

<b>Tab 1</b>	<b>SJR 174</b> by <b>DiCeglie</b> ; Identical to H 01039 Assessment of Homestead Property					
<b>Tab 2</b>	<b>SB 176</b> by <b>DiCeglie</b> ; Similar to H 01041 Assessment of Homestead Property					
<b>Tab 3</b>	<b>SB 180</b> by <b>DiCeglie</b> ; Compare to H 01337 Emergency Preparedness and Response					
525210	D	S	RCS	CA, DiCeglie	Delete everything after	03/13 01:21 PM
<b>Tab 4</b>	<b>CS/SB 262</b> by <b>JU, Berman</b> ; Identical to CS/H 00385 Trusts					
488748	A	S	RCS	CA, Berman	Delete L.58 - 140:	03/12 02:30 PM
<b>Tab 5</b>	<b>SB 466</b> by <b>Leek (CO-INTRODUCERS) Burgess, Osgood</b> ; Identical to H 00659 Florida Museum of Black History					
<b>Tab 6</b>	<b>SB 582</b> by <b>Leek</b> ; Identical to H 00717 Unlawful Demolition of Historical Buildings and Structures					
<b>Tab 7</b>	<b>SB 608</b> by <b>DiCeglie</b> ; Similar to H 00575 Gulf of America					
<b>Tab 8</b>	<b>SB 1002</b> by <b>Truenow (CO-INTRODUCERS) Trumbull</b> ; Similar to H 01137 Utility Service Restrictions					
<b>Tab 9</b>	<b>SB 1128</b> by <b>Ingoglia</b> ; Similar to H 01035 Building Permits for a Single-family Dwelling					
760372	D	S	RCS	CA, Ingoglia	Delete everything after	03/12 02:37 PM
<b>Tab 10</b>	<b>SB 1202</b> by <b>McClain</b> ; Similar to H 00749 Benefits for Firefighters Injured During Training Exercises					
<b>Tab 11</b>	<b>SB 1242</b> by <b>McClain</b> ; 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	<b>SJR 174</b> 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 Favorable FT AP	Favorable Yeas 7 Nays 0
2	<b>SB 176</b> 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 Favorable FT AP	Favorable Yeas 7 Nays 0
3	<b>SB 180</b> 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 Fav/CS AP	Fav/CS Yeas 7 Nays 0

**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	<b>CS/SB 262</b> 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 Fav/CS RC	Fav/CS Yeas 7 Nays 0
5	<b>SB 466</b> 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 Favorable AEG RC	Favorable Yeas 7 Nays 0
6	<b>SB 582</b> 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 Favorable GO RC	Favorable Yeas 7 Nays 0
7	<b>SB 608</b> 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 Favorable FP	Favorable Yeas 4 Nays 3

**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	<b>SB 1002</b> 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 Favorable RI RC	Favorable Yeas 6 Nays 1
9	<b>SB 1128</b> 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 Fav/CS RI RC	Fav/CS Yeas 7 Nays 0
10	<b>SB 1202</b> 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 Favorable GO AP	Favorable Yeas 7 Nays 0
11	<b>SB 1242</b> 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 Favorable JU RC	Favorable Yeas 4 Nays 3
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.)

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

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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	<b>Favorable</b>
2.			FT	
3.			AP	

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## **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.<sup>1</sup> The property appraiser annually determines the "just value"<sup>2</sup> of property

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<sup>1</sup> Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

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

within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."<sup>3</sup> The state constitution prohibits the state from levying ad valorem taxes<sup>4</sup> and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.<sup>5</sup>

### **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.<sup>6</sup> Second, the homestead provisions protect the homestead from forced sale by creditors.<sup>7</sup> Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup>

### **Save Our Homes Assessment Limitation and Portability**

In 1992, Florida voters approved the Save Our Homes amendment to the state constitution.<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> Due to the homestead exemption effects and the Save Our Homes assessment limitation, many homestead properties enjoy significant tax savings.

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<sup>3</sup> See ss. 192.001(2) and (16), F.S.

<sup>4</sup> FLA. CONST. art. VII, s. 1(a).

<sup>5</sup> See FLA. CONST. art. VII, s. 4.

<sup>6</sup> FLA. CONST. art. VII, s. 6.

<sup>7</sup> FLA. CONST. art. X, s. 4.

<sup>8</sup> *Id.* at (c).

<sup>9</sup> FLA. CONST. art. VII, s. 6(a).

<sup>10</sup> *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).

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

<sup>12</sup> FLA. CONST. art. VII, s. 4(d).

<sup>13</sup> 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.<sup>14</sup> Florida is among the top five states with coastal populations, with 16.2 million residents in coastal counties as of 2020.<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup> Over 1.7 million Floridian policyholders carry \$342 billion in NFIP coverage.<sup>18</sup>

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.<sup>19</sup> It may also entail reinforcing basement walls, applying waterproof sealants or membranes, anchoring the home to its foundation, and installing sump pumps.<sup>20</sup> They might also include non-structural mitigation as well, such as berms and floodwalls and elevating all utilities above flood elevation.<sup>21</sup>

### 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.

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<sup>14</sup> 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).

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

<sup>16</sup> 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).

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

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

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

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

<sup>21</sup> U.S. Army Corps of Engineers, *Nonstructural Flood Risk Management Measures*, <https://www.nwd-mr.usace.army.mil/rcc/MRFTE/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,<sup>22</sup> typically paid from non-recurring General Revenue funds.<sup>23</sup> 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.

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

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

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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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By Senator DiCeglie

18-00967-25

2025174\_\_

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.

18-00967-25

2025174\_\_

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

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

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

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

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

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

(2) No assessment shall exceed just value.

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

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

18-00967-25

2025174\_\_

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

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

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

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

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

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

18-00967-25

2025174\_\_

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

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

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

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

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

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

18-00967-25

2025174\_\_

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

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

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

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

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

(2) No assessment shall exceed just value.

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

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

18-00967-25

2025174\_\_

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

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

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

(2) No assessment shall exceed just value.

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

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

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

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



18-00967-25

2025174\_\_

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

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

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

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

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

a. Land used predominantly for commercial fishing purposes.

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

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

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

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

## ARTICLE XII

### SCHEDULE

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

18-00967-25

2025174\_\_

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

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

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

ARTICLE XII

LIMITATION ON THE ASSESSMENT OF HOMESTEAD PROPERTY.—  
Proposing an amendment 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 the determination of the property's  
assessed value for ad valorem taxation purposes. This amendment  
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](mailto: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.)

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

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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	<b>Favorable</b>
2.			FT	
3.			AP	

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**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.<sup>1</sup> The property appraiser annually determines the “just value”<sup>2</sup> of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”<sup>3</sup> The state constitution prohibits the state from levying ad valorem taxes<sup>4</sup> and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.<sup>5</sup>

### 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.<sup>6</sup> Second, the homestead provisions protect the homestead from forced sale by creditors.<sup>7</sup> Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup>

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<sup>1</sup> Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

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

<sup>3</sup> *See* ss. 192.001(2) and (16), F.S.

<sup>4</sup> FLA. CONST. art. VII, s. 1(a).

<sup>5</sup> *See* FLA. CONST. art. VII, s. 4.

<sup>6</sup> FLA. CONST. art. VII, s. 6.

<sup>7</sup> FLA. CONST. art. X, s. 4.

<sup>8</sup> *Id.* at (c).

<sup>9</sup> FLA. CONST. art. VII, s. 6(a).

<sup>10</sup> *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.<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup>

## **National Flood Insurance Program**

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.<sup>17</sup> 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.<sup>18</sup> Participation in the NFIP by a community is voluntary.<sup>19</sup> To join, a community must:

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

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

<sup>12</sup> FLA. CONST. art. VII, s. 4(d).

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

<sup>14</sup> Sections 193.155(4)(a), 193.1554(6)(a), and 193.1555(6)(a), F.S.

<sup>15</sup> Section 193.155(4)(b), F.S.

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

<sup>17</sup> 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).

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

<sup>19</sup> 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.<sup>20</sup>

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.<sup>21</sup> 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.<sup>22</sup> An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).<sup>23</sup> 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 year<sup>24</sup> and at least a 26 percent chance of flooding over the course of a 30-year mortgage.<sup>25</sup> 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.<sup>26</sup>

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

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

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

<sup>21</sup> 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).

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

<sup>23</sup> *Id.*

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

<sup>25</sup> FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6, available at [https://www.fema.gov/sites/default/files/documents/fema\\_coastal-glossary.pdf](https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf) (last visited Mar. 7, 2025).

<sup>26</sup> 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.

<sup>27</sup> 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).

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

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

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

from 5 to 45 percent based on a community's CRS credit points.<sup>31</sup> 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.<sup>32</sup>

### ***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 improvement<sup>33</sup> or repair of substantial damage<sup>34</sup> (a "SI/SD determination").<sup>35</sup> 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.<sup>36</sup>

### ***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.<sup>37</sup> An elevation certificate must in most cases be completed by a licensed land surveyor, engineer, architect, or designated local official.<sup>38</sup> The completed document includes location and elevation data from the property, the corresponding FIRM, community information, and photographic proof.<sup>39</sup> Nationwide, the cost for having an elevation certificate completed is on average \$600.<sup>40</sup>

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

<sup>32</sup> 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](https://www.fema.gov/sites/default/files/documents/fema_crs-brochure_032023.pdf) (last visited Mar. 7, 2025).

<sup>33</sup> 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](https://www.fema.gov/sites/default/files/documents/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf) (last visited Mar. 7, 2025).

<sup>34</sup> 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.*

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

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

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

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> 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.<sup>41</sup> 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.<sup>42</sup>

In 1992, Hurricane Andrew destroyed many structures that were built according to code, demonstrating that Florida's system of local codes was flawed.<sup>43</sup> 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.<sup>44</sup>

The Building Code is updated every three years.<sup>45</sup> 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.<sup>46</sup> Height restrictions are determined based on the type of construction, occupancy classification, and whether there is an automatic sprinkler system installed throughout the building.<sup>47</sup>

The Florida Building Commission was statutorily created to implement the Building Code.<sup>48</sup> 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.<sup>49</sup> The commission reviews International Codes published by the International Code Council,<sup>50</sup> the National Electric Code, and other nationally adopted model codes during its triennial update of the Building Code.<sup>51</sup> 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.<sup>52</sup> A local government must determine

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<sup>41</sup> 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](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Mar. 7, 2025).

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

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

<sup>45</sup> 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](https://www.floridabuilding.org/fbc/Publications/2023_Effective_Dates.pdf) (last visited Mar. 7, 2025).

<sup>46</sup> 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](https://codes.iccsafe.org/content/FLBC2020P1/chapter-5-general-building-heights-and-areas#FLBC2020P1_Ch05_Sec502).

<sup>47</sup> *Id.* at s. 504.1.

<sup>48</sup> See section 553.74(1), F.S.

<sup>49</sup> *Id.*

<sup>50</sup> 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).

<sup>51</sup> Section 553.73(3), F.S.

<sup>52</sup> 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.<sup>53</sup> Such amendments may not introduce a new subject not addressed in the Building Code.<sup>54</sup> Most technical amendments sunset upon adoption of the newest edition of the Building Code, unless adopted into the Building Code.<sup>55</sup>

### ***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.<sup>56</sup> Every local government must enforce the Building Code and issue building permits.<sup>57</sup> It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit.<sup>58</sup> 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.<sup>59</sup> 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.<sup>60</sup>

### **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.<sup>61</sup> Florida is among the top five states with coastal populations, with 16.2 million residents in coastal counties as of 2020.<sup>62</sup> The South Atlantic Coastal Study predicts that coastal areas of the state are at risk of \$9,000,000,000 in

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<sup>53</sup> Section 553.73(4)(b)1., F.S.

<sup>54</sup> Section 553.73(4)(b)3., F.S.

<sup>55</sup> Section 553.73(4)(e), F.S.

<sup>56</sup> Section 553.72(2), F.S.

<sup>57</sup> Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

<sup>58</sup> Sections 125.56(4)(a) and 553.79(1), F.S.

<sup>59</sup> Florida Building Code, 2023 *Florida Building Code: 8th Edition*, s. 110 (2023), available at [https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1\\_Ch01\\_SubCh02\\_Sec110](https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec110) (last visited Mar. 7, 2025).

<sup>60</sup> 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](https://codes.iccsafe.org/content/FLRC2023P1/chapter-3-building-planning#FLRC2023P1_Pt03_Ch03_SecR322.2.1) (last visited Mar. 7, 2025).

<sup>61</sup> 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).

<sup>62</sup> 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.<sup>63</sup> As of 2023, Florida held over one-third of the flood insurance policies issued by the NFIP.<sup>64</sup> Over 1.7 million Floridian policyholders carry \$342 billion in NFIP coverage.<sup>65</sup>

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.<sup>66</sup> It may also entail reinforcing basement walls, applying waterproof sealants or membranes, anchoring the home to its foundation, and installing sump pumps.<sup>67</sup> They might also include non-structural mitigation as well, such as berms and floodwalls and elevating all utilities above flood elevation.<sup>68</sup>

An important initial consideration for a building elevation project is consulting the area's FIRM to determine the BFE for a given area.<sup>69</sup> 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.<sup>70</sup> 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.<sup>71</sup> 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.<sup>72</sup>

### 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.

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<sup>63</sup> 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).

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

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

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

<sup>67</sup> *Id.*

<sup>68</sup> 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).

<sup>69</sup> *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).

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *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,<sup>73</sup> 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.

---

<sup>73</sup> FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See Fla. S. Comm. on Cmty. Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited 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

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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

18-00968B-25

2025176\_\_

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

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

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

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

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

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



18-00968B-25

2025176\_\_

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

18-00968B-25

2025176\_\_

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

18-00968B-25

2025176\_\_

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

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

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

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

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

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

18-00968B-25

2025176\_\_

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](mailto: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

**APPEARANCE RECORD**

SB 0176

Bill Number or Topic

3/11/25

Meeting Date

community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Mike Moore

Phone

813-777-6171

Address

123 S. Adams

Street

Email

Moore at the southern group com

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

pasco County Property Appraiser

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: CS/SB 180

INTRODUCER: Community Affairs Committee and Senator DiCeglie

SUBJECT: Emergency Preparedness and Response

DATE: March 13, 2025

REVISED: \_\_\_\_\_

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

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 180 makes various changes throughout Florida Statutes regarding the preparation and response activities of state and local government when emergencies impact the state.

Specifically, the bill:

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

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

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

## **II. Present Situation:**

### **Presidential Disaster and Emergency Declarations**

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

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

Following a request from the Governor, the President can declare a major disaster for any natural event, including hurricanes if the President deems that the disaster is of such a severity that it is beyond the combined capabilities of state and local governments to respond.<sup>6</sup> A major disaster declaration makes a wide range of federal assistance resources available for individuals and states for emergency and permanent work.<sup>7</sup>

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<sup>1</sup> 42 U.S.C. §§ 5121-5207.

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

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

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

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

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

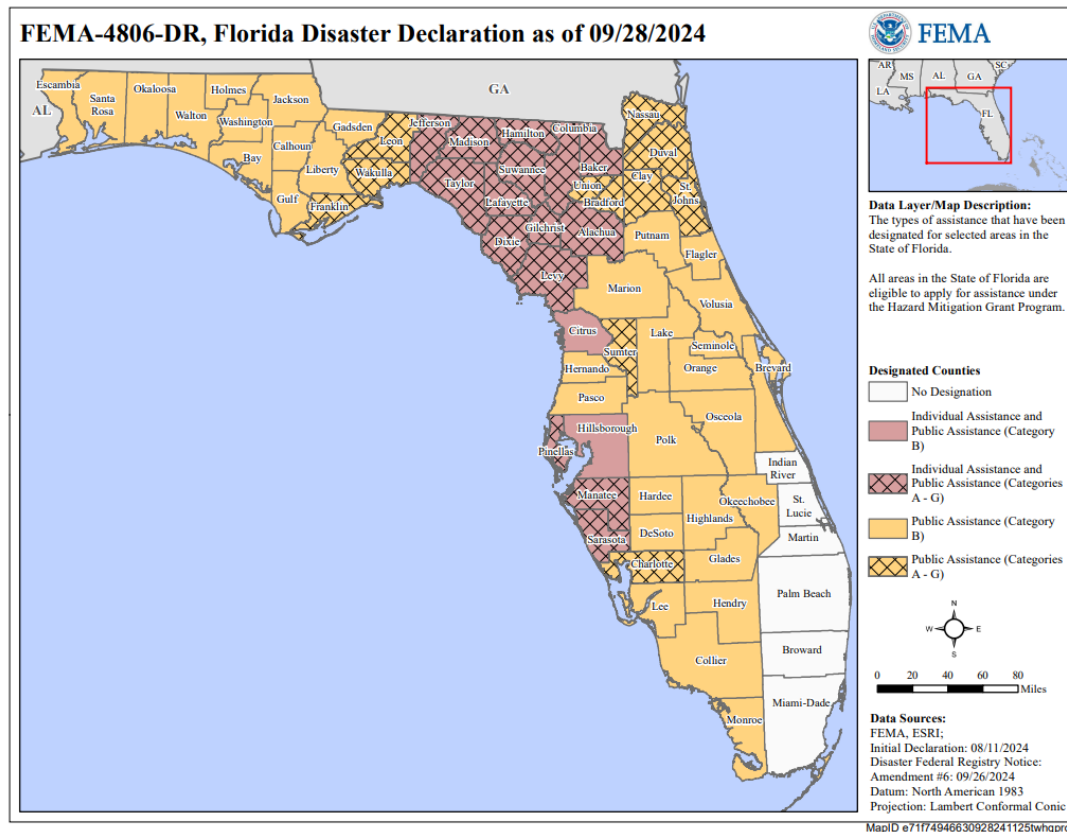
<sup>7</sup> *Id.*



## 2024 Hurricane Season

### *Hurricane Debby*

Forming into a tropical depression on August 3, 2024, Debby intensified into a Category 1 hurricane less than 12 hours before landfall.<sup>8</sup> Hurricane Debby made landfall near Steinhatchee in Taylor County around 7am on August 5, 2024.<sup>9</sup> Debby brought storm surge of 3 to 5 feet across portions of the Nature Coast and the southeast Big Bend, causing damage to areas where many were still recovering from Hurricane Idalia from the year before.<sup>10</sup> Debby's primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.<sup>11</sup> Rainfall amounts of 8 to 12 inches resulted in widespread flooding in southeast Madison and eastern Lafayette counties, while in Suwannee and Gilchrist counties, rainfall amounts approaching 15" were observed.<sup>12</sup> Flooding lasted for several weeks in Madison county after landfall due to the influx of rainfall putting pressure on the groundwater system, which subsequently triggered new flooding as water came up from the ground.<sup>13</sup> Flooding along the Suwannee River continued 3 weeks after landfall.<sup>14</sup>



*Disaster Declaration Map for Hurricane Debby*

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

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

### *Hurricane Helene*

Due to high oceanic heat and the abatement of wind shear, conditions were favorable for Helene to rapidly intensify from a category 1 hurricane into a category 4 hurricane from September 25 to September 26, 2024.<sup>15</sup> Helene hit a maximum of 140 mph for sustained winds just before making landfall near Perry, Florida, just east of the mouth of the Aucilla River around 11:10pm on September 26, 2024.<sup>16</sup> While the storm moved quickly across the state, this did not lessen the impacts.<sup>17</sup> The wind field of Helene was among the top 10% of all recorded storms resulting in widespread wind impacts and hurricane-force gusts extending further inland than most systems.<sup>18</sup> Much of the area affected by the storm experienced 4-8 inches of rainfall, but the heaviest amounts were observed near the Apalachicola State Forest where radar estimates indicated 10 to 18 inches of rain.<sup>19</sup> A large upper-level trough to the west of Helene helped funnel abundant tropical moisture northward well before landfall, creating conditions that led to significant impacts from heavy rainfall and flooding.<sup>20</sup> Many counties across the Panhandle reported flooding and washed-out roads.<sup>21</sup> The combination of Helene's large size and extremely fast forward motion contributed to catastrophic storm surge in the southeast Big Bend area and along the west coast of Florida.<sup>22</sup> In Cedar Key, the storm surge level of 9.3 ft exceeded the level of 6.89 ft observed during Hurricane Idalia the previous year.<sup>23</sup> Preliminary data for Taylor and Dixie counties estimated more than 15 ft of surge, while areas near Tampa saw levels over 6 ft.<sup>24</sup>

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

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

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

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

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

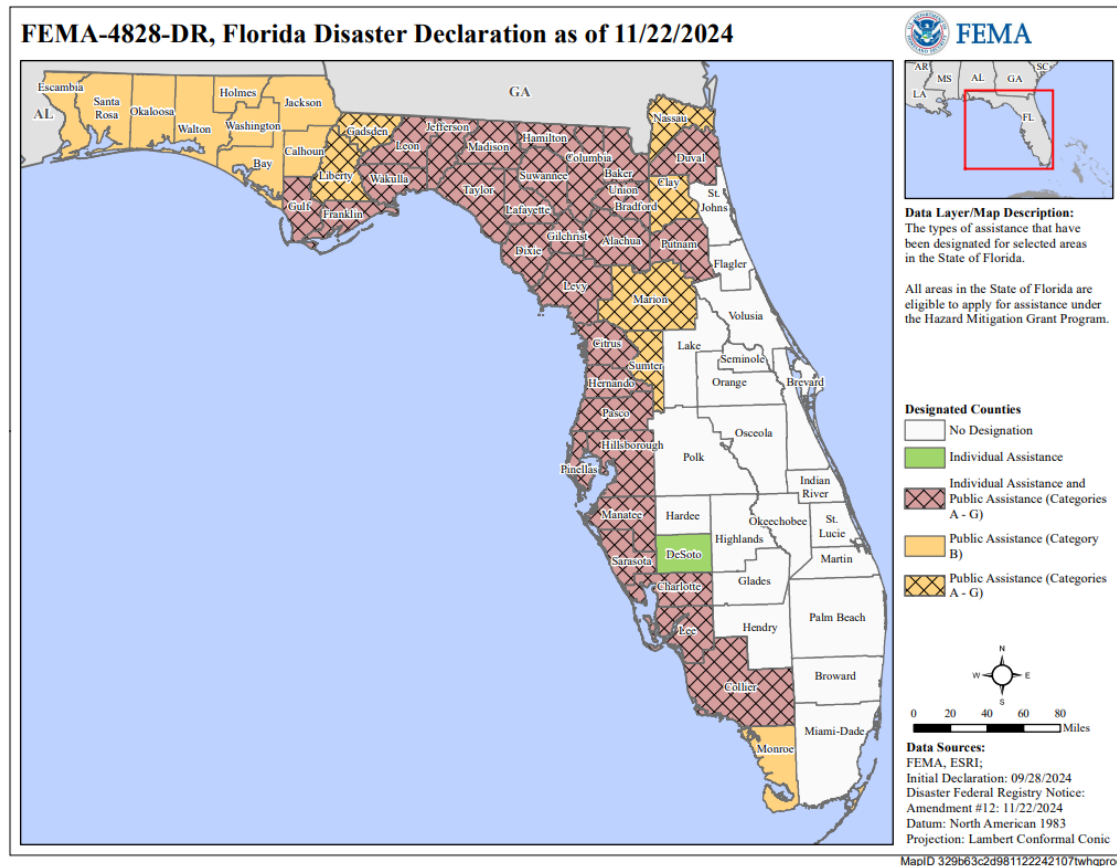
<sup>20</sup> *Id.*

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

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

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

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



Disaster Declaration Map for Hurricane Helene

### Hurricane Milton

Just shy of 2 weeks after Hurricane Helene's landfall in Florida, Hurricane Milton made landfall around 8:30 pm on October 9, 2024 in Siesta Key, Florida in Sarasota County.<sup>25</sup> At landfall, Milton was a category 3 hurricane with maximum sustained winds of 120 mph.<sup>26</sup> Hurricane Milton spawned a record tornado outbreak, resulting in a total of 47 confirmed tornadoes on October 9, 2024, covering 400 miles and causing 7 deaths and 14 injuries.<sup>27</sup> Though Milton moved quickly across the state, it produced extreme rainfall, with the highest amounts, nearly 20 inches, measured in the Clearwater Beach and St. Petersburg areas.<sup>28</sup> In the days and weeks following the storm, rainfall caused rivers and tributaries to reach major flood stages.<sup>29</sup> The hydrograph at Astor for the St. Johns River showed a new record high level on October 10, 2024, of 4.81 ft, while the Hillsborough River crested at a new record of 38.16 ft at Morris Bridge on October 12, 2024.<sup>30</sup> Storm surge in many areas was less than Hurricane Ian in 2022, but higher than experienced during Helene.<sup>31</sup> NOAA gages in Ft. Myers and Naples Bay North measured

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

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

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

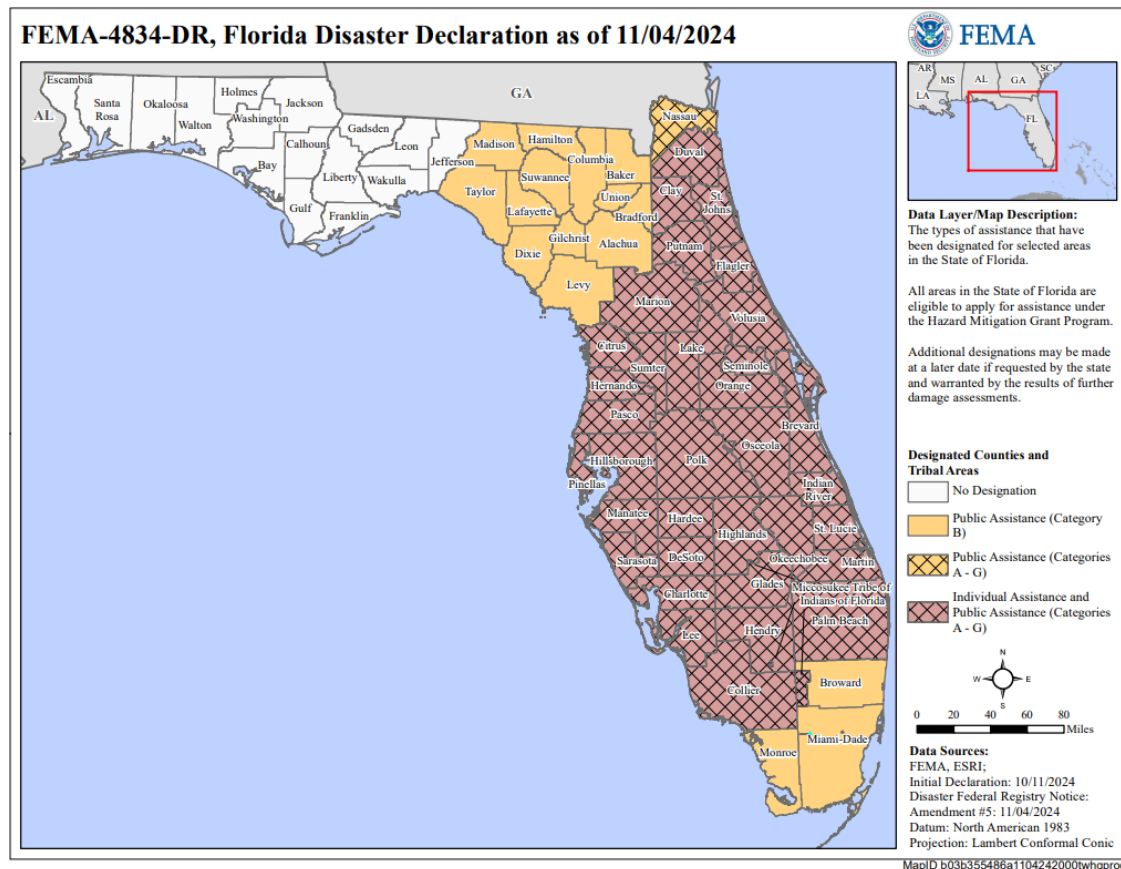
<sup>28</sup> *Id.*

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

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

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

storm surge above 5 feet.<sup>32</sup> Enormous amounts of sand were displaced along Florida's west-central coast following Hurricanes Helene and Milton, which eroded beaches and undid previous beach renourishment projects.<sup>33</sup>



Disaster Declaration Map for Hurricane Milton

### ***Agricultural Losses Related to the 2024 Hurricane Season***

Hurricanes Debby, Helene, and Milton caused significant impacts on agricultural production throughout the state. Debby impacted 2.2 million acres of agricultural lands that annually produce \$3.17 billion in agricultural products; Helene affected 6.1 million acres with \$8.74 billion of annual agricultural production; and Milton impacted 5.7 million acres annually producing \$8.66 billion of agricultural products.<sup>34</sup> In terms of value, the three storms impacted the field and row crops, animals and animal products, vegetables, melons and potatoes, and greenhouse and nursery commodity groups the most.<sup>35</sup> Preliminary estimates of cumulative agricultural production losses in Florida for the 2024 hurricane season are between \$402.3

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

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

<sup>34</sup> Christa D. Court, et. al., UF/IFAS, *Estimated Agricultural Losses Resulting from the 2024 Atlantic Hurricane Season*, Presentation before the Florida Senate Committee on Agriculture, (January 14, 2025), available at [https://www.flsenate.gov/Committees/Show/AG/MeetingPacket/6223/10896\\_MeetingPacket\\_6223.pdf](https://www.flsenate.gov/Committees/Show/AG/MeetingPacket/6223/10896_MeetingPacket_6223.pdf) (last visited Mar. 9, 2025).

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

million and \$975.8 million.<sup>36</sup> Survey respondents have reported damage or destruction to a variety of agricultural assets, including livestock sheds and watering points, irrigation systems, honeybee boxes, tractors, vehicles, and heating and cooling systems for greenhouses.<sup>37</sup>

### **State Emergency Management Act**

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

The Act also delineates the Governor's authority to declare a state of emergency, issue executive orders, and otherwise lead the state during emergencies. If the Governor finds that an emergency<sup>40</sup> has occurred or is imminent, he or she must declare a state of emergency.<sup>41</sup> An executive order or proclamation of a state of emergency shall identify whether the state of emergency is due to a minor,<sup>42</sup> major,<sup>43</sup> or catastrophic<sup>44</sup> disaster.<sup>45</sup> The state of emergency must continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist, but no state of emergency may continue for longer than 60 days unless renewed by the Governor.<sup>46</sup> Additionally, the Legislature may end a state of emergency by passing a concurrent resolution.<sup>47</sup>

### **Florida Division of Emergency Management**

The Florida Division of Emergency Management (FDEM) administers programs to rapidly apply all available aid to impacted communities stricken by emergency.<sup>48</sup> The FDEM is responsible for carrying out the State Emergency Management Act and maintaining a comprehensive statewide program of emergency management to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts.<sup>49</sup> In doing so, the FDEM coordinates

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

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

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

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

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

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

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

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

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

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

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

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

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

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

efforts with and among the federal government, other state agencies, local governments, school boards, and private agencies that have a role in emergency management.<sup>50</sup> The FDEM also serves as the administrator of federal funds awarded to the state and local governments through the Federal Emergency Management Agency (FEMA)'s mitigation grant programs.

### ***Natural Hazards Interagency Workgroup***

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

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

### ***Emergency Shelters***

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

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

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

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

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

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

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

<sup>56</sup> Florida Division of Emergency Management, *Florida Natural Hazards Interagency Workgroup 252.3655 Florida Statutes 2023 Annual Report*, (Jan. 1, 2024) available at

<https://portal.floridadisaster.org/mitigation/MitigateFL/External/F.S.%20252.3655%20Annual%20Reports/Florida%20Natural%20Hazards%20Interagency%20Work%20Group%20F.S.%20252.3655%202022%20Annual%20Report%201-1-2024.pdf> (last visited Mar. 9, 2025).

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

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

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

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

<sup>61</sup> Florida Division of Emergency Management, *Statewide Emergency Shelter Plan: State of Florida 2024*, available at [https://www.floridadisaster.org/globalassets/final\\_statewide-emergency-shelter-plan\\_2024.pdf](https://www.floridadisaster.org/globalassets/final_statewide-emergency-shelter-plan_2024.pdf) (last visited Mar. 8, 2025).



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

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

### ***Hurricane Loss Mitigation Program***

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

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

- \$7 million must be directed toward programs that improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; educating persons concerning the Florida Building Code; and other efforts to prevent or reduce losses or reduce the cost of building after a disaster.<sup>70</sup> Of this funding, 40 percent must be used to inspect and improve tie-downs for mobile homes and 10 percent shall be allocated to the Florida International University center dedicated to hurricane research.<sup>71</sup>
- \$3 million must be directed toward retrofitting existing facilities used as public hurricane shelters. FDEM must prioritize the use of these funds for projects included in the annual Shelter Retrofit Report.<sup>72</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **FEMA Mitigation Grant Programs**

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

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

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

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

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

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

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

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

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

<sup>82</sup> FEMA, *Hazard Mitigation Assistance Program and Policy Guide*, (July 30, 2024), available at [https://www.fema.gov/sites/default/files/documents/fema\\_hma\\_guide\\_082024.pdf](https://www.fema.gov/sites/default/files/documents/fema_hma_guide_082024.pdf) (last visited Mar. 9, 2025).

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

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

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

<sup>86</sup> FEMA, *Hazard Mitigation Assistance Program and Policy Guide*, at 44-45 (July 30, 2024), available at [https://www.fema.gov/sites/default/files/documents/fema\\_hma\\_guide\\_082024.pdf](https://www.fema.gov/sites/default/files/documents/fema_hma_guide_082024.pdf) (last visited Mar. 9, 2025).



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

### **FEMA Public Assistance Grant Program**

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

### **Florida Recovery Obligation Calculation**

FDEM has developed the Florida Recovery Obligation (F-ROC) for the purpose of standardizing, streamlining, and simplifying the PA process for Applicants in Florida. As part of F-ROC, FDEM has standardized all forms that applicants use to apply for PA. Applicants who participate agree to complete certain procurement activities before and after a disaster event. Participating applicants are required to have a recovery plan that specifies procedures, and ensure the plan is updated. A significant feature of F-ROC is the Disaster Readiness Assessment (DRA) that allows applicants to gain insight into their preparedness for disaster events. By answering a series of questions in the DRA about their experience, planning, and policies, applicants receive a Disaster Readiness Score. Applicants also receive points from a Post-Disaster Questionnaire. The combination of points from the applicant’s baseline, the DRA, and the Post-Disaster Questionnaire may allow the applicant to receive up to 80 percent of their funding up front. The remainder of their funding is granted once supporting documents are validated.<sup>91</sup>

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

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

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

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

<sup>91</sup> Division of Emergency Management, *F-ROC Approach and Overview for Leaders*, available at [https://portal.floridadisaster.org/projects/FROC/FROC\\_Documents/2.%20F-ROC%20Training%20Materials/Phase%201%20-%20Approach%20and%20Overview%20for%20Leaders/F-ROC%20Approach%20and%20Overview%20for%20Leaders.pdf](https://portal.floridadisaster.org/projects/FROC/FROC_Documents/2.%20F-ROC%20Training%20Materials/Phase%201%20-%20Approach%20and%20Overview%20for%20Leaders/F-ROC%20Approach%20and%20Overview%20for%20Leaders.pdf) (last visited Mar. 12, 2025).

## Florida National Guard Medical Officer Authorization

The Florida National Guard (FLNG) is the organized militia of the state.<sup>92</sup> Its mission includes maintaining readiness to support national and state security efforts, as well as leading or assisting in humanitarian and logistical operations. These operations include hurricane preparation and recovery and currently include assistance with the pandemic response. The Governor is the commander in chief of the FLNG and the Adjutant General is its chief of staff.<sup>93</sup> The FLNG has an Army component and an Air component, each of which has an Assistant Adjutant General who is also its Commander.<sup>94</sup>

Section 250.375, F.S., provides that physicians holding an active license to practice medicine in any other state, a U.S. territory, or the District of Columbia, while serving as medical officers in the FLNG pursuant to federal or state orders, are expressly authorized to practice medicine on military personnel or civilians during an emergency, declared disaster, or during federal military training.

## Emergency Management - Counties and Municipalities

State policy for responding to disasters is to support local emergency response efforts while also recognizing the needs of residents and communities will likely be greater than can be met by local resources.<sup>95</sup> The Act provides specific authorization and emergency powers to counties, requiring each county to establish and maintain an emergency management agency and develop a county emergency management plan and program consistent with the state comprehensive emergency management plan and program.<sup>96</sup> Municipalities are encouraged to create their own emergency management plans but must coordinate with the county emergency management agency.<sup>97</sup>

County emergency management agencies must each have a director appointed by either their respective board of county commissioners or county chief administrative officer and serving at the pleasure of the appointing authority.<sup>98</sup> The county emergency management director may be a county constitutional officer<sup>99</sup> or an employee of such an officer.<sup>100</sup> Responsible for the organization, administration, and operation of the county emergency management agency, the director must coordinate the emergency activities, services, and programs of the agency throughout the county and serve as the county liaison to FDEM and other local emergency management entities.<sup>101</sup>

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<sup>92</sup> Section 250.02(2), F.S. The nonorganized militia is composed of all able-bodied citizens of the state and those individuals who have declared intentions to become citizens of the United States. FLA. CONST. art. X, sec. 2(a); and s. 250.02(1), F.S.

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

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

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

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

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

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

<sup>99</sup> FLA. CONST. art. VIII, s. 1(d) requires the election of the following county officers: sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit courts.

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

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

Under the Act, the governing body of each political subdivision, defined as counties and municipalities,<sup>102</sup> may develop and enter into mutual aid agreements for reciprocal emergency aid and assistance when emergencies are too extensive for the county or municipality to handle without assistance.<sup>103</sup> After executing a mutual aid agreement, a copy must be sent to FDEM.<sup>104</sup> Mutual aid agreements must be consistent with the state comprehensive emergency management plan and program.<sup>105</sup> When an emergency occurs, the parties to the agreement have a duty to render assistance in accordance with the agreement.<sup>106</sup>

### **Community Planning**

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

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

A locality's comprehensive plan lays out the locations for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.<sup>111</sup>

A comprehensive plan is implemented through the adoption of land development regulations<sup>112</sup> that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.<sup>113</sup> Such regulations must, among other prescriptions, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.<sup>114</sup> Substantially affected persons have the right to maintain administrative

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

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

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

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

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

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

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

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

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

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

<sup>112</sup> "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213. *See* s. 163.3164(26), F.S.

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

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

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

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.<sup>116</sup>

### ***Development Permits and Orders***

The Community Planning Act defines "development" as "the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels."<sup>117</sup> When a party wishes to engage in development activity, they must seek a development permit from the appropriate local government having jurisdiction. Under the Community Planning Act, a development permit includes "any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land."<sup>118</sup> Once a local government has officially granted or denied a development permit, the official action constitutes a development order.<sup>119</sup> A development order vests certain rights related to the land.<sup>120</sup>

### **Building Permits and Inspections**

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.<sup>121</sup>

Every local government must enforce the Florida Building Code and issue building permits.<sup>122</sup> It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit.<sup>123</sup> A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.<sup>124</sup> Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.<sup>125</sup> Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, building permit processing, and fire

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

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

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

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

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

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

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

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

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

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

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

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

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the building code. The building code requires certain building, electrical, plumbing, mechanical, and gas inspections.<sup>128</sup> Construction work may not be done beyond a certain point until it passes an inspection.<sup>129</sup>

Current law provides a set of deadlines for the ordinary processing of building permits depending on the type of permit.<sup>130</sup> Various laws require or encourage local governments to further expedite the permitting process in certain situations, such as for the construction of public schools, state colleges and universities and affordable housing.<sup>131</sup>

### **General Overview of Property Taxation**

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of a property as of January 1 of each year.<sup>132</sup> The property appraiser annually determines the “just value”<sup>133</sup> of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”<sup>134</sup> The state constitution prohibits the state from levying ad valorem taxes<sup>135</sup> and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.<sup>136</sup>

### ***Assessment of Damaged Agricultural Equipment***

“Tangible personal property” means all goods, chattels, and other articles of value (not including vehicles) capable of manual possession and whose chief value is intrinsic to the article itself.<sup>137</sup> All tangible personal property is subject to ad valorem taxation unless expressly exempted.<sup>138</sup>

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

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

<sup>128</sup> Florida Building Code, *2023 Florida Building Code: 8th Edition*, s. 110 (2023), available at [https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1\\_Ch01\\_SubCh02\\_Sec110](https://codes.iccsafe.org/content/FLBC2023P1/chapter-1-scope-and-administration#FLBC2023P1_Ch01_SubCh02_Sec110) (last visited Mar. 9, 2025).

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

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

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

<sup>132</sup> Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

<sup>133</sup> Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. Art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. See, e.g., *Walter v. Schuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *S. Bell Tel. & Tel. Co. v. Dade Cnty.*, 275 So. 2d 4 (Fla. 1973).

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

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

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

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

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

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

For purposes of ad valorem property taxation, agricultural equipment that is located on property classified as agricultural under s. 193.461, F.S., and is obsolete and no longer usable for its intended purpose is deemed to have a market value no greater than its value for salvage.<sup>142</sup>

### **Beach Funding**

Funding for Florida's critically eroded beaches is managed by the Beach Management Funding Assistance Program.<sup>143</sup> The program provides grants to local governments (up to 75% of project costs) for beach and inlet management projects to restore and nourish the state's most severely eroded beaches.<sup>144</sup> These projects protect upland structures and infrastructure, provide critical habitat for threatened and endangered species, provide recreational opportunities, and support local economies through tourism.<sup>145</sup>

The Department of Environmental Protection (DEP) accepts funding requests on an annual basis from local governments and municipalities for beach and inlet management projects.<sup>146</sup> To be eligible for funding, projects must be accessible to the public, located on the Gulf of Mexico, Atlantic Ocean or Straits of Florida, be designated by DEP as a critically eroded beach, and be consistent with the state's Strategic Beach Management Plan.<sup>147</sup>

The funds are cost-shared with local governments on local and federally authorized projects, with each level of government contributing about one-third of the cost of the entire program.<sup>148</sup> This funding has resulted in the restoration and subsequent maintenance of more than 253 miles, or 58%, of the state's 432.5 miles of critically eroded beaches.<sup>149</sup>

### **Solid Waste**

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

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

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

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

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

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

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

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

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

<sup>147</sup> Fla. Admin. Code Chapter 62B-36. *See also* Fla. Dep't of Environmental Protection, *About the Beaches Funding Program*, <https://floridadep.gov/rcp/beaches-funding-program> (last visited Mar. 9, 2025).

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

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

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

arrangement or contract by which the person's solid waste<sup>151</sup> will be disposed of in a manner consistent with county ordinance or state or federal law.<sup>152</sup> Counties also have authority to adopt ordinances that govern the disposal of solid waste generated outside the county at the county's solid waste disposal facility.<sup>153</sup>

The DEP is responsible for implementing and enforcing the solid waste management program, which provides guidelines for the storage, separation, processing, recovery, recycling, and disposal of solid waste throughout the state.<sup>154</sup> The program is required to include procedures and requirements to ensure cooperative efforts in solid waste management by counties and municipalities and groups of counties and municipalities where appropriate.<sup>155</sup>

Counties are responsible for operating solid waste disposal facilities, which are permitted through the DEP, in order to meet the needs of the incorporated and unincorporated areas of the county<sup>156</sup> and may contract with other persons to fulfill some or all of its solid waste responsibilities.<sup>157</sup> Each county must ensure that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements or other means.<sup>158</sup> In providing services or programs for solid waste management, local governments and state agencies are encouraged to use the most cost-effective means for providing services and are encouraged to contract with private entities for any or all such services or programs to assure that those services are provided on the most cost-effective basis.<sup>159</sup> Local governments are expressly prohibited from discriminating against privately owned solid waste management facilities solely because they are privately owned.<sup>160</sup>

### III. Effect of Proposed Changes:

#### State Emergency Management Act and FDEM Duties

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

**Section 5** amends s. 252.35, F.S., to revise legislative intent to specify that other departments and agencies of state government, county and municipal governments and school boards, and private agencies have a role in emergency management and that the Legislature intends that they

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<sup>151</sup> Section 403.703(35), F.S. "Solid waste" is defined as sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

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

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

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

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

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

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

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

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

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

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

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

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

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

The requirement for FDEM to implement training programs is clarified to include the purpose of maintaining Florida's status as a national leader in emergency management. FDEM must specify minimum biennial training requirements for county or municipal administrators, county or city managers, county or municipal emergency management directors, and county or municipal public works directors or other officials responsible for the construction and maintenance of public infrastructure, in addition to minimum training already required under the Act.

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

The bill requires FDEM to conduct a hurricane readiness session by April 1 annually for the purpose of facilitating coordination between emergency management stakeholders. A session will be held in each region as designated by FDEM. County emergency management directors (or designees) must attend, and other county or municipal personnel may attend the session. The content of the session must include guidance on timelines for preparation and response, information on state and federal post-disaster resources and assistance, guidance to promote efficient and expedited rebuilding of the community after a hurricane, best practices for coordination and communication among entities engaged in post-disaster response and recovery, and discussion of any outstanding county or municipal preparedness or readiness needs

**Section 6** amends s. 252. 355, F.S., to require the Department of Veterans' Affairs to annually provide information on the special needs registry to their special needs clients and caregivers.

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



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

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

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

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

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

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

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

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

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

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

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

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

FDEM is required to adopt rules to implement the section.

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

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

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

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

### **Florida National Guard Medical Officer Authorization**

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

### **Community Post-Storm Permitting and Planning**

**Section 15** creates s. 252.392, F.S., related to post-storm county and municipal permitting and operations. Under the section, counties and municipalities are required to develop plans for post-storm permitting to expedite recovery and rebuilding by providing for special building permit

and inspection procedures after a hurricane or tropical storm and update them by May 1 annually. Counties and municipalities must plan to ensure sufficient personnel can manage building inspection, permitting, and enforcement; account for in-person locations for permitting services during business hours; protocols to expedite permitting and waive or reduce fees; and procedures to expedite debris removal.

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

Counties and municipalities are prohibited, for 180 days after the declaration of a state of emergency for a hurricane or tropical storm, from increasing building permit fees or inspection fees. During the same time period, counties and municipalities are required to have personnel available during business hours to process permits.

**Section 18** provides that a county or municipality listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton shall not propose or adopt a moratorium on construction, reconstruction, or redevelopment of property damaged by hurricanes; more restrictive or burdensome procedures to its comprehensive plan or land development regulations concerning the review, approval or issuance of a site plan, development permit, or development order. Any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure is null and void ab initio. This subsection applies retroactively to August 1, 2024. Any comprehensive plan amendment, land development regulation, development permit, or development order approved by a county or municipality under procedures adopted before the effective date of this act may be enforced under certain circumstances.

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

This section takes effect upon becoming a law.

### **Assessment of Damaged Agricultural Equipment**

**Section 2** amends s. 193.4518, F.S., providing that tangible personal property owned and operated by a farm, farm operation, or agricultural processing facility in certain counties shall be deemed to have a market value no greater than its salvage value, provided the tangible personal

property was unable to be used in the operation of the facility for at least 60 days due to the effects of Hurricane Debby, Hurricane Helene, or Hurricane Milton.

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

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

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

### **Beach Funding**

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

### **Storm-generated Debris**

**Section 17** amends s. 403.7071, F.S., to revise authorizations and requirements related to storm-generated debris.

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

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

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

### **Effective Date**

**Section 20** provides that the bill will take effect on July 1, 2025, unless otherwise expressly provided.

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

Article VII, s. 18(b) of the State Constitution provides that except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The mandate requirement does not apply to laws having an insignificant impact,<sup>161</sup> which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.

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

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

None.

**C. Trust Funds Restrictions:**

None.

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

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

**E. Other Constitutional Issues:**

None identified.

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

The Revenue Estimating Conference has not yet reviewed this bill.

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<sup>161</sup> FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. *See* Fla. S. Comm. on Cmty. Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 9, 2025).

**B. Private Sector Impact:**

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

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

**C. Government Sector Impact:**

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

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

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

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

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

This bill reenacts s. 252.55, F.S.

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

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

**CS by Community Affairs on March 11, 2025:**

The committee substitute:

- Provides that the property tax assessment limitation on ag equipment unable to be used is effective upon becoming law and applies retroactively to Jan. 1, 2025.
- Requires that FDEM establish procedures for coordinating and monitoring statewide mutual aid agreements reimbursable under federal public disaster assistance programs.
- Revises the membership of the Natural Hazards Risks and Mitigation Interagency Coordinating Group.

- Requires FDEM to notify the Legislature when accepting or applying for federal funds for certain new or innovative programs or that will require new budget authority.
- Requires FDEM to standardize and streamline the application process for the federal Public Assistance Program and use federal funds to implement the requirement.
- Provides that FDEM may retain 25 percent of the total federal allocation of funds received under the HMGP.
- Creates a cause of action for residents or business owners affected by an unlawful burdensome regulation or moratorium to seek declaratory and injunctive relief.

B. Amendments:

None.



525210

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2025	.	
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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





525210

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

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

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

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

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

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

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

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



525210

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

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

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

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

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



525210

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

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

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

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

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

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

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



525210

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

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

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

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

252.35 Emergency management powers; Division of Emergency



525210

Management.—

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

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

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



525210

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

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

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



525210

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

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

5. Address the need for coordinated and expeditious



525210

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

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

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

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

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

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

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





525210

~~every even-numbered year.~~

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

(n) Implement training programs to maintain Florida's status as a national leader in emergency management and improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This must ~~shall~~ include a continuous training program for agencies and individuals who ~~that~~ will be called on to perform key roles in state and local postdisaster response and recovery efforts and for local government personnel on federal and state postdisaster response and recovery strategies and procedures. The division shall specify 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 in addition to the training required pursuant to s. 252.38(1)(b).

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



525210

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

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

(dd) Conduct, by April 1 of each year, an annual hurricane readiness session in each region designated by the division to facilitate coordination between all emergency management stakeholders. Each county emergency management director or his or her designee shall, and other county and municipal personnel may, attend the session for his or her region. A session must include, but is not limited to, guidance on timelines for preparation and response, information on state and federal postdisaster 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 postdisaster response and recovery, and discussion of any outstanding county or municipal preparedness or readiness needs.

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



525210

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

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

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



525210

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

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

252.3611 Transparency; audits.—

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

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



525210

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

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

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

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

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

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



525210

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

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

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

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

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

252.365 Emergency coordination officers; disaster-  
preparedness plans.—

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



525210

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

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

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

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

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

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



525210

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

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

2. Department of Agriculture and Consumer Services.

3. Department of Commerce.

4. Department of Environmental Protection.

5. Department of Financial Services.

6. Department of Law Enforcement.

7. Department of Highway Safety and Motor Vehicles.

8. Department of Military Affairs.

9. Division of Emergency Management.

10. Department of Transportation.

11. Fish and Wildlife Conservation Commission.

12. Office of Insurance Regulation.

13. Public Service Commission.

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

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

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





525210

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

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

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

(2) (a) On behalf of the coordinating group ~~workgroup~~, the division ~~of Emergency Management~~ shall prepare an annual progress report on the implementation of the state's 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. At a minimum, the annual progress report must:

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

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

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



525210

and impacts of natural hazards; and

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

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

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

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

252.37 Financing.—

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

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



525210

funds, including the estimated state match.

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

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

252.3713 Hazard Mitigation Grant Program.—

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

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

(3) The division and subrecipients shall prioritize



525210

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

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

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

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

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

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

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

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

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



525210

specified in the grant of funding.

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

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

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

252.373 Allocation of funds; rules.—

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

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

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

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

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



525210

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

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

(1) COUNTIES.—

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

(3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—



525210

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

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

252.385 Public shelter space; public records exemption.—

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

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



525210

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

(3)(a) The division shall annually provide by October 15 to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that includes, ~~and the Governor~~ a list of facilities recommended to be retrofitted using state funds. State funds should be maximized and targeted to projects in counties ~~regional planning council regions~~ with hurricane evacuation shelter deficits. Additionally, the division shall 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 owner or lessee of a public hurricane evacuation shelter that is included on the list of facilities recommended for retrofitting is not required to perform any recommended improvements.

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





525210

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

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

252.392 Post-storm county and municipal permitting; operations.—

(1) (a) Each county and municipality shall 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, at a minimum:

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



525210

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



525210

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

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

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

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

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

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

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

400.063 Resident protection.—

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



525210

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

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

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

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



525210

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

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

(b) 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. Such memorandum must clearly outline the capacity of the debris management site and location of the site relative to each party. The memorandum of understanding must be approved annually as part of the preauthorization process described in paragraph (a).

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



525210

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

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

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

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

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

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

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



525210

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

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

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

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

252.55 Civil Air Patrol, Florida Wing.—

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

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



525210

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to emergency preparedness and  
response; amending s. 161.101, F.S.; authorizing the  
Department of Environmental Protection to waive or  
reduce local government match requirements under  
certain circumstances; providing for future  
expiration; amending s. 193.4518, F.S.; 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; providing procedures for  
petitioning the value adjustment board if an  
application is denied; providing for retroactive  
application; amending s. 215.559, F.S.; deleting a  
reference to a certain report; revising public  
hurricane shelter funding prioritization requirements  
for the Division of Emergency Management; amending s.  
250.375, F.S.; authorizing certain servicemembers to  
provide medical care in specified circumstances;  
amending s. 252.35, F.S.; providing legislative  
intent; revising the date by which the state  
comprehensive emergency management plan must be  
submitted to the Legislature and the Governor;





525210

revising the components of the plan; requiring the division to provide certain assistance to political subdivisions; revising requirements for training provided by the division; revising inventory requirements; deleting a requirement for a certain biennial report; requiring the division to conduct an annual hurricane readiness session in each region designated by the division for a specified purpose; requiring all county emergency management directors, and authorizing other county and municipal personnel to attend such session; requiring that the session include specified topics and needs; amending s. 252.355, F.S.; authorizing the Department of Veterans' Affairs to provide certain information to specified clients or their caregivers; amending s. 252.3611, F.S.; directing specified entities to submit specified contracts and reports to the Legislature under specified conditions; requiring that such contracts be posted on a specified secure contract system; requiring the Auditor General to post the results of specified audits on his or her official website; requiring the division to report annually to the Legislature specified information on expenditures related to emergencies; providing requirements for such report; amending s. 252.365, F.S.; revising the responsibilities for agency emergency coordination officers; requiring agency heads to notify the Governor and the division of the person designated as the emergency coordination officer annually by a



525210

specified date; amending s. 252.3655, F.S.; creating the natural hazards risks and mitigation interagency coordinating group; providing the purpose of the group; providing for the membership and administration of the group; requiring agency representatives to provide information relating to natural hazards to this state, agency resources, efforts to address and mitigate risk and impacts of natural hazards; requiring the group to meet in person or by communication media technology at least quarterly for specified purposes; requiring specified agency heads to meet at least annually to strategize and prioritize state efforts; requiring the division, on behalf of the group, to prepare a certain progress report; revising the requirements of such report; revising requirements for an annual progress report by the division on behalf of the group; requiring the division, on behalf of the group, to submit such report to the Governor and the Legislature; amending s. 252.37, F.S.; requiring the division to notify the Legislature of its intent to accept or apply for federal funds under certain circumstances; requiring the division to take steps to maximize the availability and expedite distribution of financial assistance from the Federal Government to state and local agencies; requiring that such steps include the standardization and streamlining of the application process for federal financial assistance and the provision of assistance to those applicants for a



525210

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



525210

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



525210

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

2025180\_\_

A bill to be entitled

An act relating to emergency preparedness and response; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to waive or reduce local government match requirements under certain circumstances; providing for future expiration; amending s. 193.4518, F.S.; 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; providing procedures for petitioning the value adjustment board if an application is denied; providing applicability; amending s. 215.559, F.S.; deleting a reference to a certain report; revising public hurricane shelter funding prioritization requirements for the Division of Emergency Management; amending s. 250.375, F.S.; authorizing certain servicemembers to provide medical care in specified circumstances; amending s. 252.35, F.S.; providing legislative intent; revising the date by which the state comprehensive emergency management plan must be submitted to the Legislature and the Governor; revising the components of the plan; requiring the division to provide certain assistance to political subdivisions; revising requirements for training provided by the division; revising inventory requirements; deleting a requirement for a certain

18-00937-25

2025180\_\_

biennial report; requiring the division to conduct an annual hurricane readiness session in each region designated by the division for a specified purpose; requiring all county emergency management directors, and authorizing others county and municipal personnel, to attend, such session; requiring that the session include specified topics and needs; amending s. 252.355, F.S.; authorizing the Department of Veterans' Affairs to provide certain information to specified clients or their caregivers; amending s. 252.3611, F.S.; directing specified entities to submit specified contracts and reports to the Legislature under specified conditions; requiring that such contracts be posted on a specified secure contract system; requiring the Auditor General to post the results of specified audits on his or her official website; requiring the division to report annually to the Legislature specified information on expenditures related to emergencies; providing requirements for such report; amending s. 252.365, F.S.; revising the responsibilities for agency emergency coordination officers; requiring agency heads to notify the Governor and the division of the person designated as the emergency coordination officer annually by a specified date; amending s. 252.3655, F.S.; creating the natural hazards risks and mitigation interagency coordinating group; providing the purpose of the group; providing for the membership and administration of the group; requiring agency representatives to

18-00937-25

2025180\_\_

provide information relating to natural hazards to this state, agency resources, efforts to address and mitigate risk and impacts of natural hazards; requiring the group to meet in person or by communication media technology at least quarterly for specified purposes; requiring specified agency heads to meet at least annually to strategize and prioritize state efforts; requiring the division, on behalf of the group, to prepare a certain progress report; revising the requirements of such report; revising requirements for an annual progress report by the division on behalf of the group; requiring the division, on behalf of the group, to submit such report to the Governor and the Legislature; creating s. 252.3713, F.S.; requiring the division to administer the Hazard Mitigation Grant Program; authorizing the division to retain a specified percentage of the funds for state use; requiring that the remaining percentage be distributed for use by certain recipients; authorizing subrecipients to make a certain election for a specified use; requiring the prioritization of certain projects; authorizing the division to coordinate with specified entities under certain circumstances; requiring that such cooperation ensures certain requirements are met and certain projects are funded; authorizing fiscally constrained counties to request that the division administer the grant for such a county; authorizing such counties to request certain assistance from the division;



18-00937-25

2025180\_\_

requiring the division to adopt rules; amending s.  
252.373, F.S.; conforming a cross-reference; amending  
s. 252.38, F.S.; requiring each political subdivision  
to notify the division of the designated emergency  
contact annually by a specified date; amending s.  
252.385, F.S.; revising reporting requirements for the  
division; revising requirements for a specified list;  
requiring the Department of Health and the Agency for  
Persons with Disabilities to assist the division with  
certain determinations; creating s. 252.392, F.S.;  
requiring counties and municipalities to develop a  
post-storm permitting plan; providing requirements for  
the plan; requiring annual updates to the plan by a  
specified date; requiring counties and municipalities  
to publish, and post on their websites, a specified  
storm recovery guide annually by a specified date;  
prohibiting certain counties and municipalities from  
increasing building permit or inspection fees within a  
specified timeframe; requiring such counties and  
municipalities to have certain personnel available  
during normal business hours; amending s. 400.063,  
F.S.; conforming a cross-reference; amending s.  
403.7071, F.S.; providing that local governments are  
authorized and encouraged to add addendums to certain  
contracts or agreements; requiring counties and  
municipalities to apply to the Department of  
Environmental Protection for authorization to  
designate at least one debris management site;  
authorizing municipalities to apply jointly with a

18-00937-25

2025180\_\_

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

18-00937-25

2025180\_\_

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

18-00937-25

2025180\_\_

Idalia.

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

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

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

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

18-00937-25

2025180\_\_

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

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

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

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

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

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

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

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

18-00937-25

2025180\_\_

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

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

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

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

252.35 Emergency management powers; Division of Emergency Management.—

(1) The division is responsible for maintaining a

18-00937-25

2025180\_\_

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

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

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

18-00937-25

2025180\_\_

state comprehensive emergency management plan must be operations oriented and:

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

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

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



18-00937-25

2025180\_\_

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

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

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

18-00937-25

2025180\_\_

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

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

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

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

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

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

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

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

18-00937-25

2025180\_\_

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

18-00937-25

2025180\_\_

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

18-00937-25

2025180\_\_

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

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

18-00937-25

2025180\_\_

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

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

252.3611 Transparency; audits.—

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

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

2. All contracts executed to support the response to a

18-00937-25

2025180\_\_

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

18-00937-25

2025180\_\_

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

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

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

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

252.365 Emergency coordination officers; disaster-preparedness plans.—

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



18-00937-25

2025180\_\_

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

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

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

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

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

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

1. Agency for Health Care Administration.

18-00937-25

2025180\_\_

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.~~

18-00937-25

2025180\_\_

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.

18-00937-25

2025180\_\_

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

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

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

252.3713 Hazard Mitigation Grant Program.—

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

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

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

(a) Reducing shelter space deficits through retrofitting of

18-00937-25

2025180\_\_

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

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

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

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

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

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

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

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

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

18-00937-25

2025180\_\_

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

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

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

252.373 Allocation of funds; rules.—

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

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

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

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

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

252.38 Emergency management powers of political

18-00937-25

2025180\_\_

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

(1) COUNTIES.—

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

(3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

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

18-00937-25

2025180\_\_

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

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

252.385 Public shelter space; public records exemption.—

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

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



18-00937-25

2025180\_\_

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

(3)(a) The division shall annually provide by October 15 to the Governor, the President of the Senate, and the Speaker of the House of Representatives, ~~and the Governor~~ a report that includes a list of facilities recommended to be retrofitted using state funds. State funds should be maximized and targeted to projects in counties regional planning council regions with hurricane evacuation shelter deficits. Additionally, the division shall 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 owner or lessee of a public hurricane evacuation shelter that is included on the list of facilities recommended for retrofitting is not required to perform any recommended improvements.

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

18-00937-25

2025180\_\_

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

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

252.392 Post-storm county and municipal permitting; operations.—

(1)(a) Each county and municipality shall 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, at a minimum:

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

18-00937-25

2025180\_\_

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

18-00937-25

2025180\_\_

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

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

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

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

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

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

400.063 Resident protection.—

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

18-00937-25

2025180\_\_

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

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

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

(7) Unless otherwise 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. Local governments are authorized and encouraged to add an addendum to existing contracts or franchise

18-00937-25

2025180\_\_

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

18-00937-25

2025180\_\_

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](mailto: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

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 180

Bill Number or Topic

Amendment Barcode (if applicable)

3/11/25  
Meeting Date  
Community Affairs  
Committee

Name Pepper Uchino (oo-chee-no) Phone (850) 906-9227

Address PO Box 13146 Email pepper@fshpa.com  
Street

Tallahassee  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information OR Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:  
FL Shore & Beach  
Preservation Assoc.

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

**APPEARANCE RECORD**

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3-11-25

Meeting Date

SB180

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Chante' Jones

Phone 850-272-0551

Address 215 N Monroe St Ste 1003

Street

Email cejjones@aarp.org

Tallahassee FL 32308

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

AARP Florida

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Meeting Date

3/11/25

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Senate professional staff conducting the meeting

Bill Number or Topic

180 AM DE

Committee

City Affairs

Amendment Barcode (if applicable)

Name

ERIC POOLE

Phone

244 9908

Address

100 Monroe

Email

epoole@flsenate.gov

Street

Tallahassee

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

180

Meeting Date

Bill Number or Topic

3/11/25  
Community Affairs

Committee

Deliver both copies of this form to  
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Amendment Barcode (if applicable)

Name

Scott OBerry (Tampa Bay Beaches)  
(Chamber of Commerce)

Phone

727-481-4777

Address

1301 86<sup>th</sup> Ave N

Email

scott.oberry@edwardjones.com

Street

St Petersburg

FL

33702

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Meeting Date

3-11-25

Bill Number or Topic

SB 180

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Tim JOHNSON

Phone

727-224-6856

Address

383 BOCA CIEGA PT N

Email

tim@waterfrontrealty.com

Street

St. Petersburg, FL

33708

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**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/CS/SB 262

INTRODUCER: Community Affairs Committee; Judiciary Committee; and Senator Berman

SUBJECT: Trusts

DATE: March 12, 2025

REVISED: \_\_\_\_\_

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

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

---

**I. Summary:**

CS/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.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup>

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

<sup>2</sup> 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/>.

<sup>3</sup> 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,<sup>4</sup> 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.<sup>5</sup>

### **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.<sup>6</sup> 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.”<sup>7</sup> 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.<sup>8</sup>

#### ***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.<sup>9</sup> 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

<sup>4</sup> 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](https://www.law.cornell.edu/wex/express_trust).

<sup>5</sup> Sections 736.0101 and 736.0102, F.S.

<sup>6</sup> 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/>.

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

<sup>8</sup> 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).

<sup>9</sup> 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.”<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup>

**Ademption by Satisfaction**

The word “adeem” is a verb that means to revoke, cancel, or withdraw an item.<sup>13</sup> 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.<sup>14</sup>

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<sup>10</sup> Section 736.1008(4)(a) and (c), F.S.

<sup>11</sup> Section 736.08125(1)(a) – (e), F.S.

<sup>12</sup> 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).

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

<sup>14</sup> 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 Code<sup>15</sup> 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 devise<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup> 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.<sup>19</sup>

### ***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

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[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.](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.)

<sup>15</sup> 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.

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

<sup>17</sup> Ch. 2021-183, ss. 29-40, Laws of Fla.

<sup>18</sup> 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/>.

<sup>19</sup> 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](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.<sup>20</sup> 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.<sup>21</sup>
- Given an exemption from property taxes.<sup>22</sup>
- 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.<sup>23</sup>

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.<sup>24</sup>

<sup>20</sup> 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).

<sup>21</sup> FLA. CONST. art. X, s. 4(a).

<sup>22</sup> FLA. CONST. art. VII, s. 6.

<sup>23</sup> FLA. CONST. art. X, s. 4(c).

<sup>24</sup> 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.<sup>25</sup> 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, and the authorized trustee.<sup>26</sup>

##### ***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.

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<sup>25</sup> 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).

<sup>26</sup> 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 trust<sup>27</sup> 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.

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<sup>27</sup> 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.<sup>28</sup>

**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.

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<sup>28</sup> 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.”<sup>29</sup> 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.

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<sup>29</sup> *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 Technical Changes:**

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

**CS/CS by Community Affairs on March 11, 2025:**

The committee substitute makes two clarifying one-word changes to the underlying bill.

- On line 58 of the bill, the word “or” is changed to the word “and” to be more inclusive and expansive. Therefore, when determining settlor intent, someone may consider the intent of a settlor of the first trust, a settlor of the second trust, *and* the authorized trustee.
- On line 140 of the bill, the word “such” is changed to the word “a” to eliminate confusion and clarify that the amended reference to a “trust disclosure document” applies to *any* trust disclosure document as defined in s. 736.1008(4)(c), F.S.

**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	.	House
Comm: RCS	.	
03/12/2025	.	
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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



488748

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

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

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

(3) DISTRIBUTION FROM FIRST TRUST TO SECOND TRUST WHEN AUTHORIZED TRUSTEE DOES NOT HAVE ABSOLUTE POWER TO INVADE.— Unless the trust instrument expressly provides otherwise, an authorized trustee who has a power, other than an absolute power, under the terms of a first trust to invade principal to make current distributions to or for the benefit of one or more beneficiaries may instead exercise such power by modifying the terms of the first trust or by appointing all or part of the principal of the first trust subject to such power in favor of a trustee of one or more second trusts. If the authorized trustee exercises such power:

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



488748

interests of the beneficiary in the first trust.

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

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

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

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

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

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

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



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

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

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

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

(8) NOTICE.—

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

By the Committee on Judiciary; and Senator Berman

590-02004-25

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A bill to be entitled  
An act relating to trusts; amending s. 736.04117,  
F.S.; revising the definition of the term "authorized  
trustee"; revising how an authorized trustee may  
exercise the power to invade principal as an  
authorized trustee administering a trust; providing  
that notice of such exercise by an authorized trustee  
is not a trust disclosure document; providing that a  
trust disclosure document may not commence a  
limitations period unless such trust disclosure  
document is provided after the effective date of the  
exercise of the power to invade principal by an  
authorized trustee; providing applicability; amending  
s. 736.08125, F.S.; providing an exception with regard  
to protection of successor trustees; creating s.  
736.10085, F.S.; barring certain actions initiated by  
specified parties against prior trustees; creating s.  
736.1110, F.S.; 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 property distributed or given to a  
devisee during a 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; providing  
applicability; amending s. 736.1502, F.S.; revising  
the definitions of the terms "community property" and

590-02004-25

2025262c1

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

590-02004-25

2025262c1

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

590-02004-25

2025262c1

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

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

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

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

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

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

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

(4) DISTRIBUTION FROM FIRST TRUST TO SUPPLEMENTAL NEEDS



590-02004-25

2025262c1

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

590-02004-25

2025262c1

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

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

736.08125 Protection of successor trustees.—

(3) Except as provided in s. 736.10085, ~~nothing in~~ this section does not affect ~~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.

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

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

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

736.1110 Ademption by satisfaction.—

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

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

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

590-02004-25

2025262c1

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

590-02004-25

2025262c1

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

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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, reading "Lori Berman", followed by a horizontal line.

Senator Lori Berman  
Florida Senate, District 26

3/11/25

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 262

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Sean Butters

Phone

850-425-4447

Address

123 S. Calhoun St.

Email

sbutters@ausley.com

Street

Tallahassee, FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 466

INTRODUCER: Senators Leek and others

SUBJECT: Florida Museum of Black History

DATE: March 10, 2025

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shuler	Fleming	CA	<b>Favorable</b>
2. _____	_____	AEG	_____
3. _____	_____	RC	_____

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**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.<sup>1</sup> 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.<sup>2</sup>

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<sup>1</sup> Section 20.10(1), F.S.

<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

The division is comprised of the following Bureaus:

- Bureau of Historic Preservation;
- Bureau of Historical Museums; and
- Bureau of Archeological Research.<sup>6</sup>

The division is also responsible for encouraging, promoting, maintaining, and operating Florida history museums.<sup>7</sup> 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;<sup>8</sup>
- 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;<sup>9</sup>
- 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;<sup>10</sup> 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.<sup>11</sup>

Other museums recognized by the state include:

- Certain state railroad museums;<sup>12</sup>
- The Florida Museum of Transportation and History;<sup>13</sup>
- The John and Mable Ringling Museum of Art;<sup>14</sup>

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<sup>3</sup> See s. 267.031, F.S.

<sup>4</sup> Section 267.0617, F.S. See also Fla. Dep't of State, *Grants*, <https://dos.fl.gov/historical/grants/> (last visited Mar. 8, 2025).

<sup>5</sup> Fla. Dep't of State, *About*, <https://dos.myflorida.com/historical/about/> (last visited Mar. 8, 2025); see also s. 267.031, F.S.

<sup>6</sup> Fla. Dep't of State, *About*, <https://dos.myflorida.com/historical/about/> (last visited Mar. 8, 2025).

<sup>7</sup> Section 267.071(2), F.S.

<sup>8</sup> *Id.*; see also Fla. Dep't of State, *Museum of Florida History*, <https://museumoffloridahistory.com/explore/exhibits/> (last visited Mar. 8, 2025).

<sup>9</sup> See Fla. Dep't of State, *Visit Mission San Luis*, <https://missionsanluis.org/visit/> (last visited Mar. 8, 2025).

<sup>10</sup> 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).

<sup>11</sup> 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.

<sup>12</sup> See s. 15.045, F.S.

<sup>13</sup> Section 15.046, F.S.

<sup>14</sup> See ss. 265.27 and 1004.45, F.S.



- The Ringling Museum of the Circus;<sup>15</sup>
- The Florida Historic Capitol Museum;<sup>16</sup>
- The Florida Agricultural Legacy Learning Center;<sup>17</sup> and
- The Florida Museum of Natural History.<sup>18</sup>

### **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.<sup>19</sup> 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.<sup>20</sup>

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.<sup>21</sup>

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<sup>15</sup> Section 1004.45, F.S.

<sup>16</sup> 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.

<sup>17</sup> Section 570.692, F.S.

<sup>18</sup> Section 1004.56, F.S.

<sup>19</sup> 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.

<sup>20</sup> 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).

<sup>21</sup> 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.<sup>22</sup>

### ***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.<sup>23</sup>

The Final Report was adopted by the task force at its final meeting on June 28, 2024.<sup>24</sup> 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.<sup>25</sup>

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.<sup>26</sup>

### ***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.<sup>27</sup> 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.<sup>28</sup>

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<sup>22</sup> Section 267.0722(6), F.S.

<sup>23</sup> 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).

<sup>24</sup> 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).

<sup>25</sup> 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).

<sup>26</sup> *See id.*

<sup>27</sup> 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).

<sup>28</sup> *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.<sup>29</sup> 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.<sup>30</sup> The site is a 14.5 acre site that is the former home of FMU, then known as the Florida Normal & Industrial Institute.<sup>31</sup> 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.<sup>32</sup>

### **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.<sup>33</sup> 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.<sup>34</sup>

### **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.

<sup>29</sup> 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).

<sup>30</sup> 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).

<sup>31</sup> 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).

<sup>32</sup> St. Johns Cultural Council, *AL Lewis Archway: Florida Normal & Industrial Institute*, <https://historicoastculture.com/venue/al-lewis-archway-florida-normal-industrial-institute/> (last visited Mar. 8, 2025).

<sup>33</sup> *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).

<sup>34</sup> *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

7-00857A-25

2025466\_\_

A bill to be entitled  
An act relating to the Florida Museum of Black History; creating s. 267.07221, F.S.; providing legislative intent; establishing the Florida Museum of Black History Board of Directors; providing for the membership of the board; requiring that appointments to the board be made by a specified date; prohibiting specified members of the board from holding state or local elective office while serving on the board; providing for the filling of vacancies; requiring that the board work jointly with the Foundation for the Museum of Black History, Inc.; requiring the St. Johns County Board of County Commissioners to provide administrative support and staffing to the board until specified actions are completed; providing an effective date.

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

Section 1. Section 267.07221, Florida Statutes, is created to read:

267.07221 Florida Museum of Black History Board of Directors.—

(1) It is the intent of the Legislature to recognize the work of the Florida Museum of Black History Task Force in selecting a location for the Florida Museum of Black History and designating St. Johns County as the site for the museum. It is further the intent of the Legislature, under the authority provided in s. 267.0722(7), to establish a board of directors to

7-00857A-25

2025466\_\_

oversee the commission, construction, operation, and administration of the museum.

(2) (a) The Florida Museum of Black History Board of Directors is established within the division and shall be composed of the following members:

1. Three individuals appointed by the Governor, one of whom shall serve as chair.

2. Three individuals appointed by the President of the Senate.

3. Two members of the Senate, appointed by the President of the Senate and serving ex officio.

4. Three individuals appointed by the Speaker of the House of Representatives.

5. Two member of the House of Representatives, appointed by the Speaker of the House of Representatives and serving ex officio.

(b) Appointments must be made no later than July 31, 2025. Members appointed pursuant to subparagraphs (a)1., 2., and 4. may not hold any state or local elective office while serving on the board. Vacancies on the board must be filled in the same manner as the initial appointments.

(3) The board shall work jointly with the Foundation for the Museum of Black History, Inc., a nonprofit organization created to support the creation of the museum.

(4) The St. Johns County Board of County Commissioners shall provide administrative assistance and staffing to the board until the project planning, design, and engineering are completed.

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", is written over a horizontal line.

Senator Tom Leek  
Florida Senate, District 7



The Florida Senate  
**APPEARANCE RECORD**

466

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

**APPEARANCE RECORD**

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3/11/2025

Meeting Date

17 Black History Museum

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Anthony Bertton

Phone

904 412-1137

Address

7218 Sandy Bluff

Email

anthonybertton@gmail.com

Street

St Augustine FL 32277

City

State

Zip

Speaking:

☒ For

☐ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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The Florida Senate

# APPEARANCE RECORD

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3/11/2025  
Meeting Date

466  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name HORACE HORD

Phone 954 294 9759

Address 810 NW 111<sup>th</sup> Ave

Email hhord2139@yahoo.com

Street

PLANTATION

FL

33324

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
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3-11-25

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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466

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Greg White

Phone

904-377-4159

Address

905 Pearl St

Email

gwhite607@aol.com

Street

St Aug

City

FL

State

32084

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

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I am appearing without  
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I am a registered lobbyist,  
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The Florida Senate

**APPEARANCE RECORD**

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Black History Museum

Bill Number or Topic

3-11-25

Meeting Date

Community

Committee

Amendment Barcode (if applicable)

Name

Sarah Arnold

Phone

904-517-9660

Address

Protected

Email

sarnold@sjcfl.us

Street

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
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I am not a lobbyist, but received  
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The Florida Senate

**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

3/11/2025

Meeting Date

Comm Affairs

Committee

466

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Alesia Wilbekin

Phone

347-967-8184

Address

8376 AIA S

Email

awilbekin@gmail.com

Street

St Augustine FL

32080

City

State

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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**APPEARANCE RECORD**

SB 466

Bill Number or Topic

3-11-25

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Sarah Arnold

Phone

904 517 9660

Address

Street

Email

City

State

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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The Florida Senate

**APPEARANCE RECORD**

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Florida Black History  
Museum

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
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sponsored by:

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The Florida Senate

**APPEARANCE RECORD**

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3/11/25

Meeting Date

466

Bill Number or Topic

Museum

Amendment Barcode (if applicable)

Name

Dwala Willis

Phone

904-669-1097

Address

895 S Orange St

Email

dewillis@sjso.org

Street

St. Augustine FL 32084

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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03/11/2025

Meeting Date

The Florida Senate

## APPEARANCE RECORD

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Florida Black History Museum

St Augustine

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Byron E. Hodges, Pastor

Phone

(904) 228-0231

Address

64 Washington St

Email

bhodges40@gmail.com

Street

St Augustine, FL

City

State

32084

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

### PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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The Florida Senate

**APPEARANCE RECORD**

SB 466

3/11/25

Meeting Date

Community Affairs

Committee

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Bill Number or Topic

Amendment Barcode (if applicable)

Name Michael Dobson

Phone (850) 241-5896

Address 4005 Brandon Hill Dr

Email dobsonandcraig@aol.com

Street

Tallahassee

City

State

FL 32309

Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
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The Florida Senate

APPEARANCE RECORD

Florida Museum

Meeting Date

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Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Commissioner Cynthia Garra

Phone

904-837-6780

Address

25 Dr RB Hayling Pl

Email

cgarriso@adl.com

Street

St Augustine FL 32084

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
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The Florida Senate

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S.B. 466 Florida Black History  
Bill Number or Topic Wilson

Amendment Barcode (if applicable)

3/11/25  
Meeting Date

Community Affairs  
Committee

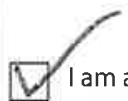
Name Vicki Pepper Phone (703) 201-2415

Address 31215 Harbor Vista Circle Email vbpepper2@gmail.com  
Street

St. Augustine FL 32080  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
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3-11-25

Meeting Date

Community Affairs

Committee

SB466

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Nadine Hughey

Phone

404.354-1716

Address

175 Adelanto Ave

Email

n.hughey623@gmail.com

Street

St Aug

City

FL

State

32092

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
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The Florida Senate

**APPEARANCE RECORD**

SB466/FL Bk Museum

Bill Number or Topic

3/11/2025

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Peggy Kelley

Phone

904-815-1859

Address

32 Alcira Ct.

Email

peg\_007@msa.com

Street

St. Augustine

FL

State

32086

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
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S-001 (08/10/2021)

**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	<b>Favorable</b>
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.<sup>1</sup> Chapters 125, 162, and 166 of the Florida Statutes<sup>2</sup> 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.<sup>3</sup>

#### ***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

---

<sup>1</sup> Section 162.02, F.S.

<sup>2</sup> 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).

<sup>3</sup> Sections 125.69(4)(k), 162.13, 162.21(8), and 166.0415(7), F.S.



enforcement boards.<sup>4</sup> 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.<sup>5</sup> Members of the enforcement boards<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup>

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 inspector<sup>9</sup> who initiates code enforcement procedures by notifying the violator and giving him or her reasonable time to correct the violation.<sup>10</sup> If the violation continues to exist after such time period as specified by the code inspector,<sup>11</sup> then the inspector will notify the code enforcement board and request a hearing.<sup>12</sup>

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.<sup>13</sup> At the conclusion of the hearing, the board issues findings of fact and provides an order stating the proper relief granted.<sup>14</sup> All final administrative orders of the code enforcement board may be appealed to the circuit court 30 days after execution of the order.<sup>15</sup>

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.<sup>16</sup> Each of these methods are offered by statute as devices to be used at the local

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<sup>4</sup> Section 162.03, F.S.

<sup>5</sup> Sections 162.02 and 162.05(1), F.S.

<sup>6</sup> 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.

<sup>7</sup> Section 162.05(2), F.S.

<sup>8</sup> Section 162.08, F.S.

<sup>9</sup> 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.”

<sup>10</sup> Section 162.06(2), F.S.

<sup>11</sup> 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.

<sup>12</sup> 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.

<sup>13</sup> Section 162.07(2)-(3), F.S.

<sup>14</sup> Section 162.07(4), F.S.

<sup>15</sup> Section 162.11, F.S.

<sup>16</sup> Section 162.03, F.S.

governments' discretion, but a local government may use any method they choose to enforce codes and ordinances.<sup>17</sup>

### **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.<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup>

Administrative fines may not exceed \$250 per day for a first violation and may not exceed \$500 per day for a repeat violation.<sup>21</sup> If the board finds the violation is irreparable or irreversible in nature, the board may impose a fine of up to \$5,000.<sup>22</sup> 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.<sup>23</sup>

A code enforcement board may choose to reduce the amount of the fine initially imposed.<sup>24</sup>

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.<sup>25</sup> 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.<sup>26</sup> 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.<sup>27</sup> Any

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<sup>17</sup> 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).

<sup>18</sup> Section 162.09(1), F.S.

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

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

<sup>21</sup> Section 162.09(2)(a), F.S.

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

<sup>23</sup> Section 162.09(2)(b), F.S.

<sup>24</sup> Section 162.09(2)(c), F.S.

<sup>25</sup> Section 162.09(2)(d), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> *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.<sup>28</sup>

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.<sup>29</sup> 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.<sup>30</sup> 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.<sup>31</sup>

### **National Register of Historic Places**

The National Register of Historic Places,<sup>32</sup> 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.”<sup>33</sup> 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.<sup>34</sup>

In Florida, there are more than 1,700 properties and districts listed on the National Register.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup>

### **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

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

<sup>29</sup> Section 162.09(3), F.S.

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

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

<sup>32</sup> 54 U.S.C. ch. 3021.

<sup>33</sup> 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).

<sup>34</sup> *Id.*

<sup>35</sup> Fla. Dep’t of State, *National Register of Historic Places*, <https://dos.myflorida.com/historical/preservation/national-register/> (last visited Mar. 8, 2025).

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

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

payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.<sup>38</sup> 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.<sup>39</sup>

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.<sup>40</sup>

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.<sup>41</sup>

### 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.

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<sup>38</sup> Section 553.79(1)(a), F.S.

<sup>39</sup> *Id.*

<sup>40</sup> Section 553.79(25)(a), F.S.

<sup>41</sup> 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.

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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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By Senator Leek

7-00629B-25

2025582\_\_

A bill to be entitled

An act relating to unlawful demolition of historical buildings and structures; amending s. 162.09, F.S.; 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; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (2) of section 162.09, Florida Statutes, to read:

162.09 Administrative fines; costs of repair; liens.—  
(2)

(e) For the demolition of a building or structure that is individually listed in the National Register of Historic Places as defined in s. 267.021 or is a contributing resource to a National Register-listed district, a code enforcement board or special magistrate may impose a fine that exceeds the limits of this subsection if the code enforcement board or special magistrate finds, based on competent substantial evidence, that the demolition of the building or structure was knowing and willful and was not permitted or the result of a natural disaster. A fine imposed pursuant to this paragraph may not exceed 20 percent of the fair or just market valuation of the property before demolition of the building or structure, as

7-00629B-25

2025582\_\_

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

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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", is written over a horizontal line.

Sen. Tom Leek  
Florida Senator, District 7

The Florida Senate

APPEARANCE RECORD

SB 582

Bill Number or Topic

3/11/25

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name David Cruz

Phone 701-3676

Address P.O. Box 1757

Email DCruz@FLcities.com

Street

Tallahassee FL

32302

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida League of  
Cities

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

3/11/25

Meeting Date

COMMUNITY AFFAIRS

Committee

582

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name LENA JUAREZ

Phone 850 2128330

Address PO BOX 10390

Street

Email lenaej@assn.com

TALLAHASSEE FL 32302

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

CITY OF ST. AUGUSTINE

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

3/11/25

SB 582

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kim Dinkins

Phone 850-273-5055

Address 308 N Monroe St

Email kdinkins@1000fof.org

Street

Tallahassee

FL

32301

City

State

Zip

**Reset Form**

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**1000 Friends of Florida**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flisenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 608

INTRODUCER: Senator DiCeglie

SUBJECT: Gulf of America

DATE: March 10, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	<b>Favorable</b>
2.			FP	

---

**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.

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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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By Senator DiCeglie

18-01127-25

2025608\_\_

A bill to be entitled

An act relating to the Gulf of America; amending ss. 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, F.S.; renaming the Gulf of Mexico as the "Gulf of America" throughout the Florida Statutes; reenacting s. 337.401(7)(b) and (p), F.S., relating to the use of rights-of-way for utilities subject to regulation, to incorporate the amendment made to s. 161.053, F.S., in references thereto; reenacting ss. 327.371(1) and 379.2431(2)(p), F.S., relating to the regulation of human-powered vessels and the regulation of marine animals, respectively, to incorporate the amendment made to s. 327.02, F.S., in references thereto; providing an effective date.

WHEREAS, the Gulf of Mexico spans approximately 1,700 miles along the United States coastline, of which 770 miles are located along the Florida coast, and

WHEREAS, on January 20, 2025, President Donald J. Trump issued Executive Order Number 14172 entitled "Restoring Names that Honor American Greatness" directing the Secretary of the Interior to rename the Gulf of Mexico as the "Gulf of America"



18-01127-25

2025608\_\_

in order to recognize the importance of the body of water to the United States, and

WHEREAS, the Legislature intends to reflect this name change in the Florida Statutes, NOW, THEREFORE,

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

Section 1. Section 7.03, Florida Statutes, is amended to read:

7.03 Bay County.—The boundary lines of Bay County are as follows: Beginning at the southwest corner of section eighteen in township two, north, range eleven, west; thence west on the section line to the southwest corner of section eighteen in township two, north, range twelve, west; thence south on the range line dividing ranges twelve and thirteen, west, to the Meridian base line; thence west on the base line to the thread of Pine Log Creek in range sixteen, west; thence southwesterly along the thread of said creek into the Choctawhatchee River to the thread of said river; thence southwesterly along the thread of said river to a point where said river intersects the range line dividing ranges seventeen and eighteen, west; thence south on said range line to the Gulf of America ~~Mexico~~; thence in a southeasterly direction following the meanderings of said gulf, including the waters of said gulf within the jurisdiction of the State of Florida, including all islands opposite the shoreline to a point where range line dividing ranges eleven and twelve, west, intersects with said gulf; thence north on said range line to place of beginning.

Section 2. Section 7.08, Florida Statutes, is amended to

18-01127-25

2025608\_\_

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,

18-01127-25

2025608\_\_

including all islands along said gulf coast, and including the waters of said gulf within the jurisdiction of the State of Florida, to the most southern outlet of the Withlacoochee River at its mouth, leaving out all the islands in the mouth of said river; thence easterly along the thread of said river to the point of beginning, including all the lands and islands which said river line may enclose.

Section 4. Section 7.11, Florida Statutes, is amended to read:

7.11 Collier County.—The boundary lines of Collier County are as follows: Beginning where the north line to township forty-eight south extended westerly intersects the western boundary of the State of Florida in the waters of the Gulf of America ~~Mexico~~; thence easterly on said township line to the northwest corner of section four of township forty-eight south of range twenty-five east; thence south to the northwest corner of section nine of said township and range; thence east to the eastern boundary line of range twenty-six east; thence north on said range line to the northwest corner of township forty-seven south of range twenty-seven east; thence east on the north line of township forty-seven south to the east line of range twenty-seven east; thence north on said range line to the north line of township forty-six south; thence east on the north line of township forty-six south to the east line of range thirty east; thence south on said range line to the north line of township forty-nine south; thence east on the north line of said township forty-nine south to the east line of range thirty-four east and the west boundary of Broward County; thence south on said range line, concurrent with the west boundary of Broward and Miami-

18-01127-25

2025608\_\_

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

18-01127-25

2025608\_\_

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,

18-01127-25

2025608\_\_

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:

18-01127-25

2025608\_\_

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:

18-01127-25

2025608\_\_

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



18-01127-25

2025608\_\_

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,

18-01127-25

2025608\_\_

township two north, range six east; thence due west to the southwest corner of section twenty-six, township two north, range six east; thence due south to the southwest corner of section thirty-five, township two north, range six east; thence due west to the thread of the Big Aucilla River; thence southerly along the thread of said river, concurrent with the west boundary of Madison and Taylor Counties, to the mouth of said Big Aucilla River; thence westerly through the waters of the Gulf of America ~~Mexico~~, including the waters of said gulf within the jurisdiction of the State of Florida, to the point of beginning.

Section 12. Section 7.36, Florida Statutes, is amended to read:

7.36 Lee County.—The boundary lines of Lee County are as follows: Beginning where the north line of township forty-three south, intersects the range line between ranges twenty-seven and twenty-eight east, at the line between Charlotte and Glades Counties; thence west on said township line to the Gulf of America ~~Mexico~~; thence southerly along said gulf, including all islands and the waters of said gulf within the jurisdiction of the State of Florida, to the north line of township forty-eight south, extended westward; thence east on said township line to the northwest corner of section four, township forty-eight south, range twenty-five east; thence south to the northwest corner of section nine of said township and range; thence east on the north boundary of said section nine and other sections to the eastern boundary of range twenty-six east; thence north on said range line to the northwest corner of township forty-seven south, range twenty-seven east; thence east on the north line of

18-01127-25

2025608\_\_

township forty-seven south, to the east line of range twenty-seven east; thence north on said range line to the place of beginning.

Section 13. Section 7.38, Florida Statutes, is amended to read:

7.38 Levy County.—The boundary lines of Levy County are as follows: Beginning at the mouth of the most southern outlet of the Big Withlacoochee River, running in an eastwardly direction, including all the islands in the mouth of said river, along the thread of said river to where the range line dividing ranges seventeen and eighteen east intersects said river; thence north on said range line to the township line between townships fourteen and fifteen south; thence east on said township line to the middle line of township fourteen south, range nineteen east; thence north on said middle line to the township line between townships eleven and twelve south; thence west on said township line to the range line between ranges seventeen and eighteen east; thence north on said range line to the northeast corner of section thirteen, township eleven south, range seventeen east; thence west on the north line of said section thirteen and other sections to the range line between ranges sixteen and seventeen east; thence north on said range line to the township line between townships ten and eleven south; thence west on said township line to the range line between ranges fifteen and sixteen east; thence north on said range line to the northeast corner of section thirty-six, township ten south, range fifteen east; thence west on the north boundary of said section thirty-six to the northwest corner of said section thirty-six, thence north one half mile to the middle line of section twenty-six,

18-01127-25

2025608\_\_

township ten south, range fifteen east; thence west on the middle line of said section twenty-six and other sections to the range line between ranges fourteen and fifteen east; thence north to the northeast corner of section twenty-five, township ten south, range fourteen east; thence west on the north line of said section twenty-five and other sections to the thread of the Suwannee River; thence southerly along the thread of the main stream of said river to its mouth; thence south and easterly along the Gulf of America ~~Mexico~~, including all the islands, keys, and the waters of said gulf within the jurisdiction of the State of Florida, to the point of beginning.

Section 14. Section 7.41, Florida Statutes, is amended to read:

7.41 Manatee County.—The boundary lines of Manatee County are as follows: Beginning on the south bank of Tampa Bay where the line between townships thirty-two and thirty-three south strikes said bay; thence east on said township line to where same is intersected by the line dividing ranges twenty-two and twenty-three east; thence south on said range line, known as the Washington line, to the southeast corner of township thirty-seven south, range twenty-two east; thence west on the township line between townships thirty-seven and thirty-eight south to the southwest corner of township thirty-seven south, range twenty-one east; thence north on the range line between ranges twenty and twenty-one east to the southeast corner of township thirty-five south, range twenty east; thence west on the township line between townships thirty-five and thirty-six south to the Gulf of America ~~Mexico~~; thence northward along the said gulf, including the waters of said gulf within the jurisdiction

18-01127-25

2025608\_\_

of the State of Florida, to a point midway between Egmont and  
Passage Keys; thence in a direct line to the place of beginning.

Section 15. Section 7.46, Florida Statutes, is amended to  
read:

7.46 Okaloosa County.—The boundary lines of Okaloosa County  
are as follows: Beginning on the Alabama state line where same  
is intersected by range line dividing ranges twenty-five and  
twenty-six west; thence east on said state line to the  
intersection of said state line with the range line dividing  
ranges twenty-one and twenty-two west; thence south on said  
range line to the Gulf of America ~~Mexico~~; thence in a westerly  
direction following the meanderings of said gulf, including the  
waters of said gulf within the jurisdiction of the State of  
Florida, to the line dividing ranges twenty-five and twenty-six  
west; thence north on said range line to the place of beginning;  
provided that the counties of Escambia, Santa Rosa and Okaloosa  
shall have concurrent jurisdiction of any offenses committed on  
the waters of Santa Rosa Sound.

Section 16. Section 7.51, Florida Statutes, is amended to  
read:

7.51 Pasco County.—The boundary lines of Pasco County are  
as follows: Beginning at the intersection of the section line  
between sections thirty-three and thirty-four of township  
twenty-six south, of range twenty-two east, with the township  
line between townships twenty-six and twenty-seven south, of  
range twenty-two east; thence north along the section lines to  
the line dividing sections three and four of said township and  
to the township line dividing townships twenty-five and twenty-  
six; thence east on said township line to the range line

18-01127-25

2025608\_\_

dividing ranges twenty-two and twenty-three east; thence north on said range line to the line dividing sections twenty-four and thirteen of township twenty-three south, of range twenty-two east; thence west to the line dividing ranges twenty and twenty-one east; thence south to the line dividing townships twenty-three and twenty-four south; thence west on said line to the Gulf of America ~~Mexico~~; thence southerly along the gulf coast, including islands and the waters of said gulf within the jurisdiction of the State of Florida, to the north line of Pinellas County, the township line dividing townships twenty-six and twenty-seven south; thence east on said line to the place of beginning.

Section 17. Section 7.52, Florida Statutes, is amended to read:

7.52 Pinellas County.—The boundary lines of Pinellas County are as follows: Beginning at a point where the line dividing townships twenty-six and twenty-seven south if projected in a westerly direction intersects with the western boundary of the jurisdictional waters of the State of Florida in the Gulf of America ~~Mexico~~; thence east on said line to the northeast corner of section one in township twenty-seven south, range sixteen east; thence south to the shore of old Tampa Bay; thence in a southerly direction through the middle waters of old Tampa Bay and Tampa Bay, to a point in Tampa Bay due east of the north shore of Mullet Key; thence due west to a point due north of a point 100 yards due east from the easternmost point of Mullet Key; thence in a line 100 yards from the shoreline around the southern portion of Mullet Key to a point 100 yards west of the northernmost shore of Mullet Key; thence west to a point where

18-01127-25

2025608\_\_

such line intersects the western boundary of the jurisdictional waters of the State of Florida in the Gulf of America ~~Mexico~~ and northward, including the waters of said gulf within the jurisdiction of the State of Florida, to point of beginning; provided however that nothing herein contained shall now or at any time hereafter in any manner whatsoever repeal, amend, change or disturb in any manner whatsoever the apportionment, allotment, allocation, basis of computation, or other formula wherein and whereby the participation in the gas tax by both counties hereto under and by virtue of ss. 206.41 and 206.47 or any law hereafter enacted, is changed so that Hillsborough County would receive a lesser amount and Pinellas County would receive a greater amount of such gas funds or tax by reason of the change of the boundary line herein authorized.

Section 18. Section 7.55, Florida Statutes, is amended to read:

7.55 Santa Rosa County.—The boundary lines of Santa Rosa County are as follows: Beginning at the Alabama line, where said line crosses the Escambia River; thence down the thread of said river to Escambia Bay; thence along said bay to Deer Point, at the intersection of Santa Rosa Sound with said bay; thence up said Santa Rosa Sound to a line parallel to and exactly 1 mile westerly of the line dividing range twenty-six west and range twenty-seven west; thence southerly along said line to the waters of the Gulf of America ~~Mexico~~; thence easterly along the waters of the Gulf of America ~~Mexico~~ to a point of intersection with the range line dividing range twenty-five west and range twenty-six west; thence northerly along said range line to the dividing line between the State of Florida and the State of

18-01127-25

2025608\_\_

Alabama, thence westerly along said dividing line to the point of beginning; provided that the Counties of Escambia, Santa Rosa, and Okaloosa shall have concurrent jurisdiction of any offenses committed on the waters of Santa Rosa Sound.

Section 19. Section 7.56, Florida Statutes, is amended to read:

7.56 Sarasota County.—The boundary lines of Sarasota County are as follows: Beginning in the Gulf of America ~~Mexico~~ at a point on a prolongation of the township line between townships thirty-five and thirty-six south; thence east on said prolongation and said line to the southeast corner of township thirty-five south, range twenty east; thence south on the range line between ranges twenty and twenty-one east, to the southwest corner of township thirty-seven south, range twenty-one east; thence east on the township line between townships thirty-seven and thirty-eight south to the southeast corner of township thirty-seven south, range twenty-two east; thence south on the range line between ranges twenty-two and twenty-three east, to the southeast corner of township thirty-nine south, range twenty-two east; thence west on the township line between townships thirty-nine and forty south to the southwest corner of township thirty-nine south, range twenty-one east; thence south on the range line between ranges twenty and twenty-one east to the southeast corner of township forty south, range twenty east; thence west on the township line between townships forty and forty-one south to the Gulf of America ~~Mexico~~; thence northerly along the coast of the Gulf of America ~~Mexico~~, including the waters of said gulf within the jurisdiction of the State of Florida, to the place of beginning.



18-01127-25

2025608\_\_

Section 20. Section 7.62, Florida Statutes, is amended to read:

7.62 Taylor County.—The boundary lines of Taylor County are as follows: Beginning in the mouth of the Big Aucilla River; thence northerly, concurrent with the east boundary of Jefferson County, along the thread of said river to where same is intersected by the middle line of township two south, range five east; thence east on said middle township line, concurrent with the south boundary line of Madison County, across ranges six, seven and eight east to the range line between ranges eight and nine east; thence south on said range line to the township line between townships two and three south; thence east on said township line to the range line between ranges nine and ten east; thence south on said range line, concurrent with the west boundary of Lafayette County to the middle line of section seven, township seven south, range ten east; thence east on said middle line to the east line of said section seven; thence due south on the east line of said section seven and other sections to the township line between townships seven and eight south; thence east on said township line to the east line of section four, township eight south, range ten east, or the northwest corner of Dixie County; thence south, concurrent with the west boundary of Dixie County, on the east line of said section four and other sections to where same intersects the thread of the Steinhatchee River; thence southerly along the thread of the said Steinhatchee River to the mouth of said river; thence northerly through the Gulf of America ~~Mexico~~, including the waters of said gulf within the jurisdiction of the State of Florida, to the place of beginning.

18-01127-25

2025608\_\_

Section 21. Section 7.65, Florida Statutes, is amended to read:

7.65 Wakulla County.—The boundary lines of Wakulla County are as follows: Beginning on the range line between ranges two and three east where the same strikes the Gulf of America ~~Mexico~~; thence north on said range line to the north boundary of section thirty-six, township two south, range two east; thence due west on the north line of said section thirty-six and other sections to the railroad leading from Tallahassee to St. Marks; thence north along said railroad two sections; thence west on the north line of section twenty, township two south, range one east, and other sections, to the thread of Ochlockonee River; thence southerly and easterly along the thread of said river concurrent with the north and east boundary of Franklin County to a point directly south of the southernmost point of Grass Island; thence along a straight line to the center point of the U.S. 98 (State Road 30) bridge across Ochlockonee Bay; thence east-southeast to a point directly north of the easternmost point of James Island; thence easterly to the boundary line of the State of Florida in the Gulf of America ~~Mexico~~; thence north and easterly along said gulf, including the waters of said gulf within the jurisdiction of the State of Florida, to the place of beginning.

Section 22. Section 7.66, Florida Statutes, is amended to read:

7.66 Walton County.—The boundary lines of Walton County are as follows: Beginning on the Alabama state line where same is intersected by the line dividing centrally range eighteen west; thence south on the section lines to the line dividing townships

18-01127-25

2025608\_\_

two and three north, in range eighteen west; thence east to the Choctawhatchee River; thence down the thread of the Choctawhatchee River to a point where said Choctawhatchee River intersects the range line dividing ranges seventeen and eighteen west; thence south on said range line to the Gulf of America ~~Mexico~~; thence in a westwardly direction following the meanderings of said gulf, including the waters of said gulf within the jurisdiction of the State of Florida, to the range line dividing ranges twenty-one and twenty-two west; thence north on said line to the dividing line between Florida and Alabama; thence easterly along said state line to the place of beginning.

Section 23. Paragraph (c) of subsection (5) of section 125.0104, Florida Statutes, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(5) AUTHORIZED USES OF REVENUE.—

(c) A county located adjacent to the Gulf of America ~~Mexico~~ or the Atlantic Ocean, except a county that receives revenue from taxes levied pursuant to s. 125.0108, which meets the following criteria may use up to 10 percent of the tax revenue received pursuant to this section to reimburse expenses incurred in providing public safety services, including emergency medical services as defined in s. 401.107(3), and law enforcement services, which are needed to address impacts related to increased tourism and visitors to an area. However, if taxes collected pursuant to this section are used to reimburse emergency medical services or public safety services for tourism or special events, the governing board of a county or

18-01127-25

2025608\_\_

municipality may not use such taxes to supplant the normal operating expenses of an emergency medical services department, a fire department, a sheriff's office, or a police department.

To receive reimbursement, the county must:

1.a. Generate a minimum of \$10 million in annual proceeds from any tax, or any combination of taxes, authorized to be levied pursuant to this section;

b. Have at least three municipalities; and

c. Have an estimated population of less than 275,000, according to the most recent population estimate prepared pursuant to s. 186.901, excluding the inmate population; or

2. Be a fiscally constrained county as described in s. 218.67(1).

The board of county commissioners must by majority vote approve reimbursement made pursuant to this paragraph upon receipt of a recommendation from the tourist development council.

Section 24. Subsections (1), (5), and (10) of section 161.052, Florida Statutes, are amended to read:

161.052 Coastal construction and excavation; regulation.—

(1) A ~~No~~ person, firm, corporation, municipality, county, or other public agency may not ~~shall~~ excavate or construct any dwelling house, hotel, motel, apartment building, seawall, revetment, or other structure incidental to or related to such structure, including but not limited to such attendant structures or facilities as a patio, swimming pool, or garage, within 50 feet of the line of mean high water at any riparian coastal location fronting the Gulf of America ~~Mexico~~ or Atlantic coast shoreline of the state, exclusive of bays, inlets, rivers,

18-01127-25

2025608\_\_

bayous, creeks, passes, and the like. In areas where an erosion control line has been established under ~~the provisions of~~ ss. 161.141-161.211, that line, or the presently existing mean high-water line, whichever is more landward, shall be considered to be the mean high-water line for the purposes of this section.

(5) The setback requirements as defined herein do ~~shall~~ not apply to any riparian coastal locations fronting the Atlantic Ocean or Gulf of America ~~Mexico~~ which have vegetation-type nonsandy shores.

(10) A coastal county or municipality fronting on the Gulf of America ~~Mexico~~ or the Atlantic Ocean shall advise the department within 5 days after receipt of any permit application for construction or other activities proposed to be located within 50 feet of the line of mean high water. Within 5 days after receipt of such application, the county or municipality shall notify the applicant of the requirements for state permits.

Section 25. Paragraphs (a) and (b) of subsection (1) and subsection (14) of section 161.053, Florida Statutes, are amended to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(1)(a) The Legislature finds and declares that the beaches in this state and the coastal barrier dunes adjacent to such beaches, by their nature, are subject to frequent and severe fluctuations and represent one of the most valuable natural resources of Florida and that it is in the public interest to preserve and protect them from imprudent construction which can jeopardize the stability of the beach-dune system, accelerate

18-01127-25

2025608\_\_

erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access. In furtherance of these findings, it is the intent of the Legislature to provide that the department establish coastal construction control lines on a county basis along the sand beaches of the state fronting on the Atlantic Ocean, the Gulf of America ~~Mexico~~, or the Straits of Florida. Such lines must ~~shall~~ be established so as to define that portion of the beach-dune system which is subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions. However, the department may establish a segment or segments of a coastal construction control line further landward than the impact zone of a 100-year storm surge, provided such segment or segments do not extend beyond the landward toe of the coastal barrier dune structure that intercepts the 100-year storm surge. Such segment or segments may ~~shall~~ not be established if adequate dune protection is provided by a state-approved dune management plan. Special siting and design considerations shall be necessary seaward of established coastal construction control lines to ensure the protection of the beach-dune system, proposed or existing structures, and adjacent properties and the preservation of public beach access.

(b) As used in this subsection:

1. When establishing coastal construction control lines as provided in this section, the definition of "sand beach" shall be expanded to include coastal barrier island ends contiguous to the sand beaches of the state fronting on the Atlantic Ocean, the Gulf of America ~~Mexico~~, or the Straits of Florida.

2. "Coastal barrier island ends" means those areas on the

18-01127-25

2025608\_\_

ends of barrier islands fronting the Atlantic Ocean, the Gulf of America ~~Mexico~~, or the Straits of Florida, which are subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions.

3. "Coastal barrier islands" means geological features which are completely surrounded by marine waters that front upon the open waters of the Atlantic Ocean, the Gulf of America ~~Mexico~~, or the Straits of Florida and are composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment, or other material, including spoil disposal, which features lie above the line of mean high water. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce may ~~shall~~ not be considered coastal barrier islands.

(14) A coastal county or municipality fronting on the Gulf of America ~~Mexico~~, the Atlantic Ocean, or the Straits of Florida shall advise the department within 5 days after receipt of any permit application for construction or other activities proposed to be located seaward of the line established by the department pursuant to this section. Within 5 days after receipt of such application, the county or municipality shall notify the applicant of the requirements for state permits.

Section 26. Section 161.088, Florida Statutes, is amended to read:

161.088 Declaration of public policy respecting beach erosion control and beach restoration and nourishment projects.— Because beach erosion is a serious menace to the economy and general welfare of the people of this state and has advanced to emergency proportions, it is hereby declared to be a necessary

18-01127-25

2025608\_\_

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



18-01127-25

2025608\_\_

in beach restoration project areas.—The Legislature declares that it is the public policy of the state to cause to be fixed and determined, pursuant to beach restoration, beach nourishment, and erosion control projects, the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean, the Gulf of America ~~Mexico~~, or the Straits of Florida, and the bays, lagoons, and other tidal reaches thereof, and the upland properties adjacent thereto; except that such boundary line may ~~shall~~ not be fixed for beach restoration projects that result from inlet or navigation channel maintenance dredging projects unless such projects involve the construction of authorized beach restoration projects. However, prior to construction of such a beach restoration project, the board of trustees must establish the line of mean high water for the area to be restored; and any additions to the upland property landward of the established line of mean high water which result from the restoration project remain the property of the upland owner subject to all governmental regulations and are not to be used to justify increased density or the relocation of the coastal construction control line as may be in effect for such upland property. The resulting additions to upland property are also subject to a public easement for traditional uses of the sandy beach consistent with uses that would have been allowed prior to the need for the restoration project. It is further declared that there is no intention on the part of the state to extend its claims to lands not already held by it or to deprive any upland or submerged land owner of the legitimate and constitutional use and enjoyment of his or her property. If an authorized beach restoration, beach nourishment, and erosion

18-01127-25

2025608\_\_

control project cannot reasonably be accomplished without the taking of private property, the taking must be made by the requesting authority by eminent domain proceedings. In any action alleging a taking of all or part of a property or property right as a result of a beach restoration project, in determining whether such taking has occurred or the value of any damage alleged with respect to the owner's remaining upland property adjoining the beach restoration project, the enhancement, if any, in value of the owner's remaining adjoining property of the upland property owner by reason of the beach restoration project shall be considered. If a taking is judicially determined to have occurred as a result of a beach restoration project, the enhancement in value to the owner's remaining adjoining property by reason of the beach restoration project must ~~shall~~ be offset against the value of the damage, if any, resulting to such remaining adjoining property of the upland property owner by reason of the beach restoration project, but such enhancement in the value may ~~shall~~ not be offset against the value of the property or property right alleged to have been taken. If the enhancement in value exceeds ~~shall exceed~~ the value of the damage, if any, to the remaining adjoining property, there shall be no recovery over against the property owner for such excess.

Section 28. Subsection (3) of section 161.151, Florida Statutes, is amended to read:

161.151 Definitions; ss. 161.141-161.211.—As used in ss. 161.141-161.211:

(3) "Erosion control line" means the line determined in accordance with ~~the provisions of~~ ss. 161.141-161.211 which

18-01127-25

2025608\_\_

represents the landward extent of the claims of the state in its capacity as sovereign titleholder of the submerged bottoms and shores of the Atlantic Ocean, the Gulf of America ~~Mexico~~, and the bays, lagoons and other tidal reaches thereof on the date of the recording of the survey as authorized in s. 161.181.

Section 29. Subsection (1) of section 161.161, Florida Statutes, is amended to read:

161.161 Procedure for approval of projects.—

(1) The department shall develop and maintain a comprehensive long-term beach management plan for the restoration and maintenance of the state's critically eroded beaches fronting the Atlantic Ocean, Gulf of America ~~Mexico~~, and Straits of Florida. In developing and maintaining this plan, the department shall:

(a) Address long-term solutions to the problem of critically eroded beaches in this state.

(b) Evaluate each improved, modified, or altered inlet and determine whether the inlet is a significant cause of beach erosion. With respect to each inlet determined to be a significant cause of beach erosion, the plan must ~~shall~~ include the extent to which such inlet causes beach erosion and recommendations to mitigate the erosive impact of the inlet, including, but not limited to, inlet sediment bypassing; improvement of infrastructure to facilitate sand bypassing; modifications to channel dredging, jetty design, and disposal of spoil material; establishment of feeder beaches; and beach restoration and beach nourishment.

(c) Evaluate criteria for beach restoration and beach nourishment projects, including, but not limited to, dune

18-01127-25

2025608\_\_

elevation and width and revegetation and stabilization requirements and beach profiles.

(d) Consider the establishment of regional sediment management alternatives for one or more individual beach and inlet sand bypassing projects as an alternative to beach restoration when appropriate and cost-effective, and recommend the location of such regional sediment management alternatives and the source of beach-compatible sand.

(e) Identify causes of shoreline erosion and change, determine erosion rates, and maintain an updated list of critically eroded sandy beaches based on data, analyses, and investigations of shoreline conditions.

(f) Assess impacts of development and coastal protection structures on shoreline change and erosion.

(g) Identify short-term and long-term economic costs and benefits of beaches to the state and individual beach communities.

(h) Study dune and vegetation conditions, identify existing beach projects without dune features or with dunes without adequate elevations, and encourage dune restoration and revegetation to be incorporated as part of storm damage recovery projects or future dune maintenance events.

(i) Identify beach areas used by marine turtles and develop strategies for protection of the turtles and their nests and nesting locations.

(j) Identify alternative management responses to preserve undeveloped beach and dune systems and to restore damaged beach and dune systems. In identifying such management responses, the department shall consider, at a minimum, beach restoration and

18-01127-25

2025608\_\_

nourishment, armoring, relocation, dune and vegetation restoration, and acquisition.

(k) Document procedures and policies for preparing poststorm damage assessments and corresponding recovery plans, including repair cost estimates.

(l) Identify and assess appropriate management measures for all of the state's critically eroded sandy beaches.

Section 30. Subsections (1) and (2) of section 161.54, Florida Statutes, are amended to read:

161.54 Definitions.—In construing ss. 161.52-161.58:

(1) "Coastal building zone" means the land area from the seasonal high-water line landward to a line 1,500 feet landward from the coastal construction control line as established pursuant to s. 161.053, and, for those coastal areas fronting on the Gulf of America ~~Mexico~~, Atlantic Ocean, Florida Bay, or Straits of Florida and not included under s. 161.053, the land area seaward of the most landward velocity zone (V-zone) line as established by the Federal Emergency Management Agency and shown on flood insurance rate maps.

(2) "Coastal barrier islands" means geological features which are completely surrounded by marine waters that front upon the open waters of the Gulf of America ~~Mexico~~, Atlantic Ocean, Florida Bay, or Straits of Florida and are composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment, or other material, including spoil disposal, which features lie above the line of mean high water. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce may ~~shall~~ not be considered coastal barrier islands.

18-01127-25

2025608\_\_

Section 31. Subsection (4) of section 161.55, Florida Statutes, is amended to read:

161.55 Requirements for activities or construction within the coastal building zone.—The following requirements shall apply beginning March 1, 1986, to construction within the coastal building zone and shall be minimum standards for construction in this area:

(4) APPLICATION TO COASTAL BARRIER ISLANDS.—All requirements of this part which are applicable to the coastal building zone shall also apply to coastal barrier islands. The coastal building zone on coastal barrier islands is ~~shall be~~ the land area from the seasonal high-water line to a line 5,000 feet landward from the coastal construction control line established pursuant to s. 161.053, or the entire island, whichever is less. For coastal barrier islands on which a coastal construction control line has not been established pursuant to s. 161.053, the coastal building zone is ~~shall be~~ the land area seaward of the most landward velocity zone (V-zone) boundary line fronting upon the Gulf of America ~~Mexico~~, Atlantic Ocean, Florida Bay, or Straits of Florida. All land area in the Florida Keys located within Monroe County must ~~shall~~ be included in the coastal building zone. The coastal building zone on any coastal barrier island between Sebastian Inlet and Fort Pierce Inlet may be reduced in size upon approval of the Land and Water Adjudicatory Commission, if it determines that the local government with jurisdiction has provided adequate protection for the barrier island. In no case, however, shall the coastal building zone be reduced to an area less than a line 2,500 feet landward of the coastal construction control line. The Land and Water

18-01127-25

2025608\_\_

Adjudicatory Commission shall withdraw its approval for a reduced coastal building zone if it determines that 6 months after a local government comprehensive plan is due for submission to the state land planning agency pursuant to s. 163.3167 the local government with jurisdiction has not adopted a coastal management element which is in compliance with s. 163.3178.

Section 32. Paragraph (c) of subsection (1) of section 206.9935, Florida Statutes, is amended to read:

206.9935 Taxes imposed.—

(1) TAX FOR COASTAL PROTECTION.—

(c)1. Excluding natural gas drilling activities, if offshore oil drilling activity is approved by the United States Department of the Interior for the waters off the coast of this state in the Atlantic Ocean, Gulf of America ~~Mexico~~, or Straits of Florida, paragraph (b) does ~~shall~~ not apply. Instead, the excise tax is ~~shall be~~ 2 cents per barrel of pollutant, or equivalent measure as established by the department, produced in or imported into this state, and the proceeds must ~~shall~~ be deposited into the Coastal Protection Trust Fund with a cap of \$100 million.

2. If a discharge of catastrophic proportions occurs, the results of which could significantly reduce the balance in the fund, the Secretary of Environmental Protection may, by rule, increase the levy of the excise tax to an amount not to exceed 10 cents per barrel for a period of time sufficient to pay any proven claim against the fund and restore the balance in the fund until it again equals or exceeds \$50 million; except that for any fiscal year immediately following the year in which the

18-01127-25

2025608\_\_

fund is equal to or exceeds \$50 million, the excise tax and fund shall be governed by ~~the provisions of~~ subparagraph 1.

Section 33. Paragraph (a) of subsection (10) of section 253.03, Florida Statutes, is amended to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(10) The Board of Trustees of the Internal Improvement Trust Fund and the state through any of its agencies are hereby prohibited from levying any charge, by whatever name known, or attaching any lien, on any and all materials dredged from state sovereignty tidal lands or submerged bottom lands or on the lands constituting the spoil areas on which such dredged materials are placed, except as otherwise provided for in this subsection, when such materials are dredged by or on behalf of the United States or the local sponsors of active federal navigation projects in the pursuance of the improvement, construction, maintenance, and operation of such projects or by a public body authorized to operate a public port facility (all such parties referred to herein shall hereafter be called "public body") in pursuance of the improvement, construction, maintenance, and operation of such facility, including any public transfer and terminal facilities, which actions are hereby declared to be for a public purpose. The term "local sponsor" means the local agency designated pursuant to an act of Congress to assume a portion of the navigation project costs and duties. Active federal navigation projects are those congressionally approved projects which are being performed by the United States Army Corps of Engineers or maintained by the local sponsors.



18-01127-25

2025608\_\_

(a) Except for beach nourishment seaward of existing lines of vegetation on privately owned or publicly owned uplands fronting on the waters of the Atlantic Ocean or Gulf of America ~~Mexico~~ and authorized pursuant to ~~the provisions of~~ part I of chapter 161, ~~no~~ materials dredged from state sovereignty tidal or submerged bottom lands by a public body may not ~~shall~~ be deposited on private lands until:

1. The United States Army Corps of Engineers or the local sponsor has first certified that no public lands are available within a reasonable distance of the dredging site; and

2. The public body has published notice of its intention to use ~~utilize~~ certain private lands for the deposit of materials, in a newspaper published and having general circulation in the appropriate county at least three times within a 60-day period prior to the date of the scheduled deposit of any such material, and therein advised the general public of the opportunity to bid on the purchase of such materials for deposit on the purchaser's designated site, provided any such deposit shall be at no increased cost to the public body. Such notice must ~~shall~~ state the terms, location, and conditions for receipt of bids and shall state that the public body shall accept the highest responsible bid. All bids must ~~shall~~ be submitted to the Board of Trustees of the Internal Improvement Trust Fund. All moneys obtained from such purchases of materials must ~~shall~~ be remitted forthwith to the Board of Trustees of the Internal Improvement Trust Fund. Compliance with this subsection shall vest, without any obligation, full title to the materials in the owner of the land where deposited.

Section 34. Paragraph (b) of subsection (5) of section

18-01127-25

2025608\_\_

253.12, Florida Statutes, is amended to read:

253.12 Title to tidal lands vested in state.—

(5)

(b) ~~Neither~~ This subsection or ~~nor~~ any other provision of this chapter may not ~~shall~~ be construed to permit any state agency or county, city, or other political subdivision to construct islands or extend or add to existing lands or islands bordering on or being in the navigable waters as defined herein or drain such waters for a municipal, county, state, or other public purpose unless such agency is the riparian upland owner or holds the consent in writing of the riparian upland owner consenting to such construction or extension or drainage operation. For the purposes of this subsection, the term "riparian upland owners" means ~~shall be defined as~~ those persons owning upland property abutting those portions of the waters to be filled or drained, which are within 1,000 feet outboard of said riparian upland, but not more than one-half the distance to the opposite upland, if any, and within the extensions of the side boundary lines thereof, when said side boundary lines are extended in the direction of the channel along an alignment which would be required to distribute equitably the submerged land between the upland and the channel. However, this paragraph may not ~~nothing herein shall~~ be construed to deny or limit any state agency or county, city, or other political subdivision from exercising the right of eminent domain to the extent and for the purposes authorized by law in connection with such construction, extension, or drainage projects; and this paragraph may not ~~nothing herein shall~~ be construed to have application in those instances when the board is authorized by

18-01127-25

2025608\_\_

law to establish an erosion control line to implement an authorized beach nourishment, replenishment, or erosion-control project, or for the placement of sand dredged from navigation channels on beaches fronting the waters of the Atlantic Ocean or the Gulf of America ~~Mexico~~, provided such sand is not placed landward of existing lines of vegetation.

Section 35. Section 253.783, Florida Statutes, is amended to read:

253.783 Expenditures for acquisition of land for a canal connecting the waters of the Atlantic Ocean with the Gulf of America ~~Mexico~~ via the St. Johns River prohibited.—The department may not ~~shall~~ make ~~no~~ expenditures for the purpose of acquiring land for constructing, operating, or promoting a canal across the peninsula of Florida connecting the waters of the Atlantic Ocean with the waters of the Gulf of America ~~Mexico~~ via the St. Johns River.

Section 36. Section 258.09, Florida Statutes, is amended to read:

258.09 Rauscher Park designated.—There is designated and established as a state park to be known as Rauscher Park, in Escambia County, the lands lying between the Big Lagoon and the Gulf of America ~~Mexico~~, now owned by Escambia County, or hereafter acquired by Escambia County, adjacent or contiguous thereto, from private owners or from the United States Government; and the board of county commissioners of Escambia County may execute proper conveyance to the board of commissioners of state institutions covering the property now owned by Escambia County, as aforesaid, and said board of county commissioners of Escambia County may acquire in the name of the

18-01127-25

2025608\_\_

Division of Recreation and Parks of the Department of Environmental Protection any property adjacent or contiguous thereto, from private owners or from the United States Government; and said division may accept in the name of the state the title to any such lands, whether from said Escambia County, or whether same be property acquired from private owners or the United States Government.

Section 37. Section 258.395, Florida Statutes, is amended to read:

258.395 Big Bend Seagrasses Aquatic Preserve.—The following described area in Wakulla, Jefferson, Taylor, Dixie, and Levy Counties is hereby designated by the Legislature for inclusion in the aquatic preserve system under the Florida Aquatic Preserve Act of 1975. Such area, to be known as the Big Bend Seagrasses Aquatic Preserve, must ~~shall~~ be included in the aquatic preserve system and must ~~shall~~ include all the sovereignty submerged lands lying within the following described boundaries: Begin where the northerly mean high water line of Withlacoochee River meets the mean high water line of the Gulf of America ~~Mexico~~, Township 17 South, Range 15 East, Levy County; Thence from the said point of beginning proceed northwesterly along the mean high water line of the coast and its navigable tributaries to the intersection of the westerly mean high water line of St. Marks River with the mean high water line of the Gulf of America ~~Mexico~~, in Township 4 South, Range 1 East, Wakulla County; thence proceed south three marine leagues into the Gulf of America ~~Mexico~~; thence proceed southeasterly along a line three marine leagues from and parallel to the line of mean high water previously described to an intersection with

18-01127-25

2025608\_\_

a line projected west from the point of beginning; thence proceed east to the point of beginning. Less and except all those sovereignty submerged lands within 500 feet of any incorporated or unincorporated municipality within the above described lands. Less and except: Begin at the intersection of the southerly projection of the east line of Range line 4 East with the mean high water line of the Gulf of America ~~Mexico~~; thence proceed southwest to a point on the three marine league line; thence proceed southeasterly three marine leagues from and parallel to the mean high water line to a point which is southwest of the intersection of the southerly line of Section 22, Township 6 South, Range 6 East, Taylor County, with the mean high water line of the Gulf of America ~~Mexico~~; thence proceed Northeast to the foresaid point of intersection; thence proceed northwesterly along the mean high water line of the Gulf of America ~~Mexico~~ and its tributaries to the point of beginning. Less and except all those local access channels adjacent to Keaton Beach and a proposed navigational channel more particularly described as follows: Begin at State Plane Coordinate; X=2,288,032; Y=298,365: Thence proceed West 11,608 feet; thence proceed south 1,440 feet; thence proceed east 11,608 feet; thence proceed north 1,440 feet to the point of beginning; less and except all those sovereign submerged lands lying northerly and easterly of U.S. Highway 19.

Section 38. Subsection (2) of section 258.3991, Florida Statutes, is amended to read:

258.3991 Nature Coast Aquatic Preserve.—

(2) BOUNDARIES.—For purposes of this section, the Nature Coast Aquatic Preserve consists of the state-owned submerged

18-01127-25

2025608\_\_

lands lying west of a meandering line following the westernmost shorelines of Citrus, Hernando, and Pasco Counties, excluding artificial waterways, canals, inland rivers, and tributaries. Such state-owned submerged lands include all those lands seaward of the mean high-water line and tidally connected to the Gulf of America ~~Mexico~~, lying south of a line extending westerly approximately 4.5 miles along Latitude 28.910000°, Florida West Zone (NAD83) from the mean high-water line of the corresponding shoreline at Fort Island Gulf Beach Park, Latitude 28.910000°, Longitude -82.690000°, and lying westward of a line extending north approximately 1.8 miles from Latitude 28.909402°, Longitude -82.764° to Latitude 28.9355°, Longitude -82.764°, lying southward of a line extending westerly approximately 2.0 miles to Latitude 28.9355°, Longitude -82.798214°, lying westward of a line extending north approximately 4.5 miles to the easternmost point of the southern boundary of the Big Bend Seagrasses Aquatic Preserve at point Latitude 29.001614°, Longitude -82.798921°, and will be continuous with the eastern shoreline of the northern boundary of the Pinellas County Aquatic Preserve, respectively. The boundary of the Nature Coast Aquatic Preserve designated as the shoreline will be the mean high-water line along such shoreline unless otherwise stated and will not supersede the boundaries of currently designated Outstanding Florida Waters, state parks, national wildlife refuges, or aquatic preserves.

Section 39. Subsection (15) of section 327.02, Florida Statutes, is amended to read:

327.02 Definitions.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning,

18-01127-25

2025608\_\_

the term:

(15) "Florida Intracoastal Waterway" means the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section, using the Gulf of America ~~Mexico~~; the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint Rivers in Florida.

Section 40. Paragraph (c) of subsection (4) of section 327.60, Florida Statutes, is amended to read:

327.60 Local regulations; limitations.—

(4)

(c) Upon approval of the Administrator of the United States Environmental Protection Agency pursuant to 33 U.S.C. s. 1322, a county designated as a rural area of opportunity may create a no-discharge zone for freshwater water bodies within the county's jurisdiction to prohibit treated and untreated sewage discharges from floating structures and live-aboard vessels not capable of being used as a means of transportation and from houseboats. Within no-discharge zone boundaries, operators of such floating structures, live-aboard vessels, and houseboats shall retain their sewage on board for discharge at a pumpout facility or for discharge more than 3 miles off the coast in the Atlantic Ocean or more than 9 miles off the coast in the Gulf of

18-01127-25

2025608\_\_

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



18-01127-25

2025608\_\_

~~Mexico~~; thence north along the section line to the northwest corner of Section 2, Township 1 South, Range 3 East; thence east along the Tallahassee Base Line to the southeast corner of Section 36, Township 1 North, Range 4 East; thence north along the range line to the northwest corner of Section 6, Township 1 North, Range 5 East; thence east along the township line to the southeast corner of Section 36, Township 2 North, Range 5 East; thence north along the range line to the northeast corner of Section 24, Township 2 North, Range 5 East; thence west along the section line to the southwest corner of the east 1/2 of Section 13, Township 2 North, Range 5 East; thence north to the northwest corner of the east 1/2 of Section 13, Township 2 North, Range 5 East; thence east along the section line to the southeast corner of Section 12, Township 2 North, Range 5 East; thence north along the range line to the northeast corner of Section 24, Township 3 North, Range 5 East; thence west along the Watson Line to the southwest corner of Lot Number 168; thence north along the line between Lot Numbers 168 and 169, 154 and 155 to the Georgia line; thence westward along the Georgia-Florida line to the intersection of the south boundary of the State of Alabama; thence west along the Alabama-Florida line to the intersection of the northwest corner Alabama-Florida Boundary; thence south along the Alabama-Florida line to the Gulf of America ~~Mexico~~; thence east along the Gulf of America ~~Mexico~~, including the waters of said gulf within the jurisdiction of the State of Florida, to the Point of Beginning.

(b) *Suwannee River Water Management District.*—Begin in the Gulf of America ~~Mexico~~ on the section line between Sections 29 and 32, Township 15 South, Range 15 East; thence east along the

18-01127-25

2025608\_\_

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

18-01127-25

2025608\_\_

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;

18-01127-25

2025608\_\_

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

18-01127-25

2025608\_\_

the point of the beginning.

(d) *Southwest Florida Water Management District.*—Begin at the intersection of the north boundary of Lee County with the Gulf of America ~~Mexico~~; thence eastward along the Lee-Charlotte County line to the Southeast corner of Section 33, Township 42 South, Range 24 East; thence North into Charlotte County, along the section lines to the Northeast corner of Section 4, Township 42 South, Range 24 East; thence East along the township line between Townships 41 and 42 South to the Southeast corner of Section 36, Township 41 South, Range 25 East; thence north along the section line to the northwest corner of Section 6, Township 41 South, Range 26 East; thence east along the section line to the southeast corner of Section 36, Township 40 South, Range 26 East; thence North along the range line between Ranges 26 and 27 to the Northeast corner of Section 1, Township 40 South, Range 26 East, and the Charlotte-Desoto County line; thence east along the Charlotte-Desoto County line to the southeast corner of Section 36, Township 39 South, Range 27 East; thence north along the DeSoto-Highlands County line to the intersection of the South boundary of Hardee County; thence north along the Hardee-Highlands County line to the southwest corner of Township 35 South, Range 28 East; thence east along the north boundary of Township 36 South to the northeast corner of Section 1, Township 36 South, Range 28 East; thence south along the range line to the southeast corner of Section 12, Township 37 South, Range 28 East; thence east along the section line to the northeast corner of Section 15, Township 37 South, Range 29 East; thence south along the section line to the southeast corner of Section 34, Township 37 South, Range 29 East; thence east along the township

18-01127-25

2025608\_\_

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,

18-01127-25

2025608\_\_

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

18-01127-25

2025608\_\_

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



18-01127-25

2025608\_\_

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

18-01127-25

2025608\_\_

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

18-01127-25

2025608\_\_

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

18-01127-25

2025608\_\_

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

18-01127-25

2025608\_\_

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

18-01127-25

2025608\_\_

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

18-01127-25

2025608\_\_

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

18-01127-25

2025608\_\_

easterly along said county line to the northeast corner of Section 3, Township 33 South, Range 34 East; thence southerly along the section lines to the southeast corner of Section 34, Township 34 South, Range 34 East; thence easterly along the Township line between Townships 34 and 35 South to the southwest corner of Section 36, Township 34 South, Range 35 East; thence northerly along the section lines to the northwest corner of Section 13, Township 34 South, Range 35 East; thence easterly along the section line to the Range line between Ranges 35 and 36 East; thence northerly along said Range line to the northwest corner of Section 18, Township 34 South, Range 36 East; thence easterly along the section lines to the southwest corner of Section 10, Township 34 south, Range 36 East; thence northerly along the section line to the northwest corner of said Section 10; thence easterly along the section lines to the Okeechobee-St. Lucie County line; thence northerly along said county line to the south line of Indian River County; thence easterly along the St. Lucie-Indian River County line to the Atlantic Ocean; thence southerly along the Atlantic Ocean to the Gulf of America ~~Mexico~~; thence northerly along the Gulf of America ~~Mexico~~, including the waters of said Ocean and of said gulf and the islands therein within the jurisdiction of the State of Florida, to the point of beginning.

Section 44. Subsection (10) of section 375.031, Florida Statutes, is amended to read:

375.031 Acquisition of land; procedures.—

(10) The department is empowered and authorized to provide matching funds to counties and municipalities of up to 50 percent of the cost of purchasing, exclusive of condemnation,



18-01127-25

2025608\_\_

rights-of-way for access roads or walkways to public beaches  
contiguous with the Atlantic Ocean or the Gulf of America  
~~Mexico~~.

Section 45. Paragraph (c) of subsection (2) of section  
376.25, Florida Statutes, is amended to read:

376.25 Gambling vessels; registration; required and  
prohibited releases.—

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

(c) "Coastal waters" means waters of the Atlantic Ocean  
within 3 nautical miles of the coastline of the state and waters  
of the Gulf of America ~~Mexico~~ within 9 nautical miles of the  
coastline of the state.

Section 46. Paragraph (a) of subsection (1) of section  
377.242, Florida Statutes, is amended to read:

377.242 Permits for drilling or exploring and extracting  
through well holes or by other means.—The department is vested  
with the power and authority:

(1)(a) To issue permits for the drilling for, exploring  
for, or production of oil, gas, or other petroleum products  
which are to be extracted from below the surface of the land,  
including submerged land, only through the well hole drilled for  
oil, gas, and other petroleum products.

1. A ~~No~~ structure intended for the drilling for, or  
production of, oil, gas, or other petroleum products may not be  
permitted or constructed on any submerged land within any bay or  
estuary.

2. A ~~No~~ structure intended for the drilling for, or  
production of, oil, gas, or other petroleum products may not be  
permitted or constructed within 1 mile seaward of the coastline

18-01127-25

2025608\_\_

of the state.

3. A ~~No~~ structure intended for the drilling for, or production of, oil, gas, or other petroleum products may not be permitted or constructed within 1 mile of the seaward boundary of any state, local, or federal park or aquatic or wildlife preserve or on the surface of a freshwater lake, river, or stream.

4. A ~~No~~ structure intended for the drilling for, or production of, oil, gas, or other petroleum products may not be permitted or constructed within 1 mile inland from the shoreline of the Gulf of America ~~Mexico~~, the Atlantic Ocean, or any bay or estuary or within 1 mile of any freshwater lake, river, or stream unless the department is satisfied that the natural resources of such bodies of water and shore areas of the state will be adequately protected in the event of accident or blowout.

5. Without exception, after July 1, 1989, a ~~no~~ structure intended for the drilling for, or production of, oil, gas, or other petroleum products may not be permitted or constructed south of 26°00'00" north latitude off Florida's west coast and south of 27°00'00" north latitude off Florida's east coast, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. s. 1301. After July 31, 1990, a ~~no~~ structure intended for the drilling for, or production of, oil, gas, or other petroleum products may not be permitted or constructed north of 26°00'00" north latitude off Florida's west coast to the western boundary of the state bordering Alabama as set forth in s. 1, Art. II of the State Constitution, or located north of 27°00'00" north latitude off Florida's east coast to the

18-01127-25

2025608\_\_

northern boundary of the state bordering Georgia as set forth in s. 1, Art. II of the State Constitution, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. s. 1301.

Each permit shall contain an agreement by the permitholder that the permitholder will not prevent inspection by division personnel at any time. The provisions of this section prohibiting permits for drilling or exploring for oil in coastal waters do not apply to any leases entered into before June 7, 1991.

Section 47. Subsection (5) of section 377.2431, Florida Statutes, is amended to read:

377.2431 Conditions for granting permits for natural gas storage facilities.—

(5) A permit may not be issued for a natural gas storage facility that includes a natural gas storage reservoir located beneath an underground source of drinking water unless the applicant demonstrates that the injection, storage, or recovery of natural gas will not cause or allow natural gas to migrate into the underground source of drinking water; in any offshore location in the Gulf of America ~~Mexico~~, the Straits of Florida, or the Atlantic Ocean; or in any solution-mined cavern within a salt formation.

Section 48. Subsection (2) of section 379.101, Florida Statutes, is amended to read:

379.101 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(2) "Beaches" and "shores" shall mean the coastal and

18-01127-25

2025608\_\_

intracoastal shoreline of this state bordering upon the waters of the Atlantic Ocean, the Gulf of America ~~Mexico~~, the Straits of Florida, and any part thereof, and any other bodies of water under the jurisdiction of the State of Florida, between the mean high-water line and as far seaward as may be necessary to effectively carry out the purposes of this act.

Section 49. Subsection (1) of section 379.244, Florida Statutes, is amended to read:

379.244 Crustacea, marine animals, fish; regulations; general provisions.—

(1) OWNERSHIP OF FISH, SPONGES, ETC.—All fish, shellfish, sponges, oysters, clams, and crustacea found within the rivers, creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets, and other bodies of water within the jurisdiction of the state, and within the Gulf of America ~~Mexico~~ and the Atlantic Ocean within the jurisdiction of the state, excluding all privately owned enclosed fish ponds not exceeding 150 acres, are the property of the state and may be taken and used by its residents ~~citizens~~ and persons not residents ~~citizens~~, subject to the reservations and restrictions imposed by these statutes. ~~No~~ Water bottoms owned by the state may not ~~shall~~ ever be sold, transferred, dedicated, or otherwise conveyed without reserving in the people the absolute right to fish thereon, except as otherwise provided in these statutes.

Section 50. Paragraph (a) of subsection (3) of section 379.248, Florida Statutes, is amended to read:

379.248 Sponges; regulation.—

(3) TAKING, POSSESSING COMMERCIAL; SIZE.—

(a) A ~~No~~ person may not take, by any means or method, from

18-01127-25

2025608\_\_

the waters of the Gulf of America ~~Mexico~~, the straits of this state or the other waters within the territorial limits of this state, any commercial sponges, measuring, when wet, less than 5 inches in their maximum diameter.

Section 51. Subsection (3) of section 380.0555, Florida Statutes, is amended to read:

380.0555 Apalachicola Bay Area; protection and designation as area of critical state concern.—

(3) DESIGNATION.—Franklin County, as described in s. 7.19, less all federally owned lands, less all lands lying east of the line formed by the eastern boundary of State Road 319 running from the Ochlockonee River to the intersection of State Road 319 and State Road 98 and thence due south to the Gulf of America ~~Mexico~~, and less any lands removed under subsection (4), is hereby designated an area of critical state concern on June 18, 1985. ~~State road~~, For the purpose of this section, the term "state road" has the same meaning as shall be defined as in s. 334.03. For the purposes of this act, this area shall be known as the Apalachicola Bay Area.

Section 52. Section 380.24, Florida Statutes, is amended to read:

380.24 Local government participation.—Units of local government abutting the Gulf of America ~~Mexico~~ or the Atlantic Ocean, or which include or are contiguous to waters of the state where marine species of vegetation listed by rule as ratified in s. 373.4211 constitute the dominant plant community, shall develop a coastal zone protection element pursuant to s. 163.3177. Such units of local government shall be eligible to receive technical assistance from the state in preparing coastal

18-01127-25

2025608\_\_

zone protection elements and shall be the only units of local government eligible to apply to the department for available financial assistance. Local government participation in the coastal management program authorized by this act ~~is shall be~~ voluntary. All permitting and enforcement of dredged-material management and other related activities subject to permit under ~~the provisions of~~ chapters 161 and 253 and part IV of chapter 373 for deepwater ports identified in s. 403.021(9)(b) must ~~shall~~ be done through the department consistent with ~~the provisions of~~ s. 403.021(9).

Section 53. For the purpose of incorporating the amendment made by this act to section 161.053, Florida Statutes, in references thereto, paragraphs (b) and (p) of subsection (7) of section 337.401, Florida Statutes, are reenacted to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(7)

(b) As used in this subsection, the term:

1. "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

2. "Applicable codes" means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, and includes the National Electric Safety Code and the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.

3. "Applicant" means a person who submits an application

18-01127-25

2025608\_\_

and is a wireless provider.

4. "Application" means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities or to place a new utility pole used to support a small wireless facility.

5. "Authority" means a county or municipality having jurisdiction and control of the rights-of-way of any public road. The term does not include the Department of Transportation. Rights-of-way under the jurisdiction and control of the department are excluded from this subsection.

6. "Authority utility pole" means a utility pole owned by an authority in the right-of-way. The term does not include a utility pole owned by a municipal electric utility, a utility pole used to support municipally owned or operated electric distribution facilities, or a utility pole located in the right-of-way within:

a. A retirement community that:

(I) Is deed restricted as housing for older persons as defined in s. 760.29(4)(b);

(II) Has more than 5,000 residents; and

(III) Has underground utilities for electric transmission or distribution.

b. A municipality that:

(I) Is located on a coastal barrier island as defined in s. 161.053(1)(b)3.;

(II) Has a land area of less than 5 square miles;

(III) Has less than 10,000 residents; and

(IV) Has, before July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its

18-01127-25

2025608\_\_

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



18-01127-25

2025608\_\_

is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless an authority grants a waiver for such pole.

12. "Wireless facility" means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

- a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
- b. Wireline backhaul facilities; or
- c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

13. "Wireless infrastructure provider" means a person who has been certificated under chapter 364 to provide telecommunications service or under chapter 610 to provide cable or video services in this state, or that person's affiliate, and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless services provider.

18-01127-25

2025608\_\_

14. "Wireless provider" means a wireless infrastructure provider or a wireless services provider.

15. "Wireless services" means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

16. "Wireless services provider" means a person who provides wireless services.

17. "Wireless support structure" means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole, pedestal, or other support structure for ground-based equipment not mounted on a utility pole and less than 5 feet in height.

(p) This subsection does not authorize a person to collocate or attach small wireless facilities or micro wireless facilities on a utility pole, unless otherwise permitted by federal law, or erect a wireless support structure in the right-of-way located within a municipality that:

1. Is located on a coastal barrier island as defined in s. 161.053(1)(b)3.;

2. Has a land area of less than 5 square miles;

3. Has fewer than 10,000 residents; and

4. Has, before July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.

This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any

18-01127-25

2025608\_\_

existing and duly authorized aerial communications facilities, provided that once aerial facilities are converted to underground facilities, any such collocation or construction shall be only as provided by the municipality's underground utilities ordinance.

Section 54. For the purpose of incorporating the amendment made by this act to section 327.02, Florida Statutes, in a reference thereto, subsection (1) of section 327.371, Florida Statutes, is reenacted to read:

327.371 Human-powered vessels regulated.—

(1) A person may operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway as defined in s. 327.02:

(a) When the marked channel is the only navigable portion of the waterway available due to vessel congestion or obstructions on the water. The operator of the human-powered vessel shall proceed with diligence to a location where he or she may safely operate the vessel outside the marked channel of the Florida Intracoastal Waterway.

(b) When crossing the marked channel, provided that the crossing is done in the most direct, continuous, and expeditious manner possible and does not interfere with other vessel traffic in the channel.

(c) When participating in practices or competitions for interscholastic, intercollegiate, intramural, or club rowing teams affiliated with an educational institution identified in s. 1000.21, s. 1002.01(3), s. 1003.01(17), s. 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of the marked channel is not suitable for such practice or competition. The

18-01127-25

2025608

teams must use their best efforts to make use of the adjacent area outside of the marked channel. The commission must be notified in writing of the details of any such competition, and the notification must include, but need not be limited to, the date, time, and location of the competition.

(d) During an emergency endangering life or limb.

Section 55. For the purpose of incorporating the amendment made by this act to section 327.02, Florida Statutes, in a reference thereto, paragraph (p) of subsection (2) of section 379.2431, Florida Statutes, is reenacted to read:

379.2431 Marine animals; regulation.—

(2) PROTECTION OF MANATEES OR SEA COWS.—

(p) Except in the marked navigation channel of the Florida Intracoastal Waterway as defined in s. 327.02 and the area within 100 feet of such channel, a local government may regulate, by ordinance, motorboat speed and operation on waters within its jurisdiction where the best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depths, supports the conclusion that manatees inhabit these areas on a regular basis. However, such an ordinance may not take effect until it has been reviewed and approved by the commission. If the commission and a local government disagree on the provisions of an ordinance, a local manatee protection committee must be formed to review the technical data of the commission and the United States Fish and Wildlife Service, and to resolve conflicts regarding the ordinance. The manatee protection committee must be comprised of:

18-01127-25

2025608\_\_

- 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](mailto: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

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

03-11-2025

Meeting Date

COMMUNITY AFFAIRS

Committee

SB 608

Bill Number or Topic

Amendment Barcode (if applicable)

Name

ROBERT DEMPSTER

Phone

786-838-0535

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

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In Support

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Against

PLEASE CHECK ONE OF THE FOLLOWING:

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I am appearing without  
compensation or sponsorship.

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I am a registered lobbyist,  
representing:

☒

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something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

FLORIDA STUDENT POWER

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 1002

INTRODUCER: Senator Truenow

SUBJECT: Utility Service Restrictions

DATE: March 10, 2025

REVISED: 3/12/25

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	<b>Favorable</b>
2.			RI	
3.			RC	

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## **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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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<sup>1</sup> FLA. CONST. art. VIII, s. 1(f).

<sup>2</sup> FLA. CONST. art. VIII, s. 1(g).

<sup>3</sup> FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.



## 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.<sup>4</sup>

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.<sup>5</sup> Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.<sup>6</sup> In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.<sup>7</sup>

In cases determining the validity of ordinances in violation of state preemption, the effect has been to find such ordinances null and void.<sup>8</sup> 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.”<sup>9</sup> 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.<sup>10</sup> Implied preemption is found where the local legislation would present the danger of conflict with the state’s pervasive regulatory scheme.<sup>11</sup>

## Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.<sup>12</sup> 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 and reliable manner and at fair prices.<sup>13</sup> In order to do so, the PSC exercises authority over utilities in one or more of

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<sup>4</sup> 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), <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Mar. 5, 2025).

<sup>5</sup> 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).

<sup>6</sup> *Mulligan*, 934 So. 2d at 1243.

<sup>7</sup> *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.

<sup>8</sup> See, e.g., *Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

<sup>9</sup> *Phantom of Clearwater, Inc.*, 894 So. 2d at 1019.

<sup>10</sup> *Id.*

<sup>11</sup> *Sarasota Alliance for Fair Elections, Inc.*, 28 So. 3d at 886.

<sup>12</sup> Section 350.001, F.S.

<sup>13</sup> See Florida Public Service Commission, *Florida Public Service Commission Homepage*, <http://www.psc.state.fl.us> (last visited Mar. 12, 2025).

the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.<sup>14</sup>

### **Electric and Gas Utilities**

The PSC monitors the safety and reliability of the electric power grid<sup>15</sup> and may order the addition or repair of infrastructure as necessary.<sup>16</sup> The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities<sup>17</sup> (called “public utilities” under ch. 366, F.S.).<sup>18</sup> 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, and bulk power supply operations and planning.<sup>19</sup> 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.<sup>20</sup> Florida also has 27 municipally owned gas utilities and four special gas districts.<sup>21</sup>

### **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:<sup>22</sup>

- Investor-owned electric utilities;
- Municipal electric utilities;
- Rural electric cooperatives;

<sup>14</sup> Florida Public Service Commission, *About the PSC*, <https://www.psc.state.fl.us/about> (last visited Mar. 12, 2025).

<sup>15</sup> Section 366.04(5) and (6), F.S.

<sup>16</sup> Section 366.05(1) and (8), F.S.

<sup>17</sup> Section 366.05, F.S.

<sup>18</sup> Section 366.02(8), F.S.

<sup>19</sup> Florida Public Service Commission, *About the PSC*, *supra* note 17.

<sup>20</sup> Florida Municipal Electric Association, *About Us*, <https://www.flpublicpower.com/about-us> (last visited Mar. 12, 2025).

<sup>21</sup> Florida Public Service Commission, *2023 Facts and Figures of the Florida Utility Industry*, pg. 13, Apr. 2023, <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202023.pdf> (last visited Mar. 12, 2025). 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.”

<sup>22</sup> To the extent of serving the customers they are authorized to serve.

- 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.

#### **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.

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; 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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that such entities are authorized to serve:

(a) A public utility or an electric utility as defined in this chapter.~~†~~

(b) An entity formed under s. 163.01 that generates, sells, or transmits electrical energy.~~†~~

(c) A natural gas utility as defined in s. 366.04(3)(c).~~†~~

(d) A natural gas transmission company as defined in s. 368.103.~~†~~~~or~~

(e) A Category I liquefied petroleum gas dealer,~~a~~~~or~~ Category II liquefied petroleum gas dispenser, or a Category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01.

(2) Except to the extent necessary to enforce the Florida Building Code adopted pursuant to s. 553.73 or the Florida Fire Prevention Code adopted pursuant to s. 633.202, a municipality; a~~or~~ county; a~~or~~ special district; a board, an agency, a commission, or an authority of a county, a municipal corporation, or other political subdivision of the state; a~~or~~ community development district created pursuant to chapter 190; or other political subdivision of the state may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in subsection (1). As used in this subsection, the term "appliance" means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code

13-01855A-25

20251002\_\_

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

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore





## 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

Senator Stan McClain  
312 Senate Office Building  
404 So Monroe Street  
Tallahassee, FL 32399

Dear Chair McClain.

Tomorrow in Community Affairs, I have asked Senator Jay Trumbull to present SB 1002 Utility Service Restrictions due to other bill presentation conflicts.

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

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

3/11/2025

Meeting Date

Community Affairs

Committee

# The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB/002

Bill Number or Topic

Name

Bradley Marshall - Earthjustice

Phone

850-681-0031

Address

111 S. Martin Luther King Jr. Blvd.

Street

Email

bmarshall@earthjustice.org

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐ For



Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against



I am appearing without  
compensation or sponsorship.

As employee of Earthjustice

PLEASE CHECK ONE OF THE FOLLOWING:



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

3/11/25

**APPEARANCE RECORD**

1002

Meeting Date

**Community Affairs**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Dale Calhoun**

Phone **8506810496**

Address **PO Box 11026**

Email **dale.calhoun@floridagas.org**

Street

**Tallahassee**

**FL**

**32302**

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Natural Gas Association**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB 1002

03/11/25

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Jackson Oberlinz

Phone

Address  
Street

Email

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:  
Florida  
Rising

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/11/25

Meeting Date

Community Affairs

Committee

1002

Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St.

Email fcsep@yahoo.com

Street

Tallahassee, FL

City

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support

☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

F1 Center for Fiscal  
& Economic Policy

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/11/25

Meeting Date

Community Affairs  
Committee

1062

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Rev Dr. Russell Meyer

Phone

813 435 5335

Address

3838 W Cypress St  
Street

Email

rmeyerdmin@gmail.com

TPA  
City

33607  
State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

03-11-2025

Meeting Date

COMMUNITY AFFAIRS

Committee

SB 1002

Bill Number or Topic

Amendment Barcode (if applicable)

Name

ROBERT DEMPSTER

Phone

786-838-0533

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

FLORIDA STUDENT POWER

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**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 1128

INTRODUCER: Community Affairs Committee and Senator Ingoglia

SUBJECT: Building Permits for a Single-family Dwelling

DATE: March 12, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	<b>Fav/CS</b>
2.			RI	
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1128 provides that an approved building permit 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 certain attestations by an architect or engineer that the plans comply with the Florida Building Code is deemed to be in compliance as a matter of law upon submission. Certain conditions attach to such an application including an accelerated timeline for approval.

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.<sup>1</sup>

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 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.<sup>2</sup> The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.<sup>3</sup>

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.<sup>4</sup>

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,<sup>5</sup> 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.<sup>6</sup>

### **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.<sup>7</sup> Authorized state and local government agencies enforce the Florida Building Code and issue building permits.<sup>8</sup>

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

---

<sup>1</sup> 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](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Feb. 5, 2024).

<sup>2</sup> *Id.*

<sup>3</sup> Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Feb. 5, 2024).

<sup>4</sup> See s. 553.72(1), F.S.

<sup>5</sup> 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).

<sup>6</sup> Section 553.73(7)(a), F.S.

<sup>7</sup> Section 553.72(2), F.S.

<sup>8</sup> See ss. 125.01(1)(bb), 125.56(1), 553.72(3), and 553.80(1) F.S.

fees adopted by the enforcing agency.<sup>9</sup> A local building department or enforcement agency must post each type of building permit application on its website.<sup>10</sup> Each application must be inscribed with the date of application and the Florida Building Code in effect as of that date.<sup>11</sup> 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.<sup>12</sup>

### ***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:<sup>13</sup>

- 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.

---

<sup>9</sup> See ss. 125.56(4)(a) and 553.79(1), F.S. Other entities may, by resolution or regulation, be directed to issue permits.

<sup>10</sup> Section 553.79(1)(b), F.S.

<sup>11</sup> Section 105.3, 2023 Florida Building Code.

<sup>12</sup> Section 553.79(10), F.S.

<sup>13</sup> Section 553.792(1), F.S.

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.<sup>14</sup>

### ***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 building department.<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup> Work shall be considered to be in *active progress* when the permit has received an approved inspection within 180 days.<sup>19</sup>

## **III. Effect of Proposed Changes:**

**Sections 1 and 2** amend ss. 125.56 and 553.79, F.S., to provide that a building permit processed and approved for a single-family dwelling may not expire before the effective date of the next edition of the Florida Building Code regardless of whether the permit has been issued to or accepted by the applicant. 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 to be in compliance with the building code as a matter of law upon application. The attestation under this subsection must include proof of the architect or engineer's good standing with their applicable regulatory bodies and proof of insurance for professional liability covering services performed.

The local government is required to issue a permit so approved within two business days. The bill holds local governments harmless and indemnified from claims arising from plans review deemed in compliance without review under the bill's mechanism.

---

<sup>14</sup> Section 553.792(1)(c), F.S.

<sup>15</sup> Section 105.3.2, 2023 Florida Building Code.

<sup>16</sup> Section 105.4.1, 2023 Florida Building Code.

<sup>17</sup> Section 105.4.1.1, 2023 Florida Building Code.

<sup>18</sup> Section 105.4.1.2, 2023 Florida Building Code.

<sup>19</sup> Section 105.4.1.3, 2023 Florida Building Code.

**Section 4** provides that 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:

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 the following sections of the Florida Statutes: 125.56, 553.79, and 553.792.

**IX. Additional Information:**

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

**CS by Community Affairs on March 11, 2025:**

The committee substitute:

- Clarifies that the prohibition on building permit expiration is regardless of their status once approved;
- Clarifies the automatic approval mechanism to provide that the application is deemed in compliance with the building code;
- Specifies certain attestations that must be contained in the application; and
- Indemnifies the local government for work they are prohibited from reviewing prior to approval.

- B. **Amendments:**

None.



760372

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2025	.	
	.	
	.	
	.	

---

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)



760372

(d) A county that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit processed and approved by a county for a single-family dwelling may not expire before the effective date of the next edition of the Florida Building Code, which is updated every 3 years pursuant to s. 553.73(7)(a), regardless of whether the permit has been issued to or accepted by the applicant.

Section 2. Paragraph (c) of subsection (1) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(c) A local government that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit processed and approved by a local government under this section for a single-family dwelling may not expire before the effective date of the next edition of the Florida Building Code, which is updated every 3 years pursuant to s. 553.73(7)(a), regardless of whether the permit has been issued to or accepted by the applicant.

Section 3. Present paragraphs (b) through (g) of subsection (1) of section 553.792, Florida Statutes, are redesignated as



760372

paragraphs (c) through (h), respectively, and a new paragraph (b) is added to that subsection, to read:

553.792 Building permit application to local government.—

(1)

(b) 1. A permit application for the construction of a single-family dwelling in a jurisdiction for which a state of emergency was issued within the 24 months before the application, and which is signed and sealed with an attestation by an architect licensed under chapter 481 or an engineer licensed under chapter 471 that the plans in the permit comply with the Florida Building Code, is deemed in compliance with the Florida Building Code without further local government review. The local government must approve or deny such an application within 2 business days after receipt. This section does not preclude local government review for compliance with zoning and land use regulations.

2. An attestation for such an application must include proof of the architect's or engineer's good standing with their respective applicable regulatory bodies and proof of insurance for professional liability covering all services performed in plans review under this section.

3. A local government must be held harmless and indemnified from claims arising from plans review deemed in compliance under this subsection.

Section 4. This act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause





760372

and insert:

A bill to be entitled

An act relating to building permits for a single-family dwelling; amending ss. 125.56 and 553.79, F.S.; prohibiting the expiration of certain building permits issued by a county or a local government, respectively, before a specified event; amending s. 553.792, F.S.; specifying that certain permit applications are deemed in compliance; requiring the local government to issue such permit within a certain timeframe; requiring certain attestations supporting permit applications; indemnifying local governments in 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\_\_

to s. 553.73(7)(a).

Section 2. Paragraph (c) of subsection (1) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—  
(1)

(c) A local government that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire. A building permit issued by a local government under this section for a single-family dwelling may not expire before the effective date of the next edition of the Florida Building Code, which is updated every 3 years pursuant to s. 553.73(7)(a).

Section 3. Present paragraphs (b) through (g) of subsection (1) of section 553.792, Florida Statutes, are redesignated as paragraphs (c) through (h), respectively, and a new paragraph (b) is added to that subsection, to read:

553.792 Building permit application to local government.—  
(1)

(b) A permit application for the construction of a single-family dwelling in a jurisdiction for which a state of emergency was issued within the 24 months before the application, and which is signed and sealed with an attestation by an architect licensed under chapter 481 or an engineer licensed under chapter 471 that the plans in the permit comply with the Florida 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 3<sup>rd</sup>, 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". The signature is stylized with a large, sweeping loop at the end.

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](http://www.flsenate.gov)

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore

The Florida Senate

**APPEARANCE RECORD**

3/11/25

Meeting Date

Community Affairs

Committee

128

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Rush, Payton

Phone 850-567-1073

Address 1319 Thomaswood Bl.  
Street

Email rpayton@fhba.com

Tally  
City

FL  
State

32312  
Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Home Builders Association

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 1202

INTRODUCER: Senator McClain

SUBJECT: Benefits for Firefighters Injured During Training Exercises

DATE: March 10, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	<b>Favorable</b>
2.			GO	
3.			AP	

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**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.<sup>1</sup> The Division is comprised of two bureaus: the Bureau of Fire Prevention (BFP) and the Bureau of Fire Standards and Training (BFST).<sup>2</sup> 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.<sup>3</sup>

The State Fire Marshal adopts by rule the Florida Fire Prevention Code (FFPC),<sup>4</sup> 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

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<sup>1</sup> Section 633.104, F.S.

<sup>2</sup> Department of Financial Services, Division of the State Fire Marshal, *What We Do*, <https://www.myfloridacfo.com/division/sfm/> (last visited December 19, 2019).

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

<sup>4</sup> Section 633.202(2), F.S.

facilities and the enforcement of such fire safety laws and rules.<sup>5</sup> The State Fire Marshal adopts a new edition of the FFPC every three years.<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup>

### **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.<sup>11</sup> 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.<sup>12</sup>

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<sup>5</sup> Section 633.202(1), F.S.

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

<sup>7</sup> Sections 633.108 and 633.208, F.S.

<sup>8</sup> 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).

<sup>9</sup> Section 633.118, F.S.

<sup>10</sup> Section 633.216(1), F.S.

<sup>11</sup> For definitions of these terms, see ss. 112.19(1) and 112.1915(1)(b), F.S.

<sup>12</sup> 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;<sup>13</sup> and instructional staff and school administrator employed by school district);<sup>14</sup>
- Surviving family health insurance premiums payment by political subdivision of the state and local school district (full-time law enforcement officer or correctional officer;<sup>15</sup> full-time firefighter;<sup>16</sup> and instructional staff and school administrator);<sup>17</sup>
- *Family health insurance premium payments* for catastrophic injury (full-time law enforcement, correctional, correctional probation officer,<sup>18</sup> or firefighter<sup>19</sup> employed by state or a political subdivision of state); and
- Educational expenses of surviving spouse and children (law enforcement, correctional, or correctional probation officer;<sup>20</sup> firefighter;<sup>21</sup> and instructional staff or school administrator).<sup>22</sup>

### ***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.<sup>23</sup> 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.<sup>24</sup>

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<sup>13</sup> Section 112.19(2)(f), F.S.

<sup>14</sup> Section 112.1915(3)(b), F.S.

<sup>15</sup> Section 112.19(2)(g), F.S.

<sup>16</sup> Section 112.191(2)(f), F.S.

<sup>17</sup> Section 112.1915(3)(c), F.S.

<sup>18</sup> Section 112.19(2)(h), F.S.

<sup>19</sup> Section 112.191(2)(g), F.S.

<sup>20</sup> Section 112.19(3), F.S.

<sup>21</sup> Section 112.191(3), F.S.

<sup>22</sup> Section 112.1915(3)(d), F.S. (surviving children only, not spouse).

<sup>23</sup> Section 112.191(2)(g), F.S., this paragraph.

<sup>24</sup> 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.<sup>25,26,27</sup>

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.

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<sup>25</sup> FLA. CONST. art. VII, s. 18(d).

<sup>26</sup> 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).

<sup>27</sup> 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](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\_\_

A bill to be entitled

An act relating to benefits for firefighters injured during training exercises; amending s. 112.191, F.S.; 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; providing an effective date.

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

Section 1. Paragraph (g) of subsection (2) of section 112.191, Florida Statutes, is amended to read:

112.191 Firefighters; death benefits.—  
(2)

(g)1. Any employer who employs a full-time firefighter who, on or after January 1, 1995, suffers a catastrophic injury, as defined in s. 440.02, Florida Statutes 2002, in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support. The term "health insurance plan" does not include supplemental benefits that are not part of the basic group health insurance plan. If the injured employee subsequently dies, the employer shall continue to pay the entire health insurance premium for

9-01668-25

20251202\_\_

the surviving spouse until remarried, and for the dependent children, under the conditions outlined in this paragraph. However:

a. Health insurance benefits payable from any other source shall reduce benefits payable under this section.

b. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement to obtain health insurance coverage as provided under this paragraph. A person who violates this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

c. In addition to any applicable criminal penalty, upon conviction for a violation as described in sub-subparagraph b., a firefighter or other beneficiary who receives or seeks to receive health insurance benefits under this paragraph shall forfeit the right to receive such health insurance benefits, and shall reimburse the employer for all benefits paid due to the fraud or other prohibited activity. For purposes of this sub-subparagraph, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

2. In order for the firefighter, spouse, and dependent children to be eligible for such insurance coverage, the injury must have occurred as the result of the firefighter's response to what is reasonably believed to be an emergency involving the protection of life or property, ~~or an unlawful act perpetrated by another,~~ or the injury must have occurred during an official training exercise in which the firefighter became totally and

9-01668-25

20251202\_\_

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

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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 black ink, appearing to read "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.)

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

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BILL: SB 1242

INTRODUCER: Senator McClain

SUBJECT: Community Redevelopment Agencies

DATE: March 10, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	<b>Favorable</b>
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.<sup>1</sup> 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.<sup>2</sup>

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<sup>1</sup> Chapter 163, F.S., part III.

<sup>2</sup> 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.<sup>3</sup>

### **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.<sup>4</sup>

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.<sup>5</sup> 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.<sup>6</sup>

As of March 8, 2025, there are more than 200 CRAs in Florida.<sup>7</sup>

### **Community Redevelopment Plans**

A community redevelopment plan must be in place before a CRA can engage in operations.<sup>8</sup> 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.<sup>9</sup>

---

<sup>3</sup> Section 163.340(7), F.S.

<sup>4</sup> Section 163.355, F.S.

<sup>5</sup> Section 163.356(1), F.S.

<sup>6</sup> Section 163.340(10), F.S.

<sup>7</sup> 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).

<sup>8</sup> Section 163.360(1), F.S.

<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> The local governing body that created the CRA must hold a public hearing before the plan is approved.<sup>12</sup>

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.<sup>13</sup>

### ***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.<sup>14</sup> 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,<sup>15</sup> while Miami-Dade County extended the North Miami CRA to July 13, 2044.<sup>16</sup>

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<sup>10</sup> Section 163.360(4), F.S.

<sup>11</sup> Section 163.360(5), F.S.

<sup>12</sup> Section 163.360(6), F.S.

<sup>13</sup> Section 163.360(2), F.S.

<sup>14</sup> Ch. 2019-163, L.O.F.

<sup>15</sup> 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](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).

<sup>16</sup> 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.

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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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By Senator McClain

9-01050-25

20251242\_\_

A bill to be entitled  
An act relating to community redevelopment agencies;  
amending s. 163.3755, F.S.; 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; authorizing existing agencies  
to continue to operate; providing an effective date.

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

Section 1. Section 163.3755, Florida Statutes, is amended  
to read:

163.3755 Termination of community redevelopment agencies;  
prohibition on future creation.—

(1) A community redevelopment agency in existence on July  
1, 2025 ~~October 1, 2019~~, shall terminate on the expiration date  
provided in the agency's charter on July 1, 2025 ~~October 1,~~  
~~2019~~, or on September 30, 2045 ~~September 30, 2039~~, whichever is  
earlier, ~~unless the governing body of the county or municipality~~  
~~that created the community redevelopment agency approves its~~  
~~continued existence by a majority vote of the members of the~~  
~~governing body.~~

(2) A community redevelopment agency may not initiate any  
new projects or issue any new debt on or after October 1, 2025.

9-01050-25

20251242\_\_

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 cursive script, reading "Stan McClain".

---

Senator Stan McClain  
Florida Senate, District 9

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/11/25  
Meeting Date

Community Affairs  
Committee

SB 1242  
Bill Number or Topic

Amendment Barcode (if applicable)

Name David Cruz Phone 701-3676

Address P.O. Box 1757 Email DCRuz@flcities.com  
Street

Tallahassee FL 32302  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida League  
of Cities

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

3/11/25

Meeting Date

Community Affairs

Committee

1242

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ryan Matthews

Phone

850 297 8591

Address

301 S. Bronough St Suite 600

Email

Ryan.Matthews@gray-robinson.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

FLORIDA  
REDEVELOPMENT  
ASSOCIATION

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-11-25

Meeting Date

1242

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
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Amendment Barcode (if applicable)

Name

Chris Smith

Phone

954 336 1064

Address

110 SE 6 Street

Email

csmith293@Ad.or

Street

H Land FL

3331

City

State

Zip

Speaking:

☐ For

☒ Against

☒ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/11/2025

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 1242

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
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Amendment Barcode (if applicable)

Name

Amanda Hayes, City of Palatka

Phone

386 972 0165

Address

120 Elsie Dr

Email

amandahayeshr@gmail.com

Street

E. Palatka

FL

32131

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB 1242

Bill Number or Topic

Amendment Barcode (if applicable)

3/11/25  
Meeting Date

Community Affairs  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Name

Oneca Lowery

Phone

Address

123 S Adams Street

Email

Street

Tallahassee, FL

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

- North Miami CRA
- North Miami Beach CRA
- Opa Locka CRA

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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SB 1242

Bill Number or Topic

Amendment Barcode (if applicable)

3/11/25  
Meeting Date  
Community Affairs  
Committee

Name Katia Saint Fleur

Phone

Address 123 S Adams Street  
Street

Email

Tallahassee, FL  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

- North Miami CRA
- North Miami Beach CRA
- Opa Louka CRA

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

# CourtSmart Tag Report

**Room:** SB 37  
**Caption:** Senate Community Affairs Committee

**Type:**  
**Judge:**

**Started:** 3/11/2025 4:02:12 PM  
**Ends:** 3/11/2025 5:44:46 PM  
**Length:** 01:42:35

4:02:12 PM	Call to order made by Senator Passidomo
4:02:30 PM	Roll Call
4:02:39 PM	Quorum
4:03:13 PM	Tab 4 - CS/SB 262
4:03:27 PM	Senator Berman opens
4:05:07 PM	Amendment barcode 488748
4:06:14 PM	Amendment adopted
4:06:21 PM	Waives in support
4:06:52 PM	Senator Berman closes
4:06:56 PM	Roll call vote
4:07:15 PM	CB/SB 262 reported favorably
4:07:25 PM	Tab 1 - SJR 174
4:07:34 PM	Senator DiCeglie opens
4:08:24 PM	Senator DiCeglie closes
4:08:41 PM	Roll call vote
4:08:47 PM	SJR 174 reported favorably
4:08:57 PM	Tab 2- SB 176
4:09:06 PM	Senator DiCeglie opens
4:11:01 PM	Questions
4:11:03 PM	Senator Pizzo
4:11:29 PM	Senator DiCeglie
4:11:49 PM	Waives in support
4:12:23 PM	Senator DiCeglie closes
4:12:37 PM	Roll call vote
4:12:42 PM	SB 176 reported favorably
4:12:56 PM	Tab 3 - SB 180
4:13:01 PM	Senator Diceglie opens
4:13:35 PM	Amendment barcode 525210
4:14:40 PM	Senator DiCeglie
4:14:56 PM	Amendment adopted
4:15:49 PM	Public testimony
4:16:10 PM	Pepper Uchino, Florida Shore and Beach Preservation Association, speaks in support
4:17:37 PM	Eric Poole, speaks in support
4:18:07 PM	Waives in support
4:18:29 PM	Senator DiCeglie closes
4:18:59 PM	Roll call vote
4:20:00 PM	SB 180 is reported favorably
4:20:15 PM	Gavel turned back to Chair McClain
4:20:31 PM	Tab 7 - SB 608
4:20:33 PM	Senator DiCeglie opens
4:20:47 PM	Senator Pizzo
4:20:54 PM	Senator DiCeglie
4:21:51 PM	Senator Passidomo
4:22:08 PM	Senator DiCeglie
4:22:20 PM	Waives against
4:22:40 PM	Senator DiCeglie closes
4:22:47 PM	Roll call vote
4:22:58 PM	SB 608 reported favorably
4:23:22 PM	Tab 8 - SB 1002
4:23:30 PM	Senator Trumbull opens
4:24:23 PM	Public testimony
4:24:36 PM	Bradley Marshall, Earth Justice, speaks against

4:27:00 PM Dale Calhoun, Florida Natural Gas Association, speaks in support  
4:27:43 PM Senator Passidomo  
4:28:13 PM Dale Calhoun  
4:28:28 PM Senator Pizzo  
4:28:41 PM Jackson Oberlink, Florida Rising, speaks against  
4:29:47 PM Waives against  
4:30:06 PM Debate  
4:30:09 PM Senator Pizzo  
4:30:47 PM Senator Trumbull closes  
4:30:57 PM Roll call vote  
4:31:00 PM SB 1002 reported favorably  
4:31:25 PM Tab 5 - SB 446  
4:31:32 PM Senator Leek opens  
4:32:49 PM Public testimony  
4:34:00 PM Tony Hill, speaks in support  
4:35:22 PM Anthony Britton, speaks in support  
4:36:58 PM Horace Hord, speaks in support  
4:39:48 PM Greg White, speaks in support  
4:43:04 PM Waives in support  
4:43:17 PM Alesia Wilbekin, speaks in support  
4:44:25 PM Laverne March, speaks in support  
4:46:23 PM Dwala Willis, speaks in support  
4:47:53 PM Byron Hodges, speaks in support  
4:49:19 PM Michael Dobson, speaks against  
4:51:19 PM Senator Pizzo  
4:51:26 PM Follow up  
4:51:27 PM Commissioner Cynthia Garvis, speaks in support  
4:54:44 PM Waives in support  
4:55:04 PM Senator Passidomo  
4:55:41 PM Debate  
4:55:44 PM Senator Pizzo  
4:56:57 PM Senator Sharief  
5:00:14 PM Senator Leek closes  
5:00:29 PM Roll call vote  
5:00:34 PM SB 466 reported favorably  
5:00:58 PM Recording Paused  
5:01:01 PM Tab 9 - SB 1128  
5:02:23 PM Senator Ingoglia opens  
5:03:24 PM Amendment barcode 760372  
5:04:19 PM Amendment adopted  
5:04:27 PM Waives in support  
5:04:36 PM Senator Pizzo  
5:04:57 PM Senator Ingoglia  
5:05:17 PM Senator Ingoglia closes  
5:06:32 PM Roll call vote  
5:07:33 PM SB 1128 reported favorably  
5:07:51 PM Tab 6 - SB 582  
5:08:02 PM Senator Leek opens  
5:08:42 PM Waives in support  
5:09:36 PM Senator Leek closes  
5:09:44 PM Roll call vote  
5:09:55 PM SB 582 reported favorably  
5:10:03 PM Gavel is passed to Senator Passidomo  
5:10:12 PM Tab 10 - SB 1202  
5:10:18 PM Senator McClain opens  
5:10:50 PM Senator McClain closes  
5:11:00 PM Roll call vote  
5:11:18 PM SB 1202 reported favorably  
5:11:21 PM Tab 11 - SB 1242  
5:11:28 PM Senator McClain opens  
5:11:57 PM Senator Jones  
5:12:53 PM Senator McClain

5:13:15 PM	Senator Jones
5:13:52 PM	Senator McClain
5:14:14 PM	Senator Jones
5:15:38 PM	Senator McClain
5:17:39 PM	Senator Jones
5:18:09 PM	Senator McClain
5:18:37 PM	Senator Jones
5:19:00 PM	Senator McClain
5:19:32 PM	Senator Jones
5:19:38 PM	Senator McClain
5:19:41 PM	Senator Jones
5:19:52 PM	Senator McClain
5:20:06 PM	Senator Jones
5:20:29 PM	Senator Pizzo
5:21:58 PM	Senator McClain
5:22:08 PM	David Cruz, Florida League of Cities, speaks against
5:25:49 PM	Ryan Matthews, Florida Redevelopment Association, speaks against
5:27:38 PM	Chris Smith, speaks against and for information
5:29:08 PM	Waives against
5:29:39 PM	Debate
5:29:40 PM	Senator Jones
5:31:51 PM	Senator Pizzo
5:35:28 PM	Senator Sharief
5:37:59 PM	Senator Passidomo
5:40:56 PM	Senator McClain closes
5:42:12 PM	Roll call vote
5:43:13 PM	SB 1242 is reported favorably
5:43:35 PM	Gavel is passed back to Chair McClain
5:43:46 PM	Senator Jones records votes
5:44:00 PM	Senator Sharief records votes
5:44:14 PM	Senator McClain records votes
5:44:27 PM	Closing remarks
5:44:35 PM	Meeting adjourned