

Emergency Preparedness and Response - SB 180

PROVISION	CURRENT LAW	MUNICIPAL IMPACTS OF SB 180
Casualty Damage	F.S. 83.63 – Casualty damage Provides that if a premises is damaged or destroyed other than by the wrongful or negligent acts of the tenant so that the enjoyment of the premises is substantially impaired, the tenant may terminate the rental agreement and vacate the premises.	<u>Lines 213-231:</u> Amends current law to include that a tenant must be given the opportunity to collect their belongings from the premises when it is safe to do so or receive notice of the date by which the tenant will be able to collect their belongings, which must occur within a reasonable time.
Standards for Participation in the National Flood Insurance Program	N/A	<u>Lines 232-246</u> Creates a new section in F.S. 163.31795 stating that a local government may not adopt or enforce an ordinance for substantial improvements or repairs to a structure which includes a cumulative substantial improvement period.
Impact Fees	F.S. 163.31801 – Impact fees; short title; intent; minimum requirements; audits; challenges Outlines provisions related to impact fees.	<u>Lines 247-266:</u> Creates a new subsection stating that a local government cannot charge an impact fee for the reconstruction or replacement of a structure if it is the same type of land use and does not create more demand on public facilities than the original structure. However, if the new structure significantly increases in size, intensity, or capacity, an impact fee can be charged based on the added demand. The fee must be reasonably connected to, or have a rational nexus with, the need for additional public facilities caused by the increased impact.
Changes in Homestead Assessments	F.S. 193.155 – Homestead Assessments Outlines that any changes, additions, or improvements to a homestead must be assessed at just value on January 1 after the work is mostly finished. If part or all of a homestead property is rebuilt after damage from a disaster, it is assessed based on its value before the damage, if the rebuilt area does not exceed 110% of the original size or 1,500 square feet.	<u>Lines 267-306:</u> Amends current law to clarify that maintenance or repairs, such as replacing a roof or windows, do not count as changes or improvements. Raises current limits on the size of a rebuilt homestead before a just value reassessment is triggered — from 110% to 130% of the original square footage, and from 1,500 to 2,000 total square feet.
Responsibilities of the Division of Emergency Management	F.S. 252.35 – Emergency management powers; Division of Emergency Management Current law provides that the Division of Emergency Management (DEM) must prepare a state comprehensive emergency management plan (CEMP).	<u>Lines 442-446:</u> Mandates that DEM include an update on the status of the emergency management capabilities of the state and its political subdivisions in the state CEMP. The update must include the emergency management capabilities related to public health emergencies.
	Current law requires DEM to assist political subdivisions in preparing and maintaining emergency plans.	<u>Lines 452-457:</u> Specifies that such assistance must include the development of a template for comprehensive emergency management plans and guidance on the development of mutual aid agreements.
	Current law requires DEM to implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This must include a continuous program for agencies and individuals who perform key roles in state and local post-disaster response and recovery efforts, and for local government personnel on federal and state post-disaster response and recovery strategies.	<u>Lines 458-480:</u> Expands the current law requirement to provide that DEM must specify the requirements for the minimum number of training hours that 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 must complete biennially.

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Responsibilities of the Division of Emergency Management <i>(continued)</i>	N/A	<u>Lines 489-502:</u> Adds a new subsection that requires DEM to conduct, by April 1 of each year, an annual hurricane readiness session in each region designated by DEM to facilitate coordination between all emergency management stakeholders. A session must include, but is not limited to, 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 local preparedness or readiness needs.
Special Needs Shelters	F.S. 252.355 – Registry of persons with special needs; notice; registration program Current law provides that certain state agencies and licensed providers must annually provide registration information to all of their special needs clients or their caregivers to assist in identifying persons with special needs.	<u>Lines 526-562:</u> <ul style="list-style-type: none"> Requires the Florida Housing Finance Cooperation (FHFC) to enter into a memoranda of understanding with the Department of Elderly Affairs and the Agency for Persons with Disabilities to ensure special needs registration information is provided to residents of low-income senior independent living properties and independent living properties for persons with intellectual or developmental disabilities funded by the FHFC. Provides the caregiver of a person with special needs who is eligible for admission to a special needs shelter, and all persons for whom they are the caregiver, must be allowed to shelter together in the special needs shelter. If a person with special needs is responsible for the care of persons without special needs, those persons must be allowed to use the special needs shelter with the person with special needs.
Emergency Management Powers and Responsibilities of Political Subdivisions	F.S. 252.38 – Emergency management powers of political subdivisions Current law requires each county to establish and maintain an emergency management agency unless part of a Governor-approved interjurisdictional agreement. Municipalities are authorized and encouraged to create their own emergency management programs, which must coordinate with the county and comply with the same laws and requirements. Municipal plans must align with the county's plan, and requests for state or federal emergency response must go through the county, except for federal disaster reimbursement. Municipalities without programs are served by their respective county agencies.	<u>Lines 831-836:</u> Requires each political subdivision to notify DEM on or before May 1 of each year of the person designated as the emergency contact for the political subdivision and his or her alternate, and of any changes in such contact.
Requirements to Publish Information Related to Natural Disasters	N/A	<u>Lines 837-941:</u> <ul style="list-style-type: none"> Creates a new Section 16 in Florida Statutes 252.381, relating to county and municipal post-storm operations. Provides that each county and municipality must post the following on its publicly available website: <ul style="list-style-type: none"> An FAQ webpage related to natural emergency response and preparedness and public relief for residents following an emergency A disaster supply list and a list of emergency shelters Links to information about flood zones A checklist for residents explaining next steps to take during post-disaster recovery Information specific to persons with disabilities Requires each county and municipality to develop a post-storm permitting plan to expedite recovery and rebuilding by providing for special building permit and inspection procedures after a hurricane or tropical storm. The plan must be updated annually by May 1 and include the minimum specified requirements. Requires that annually by May 1, each county and municipality must publish a hurricane and tropical storm recovery permitting guide on its website for residential and commercial property owners, which must include specified provisions.

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Post-storm Local Permitting	N/A	<ul style="list-style-type: none"> Requires that, as soon as practicable following a hurricane or tropical storm, a county or municipality within the area for which a state of emergency for such hurricane or tropical storm is declared must publish specified updates on its website which are specific to such storm, including any permitting fee waivers or reductions. Requires that for 180 days after a state of emergency is declared for a hurricane or tropical storm, a county or municipality within the area in which the state of emergency is declared may not increase building permit or inspection fees. Requires that on or before May 1, 2026, each county and municipality must provide an online option for receiving, reviewing, and accessing substantial damage and substantial improvement letters. The county or municipality must allow homeowners to provide an email address where they can receive digital copies of such letters. Provides that as soon as reasonably practicable following the landfall and passage of a hurricane or tropical storm, each county and municipality that has experienced a direct impact from a natural emergency must use its best efforts to open a permitting office for at least 40 hours per week.
	N/A	<p><u>Lines 1298-1320:</u></p> <ul style="list-style-type: none"> Requires DEM to consult with local governments, the Department of Business and Professional Regulation (DPBR), the Department of Environmental Protection (DEP), and any other appropriate agencies to develop recommendations for statutory changes necessary to streamline the permitting process for repairing and rebuilding structures damaged during natural emergencies and provide a report containing such recommendations to the presiding officers of the Legislature.
Public Shelter Space	F.S. 252.385 – Public shelter space; public records exemption Current law provides that DEM must provide a report to specified officials that includes a list of facilities recommended to be retrofitted using state funds.	<p><u>Lines 976-1005:</u></p> <ul style="list-style-type: none"> Requires DEM to prioritize on the list of recommended facilities other state-owned, municipal-owned and county-owned public buildings, other than schools, for retrofitting using state funds. Provides that the report must also include a statewide emergency shelter plan that must project, for each of the next five years, the hurricane shelter needs of the state, and information on the availability of shelters that accept pets.
Management of Storm- generated Debris	Section 403.7071, F.S. – Management of storm-generated debris Current law provides that unless specified in a contract or franchise agreement between a local government and a private solid waste or debris management service provider, a private solid waste or debris management service provider is not required to collect storm-generated yard trash.	<p><u>Lines 1215-1242:</u></p> <ul style="list-style-type: none"> Amends subsection 7 and creates subsection 8 of F.S. 403.7071. Provides that local governments are authorized and encouraged to add an addendum to existing contracts or franchise agreements for collection of storm-generated debris. Requires each county and municipality to apply to DEP for authorization of at least one debris management site and annually seek preauthorization for any previously approved debris management sites. Provides that a municipality may jointly apply for authorization of a debris management site with a county or at least one adjacent municipality, if the parties develop and approve a memorandum of understanding, which must be approved annually.
Regulation of Hoisting Equipment During a Hurricane	N/A	<p><u>Lines 1243-1297:</u></p> <ul style="list-style-type: none"> Creates Section 489.1132, F.S., relating to regulation of hoisting equipment used in construction, demolition, or excavation work during a hurricane. Provides that when a tower crane or mobile crane is located on a worksite, a hurricane preparedness plan for the crane must be available for inspection at the worksite. Provides additional requirements for how hoisting equipment must be secured no later than 24 hours before the impacts of a hurricane are anticipated to begin.

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Restrictions on Local Regulations After a Hurricane	N/A	<p><u>Lines 1006-1084 (Section 18):</u></p> <ul style="list-style-type: none"> Creates F.S. 252.422 to restrict regulatory actions by "impacted local governments," which is defined as a county listed in a federal disaster declaration located entirely or partially within 100 miles of the track of a storm declared to be a hurricane by the NHC while the storm was categorized as a hurricane or municipality located within such county. Provides that for one year after a hurricane makes landfall, an impacted local government may not propose or adopt: <ul style="list-style-type: none"> A moratorium on construction, reconstruction, or redevelopment of any property A more restrictive or burdensome amendment to its comprehensive plan or land development regulations A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order Provides exceptions to allow such regulations to be adopted and enforced if: <ul style="list-style-type: none"> The associated application is initiated by a private party other than the impacted local government, and the property that is the subject of the application is owned by the initiating private party The proposed comprehensive plan amendment was submitted to reviewing agencies before landfall The proposed amendment or regulation is approved by the state land planning agency pursuant to F.S. 380.05 Provides that any person may file suit against an impacted local government for declaratory and injunctive relief to enforce these provisions and provides procedures outlining such process. Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study on actions taken by local governments after hurricanes that are related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders. OPPAGA must make recommendations for legislative options to remove impediments to the construction, reconstruction, or redevelopment of any property damaged by a hurricane and prevent the implementation by local governments of burdensome or restrictive procedures, and report those options to the Legislature by January 1, 2026.
	N/A	<p><u>Lines 1321-1373 (Section 28):</u></p> <ul style="list-style-type: none"> Applies similar restrictions retroactively to counties listed in FEMA Disaster Declarations for Hurricanes Debby, Helene, and Milton, and to municipalities located within those counties. These jurisdictions are prohibited from proposing or adopting: <ul style="list-style-type: none"> A moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes A more restrictive or burdensome amendment to its comprehensive plan or land development regulations A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order These restrictions apply retroactively to August 1, 2024, and remain in effect through October 1, 2027. Any such actions are deemed null and void ab initio. Provides an exception if the development application is initiated by a private party or if the subject property is owned by the initiating private party. Provides that a resident or business may file suit against an impacted local government for declaratory and injunctive relief to enforce these provisions and provides procedures outlining such process. This section expires June 30, 2028.

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Breach of Contract During Emergency Recovery Periods for Natural Emergencies	N/A	<p><u>Lines 1085-1098:</u></p> <ul style="list-style-type: none"> Creates a new section in Florida Statutes, F.S. 252.505, relating to breaches of contract during emergency recovery periods for natural emergencies and is effective January 1, 2026. Clarifies that the term “emergency recovery period” in this section means a one-year period that begins on the date the Governor initially declared a state of emergency for a natural emergency. Provides that each state or local government contract for goods or services related to emergency response for a natural emergency entered into, renewed, or amended on or after July 1, 2025, must include a provision that requires a vendor or service provider that breaches such contract during an emergency recovery period to pay a \$5,000 penalty and damages, which may be either actual or consequential damages or liquidated damages.
Stormwater Inspections	<p>Section 373.423, F.S. – Inspection Governs the permitting, inspection, and enforcement of <i>stormwater</i> management systems, particularly those permitted under a state environmental resource permit. There is no existing requirement for DEP to compile a flood inventory.</p>	<p><u>Lines 1099-1135:</u> Provides that by September 1, 2026, DEP must submit a Flood Inventory and Restoration Report to DEM and work with water management districts, local governments, and operators of public and private stormwater management systems to compile the necessary information for the report. Requires the owner of any stormwater infrastructure identified as a priority in the report to submit an inspection and maintenance schedule to DEP.</p>
Provisions Related to the Florida Keys	<p>Section 380.0552, F.S. – Florida Keys Area; protection and designation as area of critical state concern Current law provides that in the event of a hurricane, evacuation clearance time for permanent residents of the Florida Keys must be no more than 24 hours.</p>	<p><u>Lines 1136-1174:</u></p> <ul style="list-style-type: none"> Increases the Florida Keys evacuation clearance time to 24.5 hours. Requires the Department of Commerce to conduct baseline modeling scenarios and to gather data in order to determine a number of building permit allocations to be distributed in the Florida Keys Area based on the 24.5-hour evacuation clearance time. The permit allocations must be distributed to counties and municipalities based on the number of vacant buildable lots within each jurisdiction. The permit allocations must be distributed over a period of at least 10 years, but may not exceed 900 total permit allocations. All permits must be issued for vacant, buildable parcels, in which only one may be awarded for any individual parcel, and the distribution of which must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing.