 days of receiving the application, what information, if any, is needed to complete the application, and approve, approve with conditions, or deny the application within the following timeframes:¹³

- Within **30 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures less than 7,500 square feet: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures of 7,500 square feet or greater: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings less than 25,000 square feet.
- Within **120 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.
- Within **15 business days** after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.
- Within **10 business days** after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

If a local government fails to meet the timeframes above without an agreement for an extension of time, a local government must reduce the building permit fee by 10 percent for each business day that a local government fails to meet the deadline.¹⁴

Permit Expiration

Section 105 of the Florida Building Code provides certain activity-related characterizations of building permits, although it does not explicitly define open permits. An application for a building permit is deemed *abandoned* 180 days after the filing of the permit application unless the application has been pursued in good faith or an extension has been granted by the local

¹³ Section 553.792(1), F.S.

¹⁴ Section 553.792(1)(c), F.S.

building department.¹⁵ In addition, a permit becomes *invalid* if no work starts within six months after issuance of the permit or if work on the project ceases for a period of six months after work has commenced on the project.¹⁶ A new permit is required if a permit is revoked after work has commenced, becomes *null and void*, or *expires* because of a lack of progress on the project.¹⁷ If a new permit is not obtained within 180 days from the date the permit becomes null and void, the local enforcement agency may require the removal of all work that has been performed on the project.¹⁸ Work shall be considered to be in *active progress* when the permit has received an approved inspection within 180 days.¹⁹

III. Effect of Proposed Changes:

Sections 1 and 2 amend ss. 125.56 and 553.79, F.S., to provide that a building permit issued for a single-family dwelling may not expire before the effective date of the next edition of the Florida Building Code. Expiration of building permits is currently not regulated by statute, but the Florida Building Code provides that a permit becomes invalid if no work starts within six months after issuance of the permit.

Section 3 amends s. 553.792, F.S., to provide that, as an alternative to the permit application review timeline, a permit application for the construction of a single-family dwelling in a jurisdiction for which a state of emergency was issued within the preceding 24 months which is signed and sealed with an attestation by an architect or engineer that the plans comply with the Florida Building Code is deemed approved as a matter of law upon submission. The local government is required to issue a permit so approved within two days.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹⁵ Section 105.3.2, 2023 Florida Building Code.

¹⁶ Section 105.4.1, 2023 Florida Building Code.

¹⁷ Section 105.4.1.1, 2023 Florida Building Code.

¹⁸ Section 105.4.1.2, 2023 Florida Building Code.

¹⁹ Section 105.4.1.3, 2023 Florida Building Code.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.56, 553.79, and 553.792.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



760372

LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Ingoglia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) of subsection (4) of section
125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building
Code and the Florida Fire Prevention Code; inspection fees;
inspectors; etc.—

(4)



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11 (d) A county that issues building permits may send a
12 written notice of expiration, by e-mail or United States Postal
13 Service, to the owner of the property and the contractor listed
14 on the permit, no less than 30 days before a building permit is
15 set to expire. The written notice must identify the permit that
16 is set to expire and the date the permit will expire. A building
17 permit processed and approved by a county for a single-family
18 dwelling may not expire before the effective date of the next
19 edition of the Florida Building Code, which is updated every 3
20 years pursuant to s. 553.73(7) (a), regardless of whether the
21 permit has been issued to or accepted by the applicant.

22 Section 2. Paragraph (c) of subsection (1) of section
23 553.79, Florida Statutes, is amended to read:

24 553.79 Permits; applications; issuance; inspections.—

25 (1)

26 (c) A local government that issues building permits may
27 send a written notice of expiration, by e-mail or United States
28 Postal Service, to the owner of the property and the contractor
29 listed on the permit, no less than 30 days before a building
30 permit is set to expire. The written notice must identify the
31 permit that is set to expire and the date the permit will
32 expire. A building permit processed and approved by a local
33 government under this section for a single-family dwelling may
34 not expire before the effective date of the next edition of the
35 Florida Building Code, which is updated every 3 years pursuant
36 to s. 553.73(7) (a), regardless of whether the permit has been
37 issued to or accepted by the applicant.

38 Section 3. Present paragraphs (b) through (g) of subsection
39 (1) of section 553.792, Florida Statutes, are redesignated as



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40 paragraphs (c) through (h), respectively, and a new paragraph
41 (b) is added to that subsection, to read:

42 553.792 Building permit application to local government.—

43 (1)

44 (b) 1. A permit application for the construction of a
45 single-family dwelling in a jurisdiction for which a state of
46 emergency was issued within the 24 months before the
47 application, and which is signed and sealed with an attestation
48 by an architect licensed under chapter 481 or an engineer
49 licensed under chapter 471 that the plans in the permit comply
50 with the Florida Building Code, is deemed in compliance with the
51 Florida Building Code without further local government review.
52 The local government must approve or deny such an application
53 within 2 business days after receipt. This section does not
54 preclude local government review for compliance with zoning and
55 land use regulations.

56 2. An attestation for such an application must include
57 proof of the architect's or engineer's good standing with their
58 respective applicable regulatory bodies and proof of insurance
59 for professional liability covering all services performed in
60 plans review under this section.

61 3. A local government must be held harmless and indemnified
62 from claims arising from plans review deemed in compliance under
63 this subsection.

64 Section 4. This act shall take effect July 1, 2025.

65
66 ===== T I T L E A M E N D M E N T =====

67 And the title is amended as follows:

68 Delete everything before the enacting clause



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69 and insert:

70 A bill to be entitled
71 An act relating to building permits for a single-
72 family dwelling; amending ss. 125.56 and 553.79, F.S.;
73 prohibiting the expiration of certain building permits
74 issued by a county or a local government,
75 respectively, before a specified event; amending s.
76 553.792, F.S.; specifying that certain permit
77 applications are deemed in compliance; requiring the
78 local government to issue such permit within a certain
79 timeframe; requiring certain attestations supporting
80 permit applications; indemnifying local governments in
81 certain circumstances; providing an effective date.

By Senator Ingoglia

11-00640A-25

20251128__

1 A bill to be entitled
2 An act relating to building permits for a single-
3 family dwelling; amending ss. 125.56 and 553.79, F.S.;
4 prohibiting the expiration of certain building permits
5 issued by a county or a local government,
6 respectively, before a specified event; amending s.
7 553.792, F.S.; specifying that certain permit
8 applications are deemed approved by a local
9 government; requiring the local government to issue
10 such permit within a certain timeframe; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (d) of subsection (4) of section
16 125.56, Florida Statutes, is amended to read:

17 125.56 Enforcement and amendment of the Florida Building
18 Code and the Florida Fire Prevention Code; inspection fees;
19 inspectors; etc.—

20 (4)

21 (d) A county that issues building permits may send a
22 written notice of expiration, by e-mail or United States Postal
23 Service, to the owner of the property and the contractor listed
24 on the permit, no less than 30 days before a building permit is
25 set to expire. The written notice must identify the permit that
26 is set to expire and the date the permit will expire. A building
27 permit issued by a county for a single-family dwelling may not
28 expire before the effective date of the next edition of the
29 Florida Building Code, which is updated every 3 years pursuant

11-00640A-25

20251128__

30 to s. 553.73(7)(a).

31 Section 2. Paragraph (c) of subsection (1) of section
32 553.79, Florida Statutes, is amended to read:

33 553.79 Permits; applications; issuance; inspections.-
34 (1)

35 (c) A local government that issues building permits may
36 send a written notice of expiration, by e-mail or United States
37 Postal Service, to the owner of the property and the contractor
38 listed on the permit, no less than 30 days before a building
39 permit is set to expire. The written notice must identify the
40 permit that is set to expire and the date the permit will
41 expire. A building permit issued by a local government under
42 this section for a single-family dwelling may not expire before
43 the effective date of the next edition of the Florida Building
44 Code, which is updated every 3 years pursuant to s.
45 553.73(7)(a).

46 Section 3. Present paragraphs (b) through (g) of subsection
47 (1) of section 553.792, Florida Statutes, are redesignated as
48 paragraphs (c) through (h), respectively, and a new paragraph
49 (b) is added to that subsection, to read:

50 553.792 Building permit application to local government.-
51 (1)

52 (b) A permit application for the construction of a single-
53 family dwelling in a jurisdiction for which a state of emergency
54 was issued within the 24 months before the application, and
55 which is signed and sealed with an attestation by an architect
56 licensed under chapter 481 or an engineer licensed under chapter
57 471 that the plans in the permit comply with the Florida
58 Building Code, is deemed approved. The local government shall

11-00640A-25

20251128__

59 issue such permit within 2 days after such approval.

60 Section 4. This act shall take effect July 1, 2025.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Banking and Insurance, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations Committee on Criminal and
Civil Justice
Appropriations Committee on Transportation,
Tourism, and Economic Development
Fiscal Policy
Regulated Industries
Rules

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR BLAISE INGOGLIA

11th District

March 3rd, 2025

The Honorable Stan McClain, Chair
Committee on Community Affairs
312 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1128 Building Permits for a Single-Family Dwelling

Chair McClain,

Senate Bill 1128 has been referred to the Committee on Community Affairs as its first committee of reference. I respectfully ask that it be placed on the committee agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia".

Blaise Ingoglia
State Senator, District 11

CC'd: Elizabeth Fleming, Tatiana Warden

REPLY TO:

- 2943 Landover Boulevard, Spring Hill, Florida 34608 (352) 666-5707
- 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

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 Community Affairs

BILL: SB 1202

INTRODUCER: Senator McClain

SUBJECT: Benefits for Firefighters Injured During Training Exercises

DATE: March 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1202 provides that a firefighter, their spouse, and dependent children can become eligible for family health insurance premium payments due to an injury which occurs during an official training exercise in which the firefighter became totally and permanently disabled.

The bill takes effect July 1, 2025.

II. Present Situation:

Firesafety Enforcement

State law on fire prevention and control designates the Chief Financial Officer (CFO) as the State Fire Marshal, operating through the Division.¹ The Division is comprised of two bureaus: the Bureau of Fire Prevention (BFP) and the Bureau of Fire Standards and Training (BFST).² The BFP conducts fire/life safety inspections and construction plans review on all state-owned buildings; regulates the fireworks and the fire sprinkler industries; inspects and licenses boilers; and certifies suppression industry workers.³

The State Fire Marshal adopts by rule the Florida Fire Prevention Code (FFPC),⁴ which contains all fire safety laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and

¹ Section 633.104, F.S.

² Department of Financial Services, Division of the State Fire Marshal, *What We Do*, <https://www.myfloridacfo.com/division/sfm/> (last visited December 19, 2019).

³ *Id.*

⁴ Section 633.202(2), F.S.

facilities and the enforcement of such fire safety laws and rules.⁵ The State Fire Marshal adopts a new edition of the FFPC every three years.⁶

State law requires all municipalities, counties, and special districts with fire safety responsibilities to enforce the FFPC as the minimum fire prevention code, which operates uniformly among local government and in conjunction with the Florida Building Code.⁷ These local enforcing authorities may adopt more stringent firesafety standards, subject to certain requirements in s. 633.208, F.S., but may not enact firesafety ordinances which conflict with ch. 633, F.S., or any other state law.⁸

The chiefs of local government fire service providers (or their designees) are authorized to enforce ch. 633, F.S., and the rules prescribed by the State Fire Marshal within their respective jurisdictions as agents of those jurisdictions, not agents of the State Fire Marshal.⁹ Each county, municipality, and special district with firesafety enforcement responsibilities is also required to employ or contract with a fire safety inspector (certified by the State Fire Marshal) to conduct all fire safety inspections required by law.¹⁰

Benefits Available under Chapter 112, F.S.

Chapter 112, F.S., provides death benefits for law enforcement officers, correctional officers, correctional probation officers, firefighters, instructional staff and school administrators under specified circumstances.¹¹ As required by section 31, article X of the State Constitution, payments are provided to a deceased's beneficiary, or next of kin if no beneficiary is designated, in the event of such a first responder's accidental or intentional death while engaged in the performance of official duties.¹²

⁵ Section 633.202(1), F.S.

⁶ *Id.*

⁷ Sections 633.108 and 633.208, F.S.

⁸ Section 633.214(4), F.S. The State Fire Marshal maintains a list of local amendments to the FFPC. This information is available at <https://www.myfloridacfo.com/Division/SFM/bfp/LocalAmendments.htm> (last visited December 19, 2019).

⁹ Section 633.118, F.S.

¹⁰ Section 633.216(1), F.S.

¹¹ For definitions of these terms, see ss. 112.19(1) and 112.1915(1)(b), F.S.

¹² Section 112.191(1), F.S.

Supplemental death benefits, other than direct payment, which are available to law enforcement, correctional officers, correctional probation officers, firefighters and instructional staff and school administrators who are killed in the line of duty include the following:

- Funeral and burial expenses (full-time law enforcement, correctional, or correctional probation officer employed by a state agency under specified circumstances;¹³ and instructional staff and school administrator employed by school district);¹⁴
- Surviving family health insurance premiums payment by political subdivision of the state and local school district (full-time law enforcement officer or correctional officer;¹⁵ full-time firefighter;¹⁶ and instructional staff and school administrator);¹⁷
- *Family health insurance premium payments* for catastrophic injury (full-time law enforcement, correctional, correctional probation officer,¹⁸ or firefighter¹⁹ employed by state or a political subdivision of state); and
- Educational expenses of surviving spouse and children (law enforcement, correctional, or correctional probation officer;²⁰ firefighter;²¹ and instructional staff or school administrator).²²

Health Insurance Premium Benefits

In certain circumstances an employer may be required to pay for a firefighter's and their family's health insurance premiums.²³ In order for a firefighter, spouse, and dependent children to be eligible for family health insurance premium payments, the injury must have occurred as either the result of the firefighter's response to what is reasonably believed to have been an emergency involving the protection of life or property, or an unlawful act perpetrated by another person. The coverage extends to the injured employee's spouse and dependent children until the child reaches the age of majority or 25 if the child continues to be dependent for support.

III. Effect of Proposed Changes:

The bill amends s. 112.191, F.S., to provide that, in addition to the existing ways, a firefighter, their spouse and dependent children can become eligible for family health insurance premium payments due to an injury which occurs during an official training exercise in which the firefighter became totally and permanently disabled.

While the bill does not define the term totally and permanently disabled, other statutory provisions define it generally to mean a person certified by two unrelated physicians to be totally and permanently disabled.²⁴

¹³ Section 112.19(2)(f), F.S.

¹⁴ Section 112.1915(3)(b), F.S.

¹⁵ Section 112.19(2)(g), F.S.

¹⁶ Section 112.191(2)(f), F.S.

¹⁷ Section 112.1915(3)(c), F.S.

¹⁸ Section 112.19(2)(h), F.S.

¹⁹ Section 112.191(2)(g), F.S.

²⁰ Section 112.19(3), F.S.

²¹ Section 112.191(3), F.S.

²² Section 112.1915(3)(d), F.S. (surviving children only, not spouse).

²³ Section 112.191(2)(g), F.S., this paragraph.

²⁴ See section 196.012(11), F.S.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill local governments may be required to pay for additional health insurance premiums. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

The bill may be excepted from the mandates provision because the bill applies equally to both state and local governments. Such an exception would require a finding of important state interest on behalf of the legislature.

The mandate requirements do not apply to laws having an insignificant fiscal impact, which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.^{25,26,27}

The estimated costs for the bill are unknown at this time. If costs imposed by the bill exceed \$2.4 million, the mandates provisions may apply. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and 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:

None.

²⁵ FLA. CONST. art. VII, s. 18(d).

²⁶ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community 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. 7, 2025).

²⁷ Based on the Florida Demographic Estimating Conference's February 4, 2025 population forecast for 2025 of 23,332,606. The conference packet is available at: https://edr.state.fl.us/content/conferences/population/ConferenceResults_Tables.pdf (last visited Mar. 7, 2025).

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A greater number of firefighters and their families may be eligible for coverage of health insurance premiums.

C. Government Sector Impact:

There will be a state and local impact on employers of firefighters newly required to cover health insurance premiums. The scope of this impact has not been fully studied at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 112.191 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator McClain

9-01668-25

20251202__

1 A bill to be entitled
2 An act relating to benefits for firefighters injured
3 during training exercises; amending s. 112.191, F.S.;
4 providing that a firefighter and his or her spouse and
5 dependent children are eligible for certain insurance
6 coverage if the firefighter is totally and permanently
7 disabled during an official training exercise;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (g) of subsection (2) of section
13 112.191, Florida Statutes, is amended to read:

14 112.191 Firefighters; death benefits.—

15 (2)

16 (g)1. Any employer who employs a full-time firefighter who,
17 on or after January 1, 1995, suffers a catastrophic injury, as
18 defined in s. 440.02, Florida Statutes 2002, in the line of duty
19 shall pay the entire premium of the employer's health insurance
20 plan for the injured employee, the injured employee's spouse,
21 and for each dependent child of the injured employee until the
22 child reaches the age of majority or until the end of the
23 calendar year in which the child reaches the age of 25 if the
24 child continues to be dependent for support, or the child is a
25 full-time or part-time student and is dependent for support. The
26 term "health insurance plan" does not include supplemental
27 benefits that are not part of the basic group health insurance
28 plan. If the injured employee subsequently dies, the employer
29 shall continue to pay the entire health insurance premium for

9-01668-25

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30 the surviving spouse until remarried, and for the dependent
31 children, under the conditions outlined in this paragraph.

32 However:

33 a. Health insurance benefits payable from any other source
34 shall reduce benefits payable under this section.

35 b. It is unlawful for a person to willfully and knowingly
36 make, or cause to be made, or to assist, conspire with, or urge
37 another to make, or cause to be made, any false, fraudulent, or
38 misleading oral or written statement to obtain health insurance
39 coverage as provided under this paragraph. A person who violates
40 this sub-subparagraph commits a misdemeanor of the first degree,
41 punishable as provided in s. 775.082 or s. 775.083.

42 c. In addition to any applicable criminal penalty, upon
43 conviction for a violation as described in sub-subparagraph b.,
44 a firefighter or other beneficiary who receives or seeks to
45 receive health insurance benefits under this paragraph shall
46 forfeit the right to receive such health insurance benefits, and
47 shall reimburse the employer for all benefits paid due to the
48 fraud or other prohibited activity. For purposes of this sub-
49 subparagraph, the term "conviction" means a determination of
50 guilt that is the result of a plea or trial, regardless of
51 whether adjudication is withheld.

52 2. In order for the firefighter, spouse, and dependent
53 children to be eligible for such insurance coverage, the injury
54 must have occurred as the result of the firefighter's response
55 to what is reasonably believed to be an emergency involving the
56 protection of life or property, ~~or an unlawful act perpetrated~~
57 by another, or the injury must have occurred during an official
58 training exercise in which the firefighter became totally and

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59 permanently disabled. Except as otherwise provided herein, this
60 paragraph may not be construed to limit health insurance
61 coverage for which the firefighter, spouse, or dependent
62 children may otherwise be eligible, except that a person who
63 qualifies for benefits under this section is not eligible for
64 the health insurance subsidy provided under chapter 121, chapter
65 175, or chapter 185.

66

67 Notwithstanding any provision of this section to the contrary,
68 the death benefits provided in paragraphs (b), (c), and (f)
69 shall also be applicable and paid in cases where a firefighter
70 received bodily injury prior to July 1, 1993, and subsequently
71 died on or after July 1, 1993, as a result of such in-line-of-
72 duty injury.

73

Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: March 3, 2025

I respectfully request that **Senate Bill #1202**, relating to Benefits for Firefighters Injured During Training Exercises, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Stan McClain".

Senator Stan McClain
Florida Senate, District 9

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 Community Affairs

BILL: SB 1242

INTRODUCER: Senator McClain

SUBJECT: Community Redevelopment Agencies

DATE: March 10, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	Pre-meeting
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1242 provides for the sunseting of Community Redevelopment Agencies (CRAs), which are dependent special districts authorized by the Community Redevelopment Act as a means of redeveloping slums and blighted areas.

To that end, the bill provides that no such agency may be created after the bill takes effect. It further provides that existing agencies will terminate on the earlier of the expiration date in the agency’s charter or September 30, 2045, unless the CRA has outstanding bonds maturing later, in which case the CRA may remain in existence until the bonds mature. A local government may not vote to extend a subordinate agency’s expiration, and an agency may not initiate any new projects or issue any new debt.

The bill takes effect July 1, 2025.

II. Present Situation:

The Community Redevelopment Act

The Community Redevelopment Act of 1969 authorizes a county or municipality to create a community redevelopment agency (CRA) as a means of redeveloping slums and blighted areas.¹ The act defines a “blighted area” as an area in which there are a substantial number of deteriorated structures causing economic distress or endangerment to life or property and two or more of the factors listed in s. 163.340(8), F.S., are present. However, an area may also be classified as blighted if one factor is present and all taxing authorities with jurisdiction over the area agree that the area is blighted by interlocal agreement or by passage of a resolution by the governing bodies.²

¹ Chapter 163, F.S., part III.

² Section 163.340(8), F.S.

The act defines a “slum area” as “an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements” in poor states of repair with one of the following factors present:

- Inadequate provision for ventilation, light, air, sanitation, or open spaces;
- High density of population, compared to the population density of adjacent areas within the county or municipality, and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
- The existence of conditions that endanger life or property by fire or other causes.³

Creation of Community Redevelopment Agencies

Either a county or a municipal government may create a CRA. Before creating a CRA, a county or municipal government must adopt a resolution with a “finding of necessity.” This resolution must make legislative findings “supported by data and analysis” that the area to be included in the CRA’s jurisdiction is either blighted or a slum and that redevelopment of the area is necessary to promote “the public health, safety, morals, or welfare” of residents.⁴

A county or municipality may create a CRA upon the adoption of a finding of necessity and a finding that a CRA is necessary for carrying out the community redevelopment goals embodied by the act.⁵ A CRA created by a county may only operate within the boundaries of a municipality when the municipality has concurred by resolution with the community redevelopment plan adopted by the county. A CRA created by a municipality may not include more than 80 percent of the municipality if it was created after July 1, 2006.⁶

As of March 8, 2025, there are more than 200 CRAs in Florida.⁷

Community Redevelopment Plans

A community redevelopment plan must be in place before a CRA can engage in operations.⁸ Each community redevelopment plan must provide a time certain for completing all redevelopment financed by increment revenues. The time certain must occur no later than 30 years after the fiscal year in which the plan is approved, adopted, or amended pursuant to s. 163.361(1), F.S. However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.⁹

³ Section 163.340(7), F.S.

⁴ Section 163.355, F.S.

⁵ Section 163.356(1), F.S.

⁶ Section 163.340(10), F.S.

⁷ Dept. of Commerce, Official List of Special Districts Online, *available at*: <https://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/official-list-of-special-districts> (last visited Mar. 8, 2025).

⁸ Section 163.360(1), F.S.

⁹ Section 163.362(10), F.S.

The county, municipality, the CRA itself, or members of the public may submit a plan and the CRA then chooses which plan it will use as its community redevelopment plan. Next, the CRA must submit the plan to the local planning agency for review before the plan can be considered. The local planning agency must complete its review within 60 days.¹⁰

The CRA must submit the community redevelopment plan to the governing body that created the CRA as well as to each taxing authority that levies ad valorem taxes on taxable real property contained in the boundaries of the CRA.¹¹ The local governing body that created the CRA must hold a public hearing before the plan is approved.¹²

To approve the plan, the local governing body must make findings as specified in s. 163.360(7), F.S. The community redevelopment plan must also:

- Conform to the comprehensive plan for the county or municipality;
- Indicate land acquisition, demolition, and removal of structures; redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area; zoning and planning changes, if any; land uses; maximum densities; and building requirements; and
- Provide for the development of affordable housing in the area, or state the reasons for not addressing in the plan the development of affordable housing.¹³

2019 Amendments and CRA Sunseting

In 2019 the Legislature amended the CRA Act to increase accountability and transparency for CRAs, and introduced a mechanism to have CRAs automatically declared inactive and terminated under certain circumstances.¹⁴ Under the amendments, a CRA is declared inactive if it has no revenue, expenditures, or debt for six consecutive fiscal years.

The 2019 legislation also created s. 163.355, F.S., which provides that existing CRAs are terminated automatically at the earlier of the expiration date stated in the CRA's charter as of October 1, 2019, or on September 30, 2039. The governing board of the creating local government entity may prevent the termination of a CRA by majority vote.

Since that legislation passed, several CRAs have been extended by their local government entity. For example, the City of Fort Myers extended its CRA's termination date to September 30, 2050,¹⁵ while Miami-Dade County extended the North Miami CRA to July 13, 2044.¹⁶

¹⁰ Section 163.360(4), F.S.

¹¹ Section 163.360(5), F.S.

¹² Section 163.360(6), F.S.

¹³ Section 163.360(2), F.S.

¹⁴ Ch. 2019-163, L.O.F.

¹⁵ City of Fort Myers, Resolution 2023-14, available at https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1831495/CFM_Agenda_2023-14_Extension_of_CRA_from_Sept_2039_to_Sept_2050.pdf (last visited Mar. 8, 2025).

¹⁶ Miami-Dade County, Resolution No. R-902-23, available at <https://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2023/232093min.pdf> (last visited Mar. 8, 2025).

III. Effect of Proposed Changes:

The bill amends s. 163.3755, F.S., to provide that a CRA in existence on July 1, 2025, shall terminate on the earlier of the expiration date than provided in the agency's charter or September 30, 2045, unless the CRA has outstanding bonds maturing later, in which case the CRA may remain in existence until the bonds mature. The bill removes the current law option for a local government to vote to extend a subordinate CRA's expiration date. The bill also provides that a CRA may not initiate any new projects or issue any new debt on or after October 1, 2025.

Furthermore, the bill provides that no CRA may be created on or after July 1, 2025.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 163.3755 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator McClain

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1 A bill to be entitled
 2 An act relating to community redevelopment agencies;
 3 amending s. 163.3755, F.S.; providing for the
 4 termination of community redevelopment agencies on a
 5 specified date; removing an exception; prohibiting
 6 community redevelopment agencies from performing
 7 certain actions on or after a specified date; revising
 8 provisions relating to any outstanding bonds of a
 9 community redevelopment agency; prohibiting the
 10 creation of community redevelopment agencies on or
 11 after a specified date; authorizing existing agencies
 12 to continue to operate; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 163.3755, Florida Statutes, is amended
 17 to read:

18 163.3755 Termination of community redevelopment agencies;
 19 prohibition on future creation.-

20 (1) A community redevelopment agency in existence on July
 21 1, 2025 ~~October 1, 2019~~, shall terminate on the expiration date
 22 provided in the agency's charter on July 1, 2025 ~~October 1,~~
 23 ~~2019~~, or on September 30, 2045 ~~September 30, 2039~~, whichever is
 24 earlier, ~~unless the governing body of the county or municipality~~
 25 ~~that created the community redevelopment agency approves its~~
 26 ~~continued existence by a majority vote of the members of the~~
 27 ~~governing body.~~

28 (2) A community redevelopment agency may not initiate any
 29 new projects or issue any new debt on or after October 1, 2025.

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30 (3)~~(2)~~(a) Notwithstanding subsection (1) ~~If the governing~~
31 ~~body of the county or municipality that created the community~~
32 ~~redevelopment agency does not approve its continued existence by~~
33 ~~a majority vote of the governing body members,~~ a community
34 redevelopment agency with outstanding bonds as of July 1, 2025
35 ~~October 1, 2019,~~ that do not mature until after the termination
36 date of the agency or September 30, 2045 ~~September 30, 2039,~~
37 whichever is earlier, remains in existence until the date the
38 bonds mature.

39 (b) A community redevelopment agency operating under this
40 subsection on or after September 30, 2045 ~~September 30, 2039,~~
41 may not extend the maturity date of any outstanding bonds.

42 (c) The county or municipality that created the community
43 redevelopment agency must issue a new finding of necessity
44 limited to timely meeting the remaining bond obligations of the
45 community redevelopment agency.

46 (4) A community redevelopment agency may not be created on
47 or after July 1, 2025. A community redevelopment agency in
48 existence before July 1, 2025, may continue to operate as
49 provided in this part.

50 Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: March 3, 2025

I respectfully request that **Senate Bill #1242**, relating to Community Redevelopment Agencies, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink that reads "Stan McClain".

Senator Stan McClain
Florida Senate, District 9