



**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, May 19, 2025
4:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the May 19, 2025 agenda.

2. Audience Comments -

Comments shall be limited to 3 minutes for general and agenda items. Public comment on agenda items will be allowed when that item is called. Please complete and submit a comment card to the Clerk.

3. Approval of Minutes

a. April 21, 2025

4. Action Items -

5. Discussion Items

a. SB 180 and its impacts on land development regulations

Discussing inclusions and exclusions of SB 180, which was enrolled by the Florida Legislature on May 5, 2025 and is pending signature of the Governor.

6. Adjournment - Next Meeting June 16, 2025 -

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee,

board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.**

DRAFT PLANNING BOARD MEETING MINUTES

April 21, 2025 4:00PM

MEMBERS PRESENT: David Hubbard, Chair
Sam Angelides, Jr., Vice Chair
Terri Grocott, Member
Cindy Perry, Member
Shawn Rae, Member

STAFF PRESENT: Brandon Berry, Senior Planner
Ralf Brookes, Interim City Attorney
Ariana Wilson-Romo, Admin. Assistant – Clerk’s Office

Chair Hubbard called the meeting to order at 4:00 PM, followed by the Pledge of Allegiance.

1. Approval of the Agenda –

Chair Hubbard added an item on House Bill 1535, as item 5.a.

Motion: Member Rae moved, and Member Perry seconded, to approve the April 21, 2025 agenda as amended; the motion carried unanimously.

2. Audience Comments – There were no comments.

3. Approval of Minutes – March 24, 2025 Meeting

Motion: Member Rae moved, and Vice Chair Angelides seconded, to approve the March 24, 2025 minutes as presented; the motion carried unanimously.

4. Action Items (Sitting as the Local Planning Agency) –

Chair Hubbard adjourned the meeting as the Planning Board and reopened as the Local Planning Agency (LPA) at 4:02 PM.

**a. Recommendation of Ordinance 2025-10: Amendments to Land Development Code
DIVISION 26 -SIGN ORDINANCE, to the City Commission**

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA FOR THE PURPOSE OF ADOPTING AMENDMENTS TO LAND DEVELOPMENT CODE DIVISION 26 SECTIONS 26-1 THROUGH 26-42 ENTITLED SIGN ORDINANCE TO ENSURE CONTENT-NEUTRAL SIGN DEFINITIONS, STANDARDS, REGULATIONS AND REQUIREMENTS, AND ADOPTING AMENDMENTS TO THE REQUIREMENTS FOR PERMITTING, ENFORCEMENT, AND MAINTENANCE FOR NEW, EXISTING AND NONCONFORMING SIGNS IN ALL ZONING DISTRICTS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Senior Planner Brandon Berry reviewed a presentation that is made part of the record. Mr. Berry stated that changes were made to the ordinance based on the recommendations made by the Planning Board at the March meeting. Some changes include defining ‘lawful message’, adding a purpose statement pertaining to wildlife protection, and the usage of banners. He also reviewed some items that were discussed with the Board but not addressed in the amendments, such as defining artwork,

standards for Community Redevelopment District sign regulations, and additional standards for Pass-A-Grille and CRD-EA.

Discussion followed. Member Perry presented both the current and a proposed definition for "artwork," and inquired whether the proposed definition could be adopted. Attorney Brookes indicated no objection to updating the definition. Both definitions were entered into the record. The Board also discussed sandwich board signs and enforcement practices related to their use.

Motion: Member Rae moved, and Member Grocott seconded, and the motion carried 5-0 to find Ordinance 2025-10 consistent with the Comprehensive Plan and recommend approval to the City Commission.

b. Recommendation of Ordinance 2025-07: Amendments to Land Development Code

DIVISION 20 - PAG PASS-A-GRILLE OVERLAY DISTRICT, to the City Commission

AN ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE DIVISION 20 – PASS-A-GRILLE OVERLAY DISTRICT, RENAMING TO DIVISION 20 – PASS-A-GRILLE HISTORIC OVERLAY DISTRICT; AMENDING SECTIONS 20.01. PURPOSE AND INTENT., 20.02. DEFINITIONS., 20.03. PERMITTED PRINCIPAL USES AND STRUCTURES., 20.05. ALLOWABLE CONDITIONAL USE., 20.06. PROHIBITED USES AND STRUCTURES., 20.07. DENSITY, INTENSITY AND ASSEMBLY OF PARCELS., 20.10. REDUCED SETBACKS FOR CONTRIBUTING STRUCTURES GRANTED A CERTIFICATE OF APPROPRIATENESS., 20.11. MINIMUM BUILDING TYPE REQUIREMENTS., 20.12. SUBDIVISION OF LOTS., AND 20.13 APPLICABILITY AND BUILDING TYPE ASSIGNMENT; REPEALING SECTION 20.13. RESIDENTIAL DEVELOPMENT OPTION FOR SINGLE-FAMILY HOMES. AND ADOPTING SECTION 20.13 APPLICABILITY AND BUILDING TYPE ASSIGNMENT.; RENAMING AND AMENDING SECTION 20.14 VACANT PARCELS. TO SECTION 20.14. LOT SPLIT, ASSEMBLY OF PARCELS, VACATION OF EASEMENTS AND/OR RIGHT-OF-WAYS; AMENDING SECTIONS 20.15. PERMITTED BUILDING TYPES, 20.16. PRIVATE FRONTAGE, 20.17. BUILDING HEIGHT, 20.18. MINIMUM OFF-STREET PARKING REQUIREMENTS, 20.19. ALLEYWAYS AND DRIVEWAYS, 20.20. LANDSCAPING STANDARDS, 20.21. SCREENING OF ELEVATED BUILDINGS, 20.22 GENERAL BUILDING DESIGN (RESIDENTIAL); AMENDING AND RENAMING 20.23. GENERAL BUILDING DESIGN (NON-RESIDENTIAL) TO 20.23. GENERAL BUILDING DESIGN (NON-RESIDENTIAL AND MIXED-USE BUILDINGS); AMENDING SECTION 20.24. DESIGN REVIEW AND REQUIRED DRAWINGS; AND ADOPTING SECTION 20.25. PASS-A-GRILLE HISTORIC OVERLAY DESIGN GUIDEBOOK; TO ADOPT DEVELOPMENT STANDARDS TO PRESERVE THE HISTORIC CHARACTER OF PASS-A-GRILLE AND INCREASE COMPATIBILITY OF NEW DEVELOPMENT WITH THAT CHARACTER; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Berry requested that Ordinances 2025-07 and 2025-08 be heard together. Chair Hubbard granted this request.

Mr. Berry reviewed a presentation that is made part of the record. He stated these ordinances were reviewed by the Planning Board and the Historic Preservation Board at a workshop late last year. In addition, the City Commission also held a workshop, but staff received minimal feedback. He

reviewed changes since the workshops. Some changes include allowing pools in front yards only when setback and frontage requirements are met, and properties on platted alleyways must have driveway access from the alley rather than the main street. He stated there was one major change with Ordinance 2025-08, and that is regarding height and how it is measured.

Member Grocott clarified concerns regarding lot coverage, single-story commercial buildings, and street cutbacks.

Motion: Member Grocott moved, and Member Perry seconded, and the motion carried 5-0 to find Ordinance 2025-07 consistent with the Comprehensive Plan and recommend approval to the City Commission.

c. Recommendation of Ordinance 2025-08: Amendments to Land Development Code DIVISION 40 - COMMUNITY REDEVELOPMENT DISTRICT—EIGHTH AVENUE (CRD-EA), to the City Commission

AN ORDINANCE OF THE CITY OF ST. PETE BEACH AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE DIVISION 40 – COMMUNITY REDEVELOPMENT DISTRICT – EIGHTH AVENUE (CRD-EA), SECTIONS 40.1. PURPOSE AND INTENT., 40.8. BUILDING HEIGHT., AND 40.9. SETBACKS.; ADOPTING SECTIONS 40.13. ASSEMBLY OR LOT SPLIT OF A PARCEL(S), VACATION OF EASEMENTS OR RIGHT-OF-WAYS., 40.14. GENERAL BUILDING DESIGN., 40.15. DESIGN REVIEW AND REQUIRED DRAWINGS., AND 40.16. PASS-A-GRILLE HISTORIC OVERLAY DESIGN GUIDEBOOK.; TO AMEND AND ADOPT DEVELOPMENT STANDARDS TO PRESERVE THE HISTORIC CHARACTER OF PASS-A-GRILLE’S EIGHTH AVENUE AND VICINITY AND INCREASE COMPATIBILITY OF NEW DEVELOPMENT WITH THAT CHARACTER; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER’S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

This item was discussed with item 4.b.

Motion: Member Grocott moved, and Vice Chair Angelides seconded, and the motion carried 5-0 to find Ordinance 2025-08 consistent with the Comprehensive Plan and recommend approval to the City Commission.

d. Recommendation of Ordinance 2025-12: Amendments to Land Development Code Divisions 16 - CG-2 COMMERCIAL DISTRICT and 33 - CC2 COMMERCIAL CORRIDOR GULF BLVD DISTRICT, to the City Commission

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA CORRECTING ERRORS IN PRIOR ORDINANCES BY AMENDING THE CITY’S LAND DEVELOPMENT CODE DIVISION 16 CG-2 COMMERCIAL DISTRICT, SECTION 16.2 PERMITTED PRINCIPAL USES AND STRUCTURES TO RECOGNIZE AND ALLOW FULL-SERVICE RESTAURANTS, AND DIVISION 33 CC2 COMMERCIAL CORRIDOR GULF BLVD DISTRICT, SECTION 33.7 DENSITY AND INTENSITY TO CLARIFY THAT SINGLE-FAMILY RESIDENCES ARE PROHIBITED; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

Mr. Berry reviewed a presentation that is made part of the record. He stated this is a corrective ordinance and addresses two changes that were overlooked during prior amendments in 2015 and 2017. The ordinance clarifies development-related interpretation issues and permits full-service restaurant development and redevelopment in the CG-2 zoning district, as originally intended. It also removes conflicting density language from the CC-2 zoning district to reduce ambiguity regarding single-family residential development.

Motion: Member Rae moved, and Vice Chair Angelides seconded, and the motion carried 5-0 to find Ordinance 2025-12 consistent with the Comprehensive Plan and recommend approval to the City Commission.

Chair Hubbard adjourned as the LPA at 4:33 PM and reconvened as the Planning Board.

5. Discussion Items

a. House Bill 1535 - Added

Chair Hubbard informed the board of HB 1535, which updates and expands emergency-related policies, including tenant rights, election procedures after emergencies, and emergency management planning. He raised concerns about whether the City was aware of this. Attorney Brookes clarified that this bill has passed three committees without much opposition, and according to the City's Lobbyist and local representatives, it will be difficult to stop this from moving forward.

6. Adjournment - Next meeting May 19, 2025.

There being no further business, Chair Hubbard adjourned the meeting at 4:36 PM.

These minutes will be considered for approval at the May 19, 2025 meeting of the Planning Board.

**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: SB 180 and its impacts on land development regulations

Action Request: None - for discussion purposes.

Strategic Objective:

Date: May 19, 2025

Prepared By: Brandon Berry, Senior Planner

Through: Laura Canary, Community Development Director

Summary of Issue: SB 180, which was enrolled by the Legislature on May 5th and is pending the Governor's signature, contains similar language to a bill passed after Hurricane Ian (SB 250, 2023) that prohibited municipalities within a specified distance from adopting moratoriums on reconstruction, more restrictive or burdensome land development or comprehensive plan amendments, or stricter procedures for development order issuance.

SB 180 preempts municipalities from adopting a cumulative substantial improvement rule, which was voluntarily repealed by St. Pete Beach in December 2024, requires municipalities to prepare and publish a post-storm permitting plan, and takes other preemptive action against more general municipal activities. For Planning Board discussion purposes, the bill also prohibits the following until October 1, 2027, retroactive to August 1, 2024:

1. Propose or adopt a moratorium on construction, reconstruction, or redevelopment of a hurricane-damaged property;
2. Propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations;
3. Propose or adopt more restrictive or burdensome procedures concerning review,

approval, or issuance of a site plan, development permit, or development order, pursuant to s. 163.3164, F.S.

While providing a fifteen-day corrective period, any ordinance adopted contrary to the three preemptions above is void ab initio.

"Development permit" as defined in Statute is much more extensive than the scope of work that typically concerns planning directly and includes building permits, with "development" pertaining to structures such as signs and fences that frequently are excluded from high-level development review.

Staff will review the impact, if any, on recent ordinances recommended by the Planning Board, including the following:

Ordinance 2025-10: Sign ordinance amendments

Ordinance 2025-07: Pass-A-Grille Overlay District amendments

Ordinance 2025-08: CRD-Eighth Avenue District amendments

Funding:

N/A

Attachments:

1. Enrolled SB 180
2. Development Definition - FS 380.04
3. Community Planning Act Definitions - FS 163.3164

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1
2 An act relating to emergencies; amending s. 83.63,
3 F.S.; requiring certain tenants to be given specified
4 opportunities or notice; creating s. 163.31795, F.S.;
5 defining the terms "cumulative substantial improvement
6 period" and "local government"; prohibiting certain
7 local governments from adopting ordinances for
8 substantial improvements or repairs to a structure
9 which include cumulative substantial improvement
10 periods; amending s. 163.31801, F.S.; prohibiting
11 certain entities from assessing impact fees for
12 specified replacement structures; providing an
13 exception; providing construction; amending s.
14 193.155, F.S.; revising the square footage limitations
15 for certain changes, additions, and improvements to
16 damaged property; amending s. 215.559, F.S.; removing
17 a reference to a certain report; revising public
18 hurricane shelter funding prioritization requirements
19 for the Division of Emergency Management; amending s.
20 250.375, F.S.; authorizing certain servicemembers to
21 provide medical care in specified circumstances;
22 amending s. 252.35, F.S.; revising requirements for
23 the state comprehensive emergency management plan;
24 requiring such plan to include an update on the status
25 of certain emergency management capabilities;
26 requiring the division to collaborate with the
27 Department of Health; revising responsibilities of the
28 division; requiring the division to develop a certain
29 template; revising the purpose of certain training

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programs; requiring the division to set the minimum number of training hours that specified individuals must complete biennially; authorizing such training to be provided by certain entities; 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; removing a specified reporting requirement; amending s. 252.355, F.S.; authorizing the Department of Veterans' Affairs to provide certain information to specified clients or their caregivers; requiring the Florida Housing Finance Corporation to enter into memoranda of understanding with specified agencies for a certain purpose; providing that specified persons may use special needs shelters in certain circumstances; amending s. 252.3611, F.S.; directing specified entities to submit specified contracts and reports to the Legislature under specified conditions; requiring such contracts to be posted on a specified secure contract system; requiring the division to report annually to the Legislature specified information on expenditures relating to emergencies; providing requirements for such report; amending s. 252.363, F.S.; providing for the tolling and extension of certain determinations; providing for retroactive application; amending s. 252.365, F.S.; requiring

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59 agency heads to notify the Governor and the division
60 of the person designated as the emergency coordination
61 officer annually by a specified date; amending s.
62 252.3655, F.S.; creating the natural hazards risks and
63 mitigation interagency coordinating group; providing
64 the purpose of the group; providing for the membership
65 and administration of the group; requiring agency
66 representatives to provide information relating to
67 natural hazards to this state, agency resources, and
68 efforts to address and mitigate risks and impacts of
69 natural hazards; requiring the group to meet in person
70 or by communications media technology at least
71 quarterly for specified purposes; requiring specified
72 agency heads to meet at least annually to strategize
73 and prioritize state efforts; requiring the division,
74 on behalf of the group, to prepare an annual progress
75 report and submit such report to the Governor and
76 Legislature; revising requirements for such report;
77 amending s. 252.37, F.S.; requiring the division to
78 notify the Legislature of its intent to accept or
79 apply for federal funds under certain circumstances;
80 requiring the division to take steps to maximize the
81 availability and expedite the distribution of
82 financial assistance from the Federal Government to
83 state and local agencies; requiring that such steps
84 include the standardization and streamlining of the
85 application process for federal financial assistance
86 and the provision of assistance to applicants for a
87 specified purpose; requiring the division to use

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88 certain federal funds to implement such requirements;
89 amending s. 252.373, F.S.; conforming a cross-
90 reference; amending s. 252.38, F.S.; requiring
91 political subdivisions to annually provide specified
92 notification to the division before a specified date;
93 creating s. 252.381, F.S.; requiring counties and
94 municipalities to post certain information on their
95 websites; requiring counties and municipalities to
96 develop a poststorm permitting plan; providing
97 requirements for such plan; requiring counties and
98 municipalities to update such plan by a specified date
99 annually; requiring counties and municipalities to
100 publish on their websites a specified storm recovery
101 guide by a specified date annually; providing
102 requirements for such guide; requiring certain
103 counties and municipalities to publish on their
104 websites updates to such guide as soon as practicable
105 following a storm; prohibiting certain counties and
106 municipalities from increasing building permit or
107 inspection fees within a specified timeframe;
108 requiring counties and municipalities to allow
109 individuals to receive certain letters electronically
110 on or before a specified date; requiring certain
111 counties and municipalities to use their best efforts
112 to open a permitting office for a minimum number of
113 hours per week; amending s. 252.385, F.S.; revising
114 reporting requirements for the division; revising
115 requirements for a specified list; requiring the
116 Department of Health and the Agency for Persons with

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Disabilities to assist the division with certain determinations; creating s. 252.422, F.S.; defining the term "impacted local government"; prohibiting impacted local governments from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe; authorizing the enforcement of certain amendments, plans, permits, and orders under certain circumstances; authorizing any person to file suit to enforce specified provisions; authorizing counties and municipalities to request a specified determination by a court; prohibiting counties and municipalities from taking certain actions until the court has issued a preliminary or final judgment; requiring plaintiffs to provide certain notification before filing suit; requiring impacted local governments to take certain actions upon receipt of such notification or a suit may be filed; providing for reasonable attorney fees and costs; authorizing the use of a certain summary procedure; requiring the court to advance the cause on the calendar; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study on certain local government actions after hurricanes; specifying requirements for the study and legislative recommendations; requiring the office to submit a report to the Legislature by a specified date; creating s. 252.505, F.S.; requiring that certain contracts include a specified provision; defining the term "emergency recovery period"; amending s. 373.423,

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F.S.; requiring the Department of Environmental Protection to submit a Flood Inventory and Restoration Report to the division by a specified date; requiring the department to work with specified entities to compile information for the report; providing specifications for the report; requiring the owner of certain infrastructure to submit certain information to the department; requiring the department to review and update the report biannually; requiring the department to submit an updated report to the division by a specified date; amending s. 380.0552, F.S.; revising the maximum evacuation clearance time for permanent residents of the Florida Keys Area, which time is an element for which amendments to local comprehensive plans in the Florida Keys Area must be reviewed for compliance; requiring the Department of Commerce to conduct baseline modeling scenarios and gather data to determine the number of building permit allocations for distribution in the Florida Keys Area; requiring that such allocations be distributed in a specified manner and over a specified timeframe; prohibiting such allocations from exceeding a specified number; requiring that permits be issued for certain parcels and the distribution of such permits prioritize specified allocations; 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 certain addendums to certain contracts and agreements; requiring counties

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and municipalities to apply to the department for authorization to designate at least one debris management site; authorizing municipalities to apply jointly with a county or adjacent municipality for authorization of a debris management site if such entities approve a memorandum of understanding; providing requirements for such memorandum; creating s. 489.1132, F.S.; providing definitions; requiring a hurricane preparedness plan to be available for inspection at certain worksites; requiring certain equipment to be secured in a specified manner no later than 24 hours before the impacts of a hurricane are anticipated to begin; providing penalties; requiring the Florida Building Commission to establish specified best practices and report findings to the Legislature by a specified date; amending s. 553.902, F.S.; revising the definition of the term "renovated building"; requiring the division to consult with specified entities to develop certain recommendations and provide a report to the Legislature by a specified date; prohibiting certain counties from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe; declaring that such moratoriums, amendments, or procedures are null and void; providing for retroactive application; authorizing the enforcement of certain amendments, plans, permits, and orders under certain circumstances; authorizing certain residents and business owners to bring a civil action for

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declaratory and injunctive relief against a county or municipality that violates specified provisions; providing for reasonable attorney fees and costs under specified circumstances; providing for future expiration; providing a directive to the Division of Law Revision; providing effective dates.

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

Section 1. Section 83.63, Florida Statutes, is amended to read:

83.63 Casualty damage.—If the premises are damaged or destroyed other than by the wrongful or negligent acts of the tenant so that the enjoyment of the premises is substantially impaired:

(1) The tenant may terminate the rental agreement and immediately vacate the premises. The tenant may vacate the part of the premises rendered unusable by the casualty, in which case the tenant's liability for rent shall be reduced by the fair rental value of that part of the premises damaged or destroyed. If the rental agreement is terminated, the landlord shall comply with s. 83.49(3).

(2) The tenant must be given:

(a) The opportunity to collect his or her belongings from the premises when it is safe to do so; or

(b) Notice of the date by which the tenant will be able to collect his or her belongings from the premises, which must occur within a reasonable time.

Section 2. Section 163.31795, Florida Statutes, is created

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to read:

163.31795 Participation in the National Flood Insurance Program.—

(1) For purposes of this section, the term:

(a) "Cumulative substantial improvement period" means the period during which an aggregate of improvements or repairs are considered for purposes of determining substantial improvement as defined in s. 161.54(12).

(b) "Local government" has the same meaning as in s. 163.2514.

(2) A local government that is participating in the National Flood Insurance Program may not adopt or enforce an ordinance for substantial improvements or repairs to a structure which includes a cumulative substantial improvement period.

Section 3. Subsection (14) is added to section 163.31801, Florida Statutes, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(14) A local government, school district, or special district may not assess an impact fee for the reconstruction or replacement of a previously existing structure if the replacement structure is of the same land use as the original structure and does not increase the impact on public facilities beyond that of the original structure. However, if the replacement structure increases the demand on public facilities due to a significant increase in size, intensity, or capacity of use, a local government, school district, or special district may assess an impact fee in an amount proportional to the difference in the demand between the replacement structure and

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the original structure. Any such fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the reconstruction or replacement of a previously existing structure.

Section 4. Paragraph (b) of subsection (4) of section 193.155, Florida Statutes, is amended to read:

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

(4)

(b)1. Changes, additions, or improvements that replace all 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 130 ~~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.

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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 130 ~~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 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.

Section 5. 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 shelters. Each year the division shall prioritize the use of

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

250.375 Medical officer authorization.—A servicemember
trained to provide medical care who is serving under the
direction of the Florida National Guard State Surgeon and is
assigned to a military duty position and authorized by the
Florida National Guard to provide medical care within the scope
of the servicemember's professional licensure 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 7. Paragraphs (y) through (dd) of subsection (2) of
section 252.35, Florida Statutes, are redesignated as paragraphs
(x) through (cc), respectively, paragraphs (a), (c), and (n) and
present paragraph (x) of that subsection are amended, and a new
paragraph (dd) is added to that subsection, to read:

252.35 Emergency management powers; Division of Emergency

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Management.—

(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 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 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

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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 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

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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 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

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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 update must include the emergency management capabilities related to public health emergencies, as determined in collaboration with the Department of Health.

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 include the development of a template for comprehensive emergency management plans, including plans for natural disasters, and guidance on the development of mutual aid agreements.

(n) Implement training programs to maintain this state'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

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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). Such training may be provided by the division or, for county personnel, by a foundation that is a not-for-profit corporation under s. 501(c)(3) of the Internal Revenue Code and has a governing board that includes in its membership county commissioners and professional county staff. If training is provided by a foundation, such training must be approved by the division.

~~(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

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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 8. Subsection (4) of section 252.355, Florida Statutes, is renumbered as subsection (5), paragraph (b) of subsection (2) is amended, and a new subsection (4) is added to that section, to read:

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

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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 Florida Housing Finance Corporation shall enter into memoranda of understanding with the Department of Elderly Affairs and with the Agency for Persons with Disabilities to ensure special needs registration information is provided to residents of low-income senior independent living properties and independent living properties for persons with intellectual or developmental disabilities funded by the Florida Housing Finance Corporation, respectively. 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 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

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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.

(4) The caregiver of a person with special needs who is eligible for admission to a special needs shelter, and all persons for whom he or she is the caregiver, shall be allowed to shelter together in the special needs shelter. If a person with special needs is responsible for the care of persons without special needs, those persons shall be allowed to use the special needs shelter with the person with special needs.

Section 9. Effective January 1, 2026, subsection (2) of section 252.3611, Florida Statutes, is 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:

(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 declared state of emergency, including contracts executed before

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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.

(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 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,

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610 separated by emergency event and agency, for preparing for,
611 responding to, or recovering from the event, including motor
612 vehicles, boats, computers, and other equipment, and the current
613 status of such assets, including divestment, sale, or donation
614 by the state. The report must include a detailed accounting for
615 the entire report time period and specify a total for the event.

616 Section 10. Paragraph (a) of subsection (1) of section
617 252.363, Florida Statutes, is amended to read:

618 252.363 Tolling and extension of permits and other
619 authorizations.—

620 (1)(a) The declaration of a state of emergency issued by
621 the Governor for a natural emergency tolls the period remaining
622 to exercise the rights under a permit or other authorization for
623 the duration of the emergency declaration. Further, the
624 emergency declaration extends the period remaining to exercise
625 the rights under a permit or other authorization for 24 months
626 in addition to the tolled period. The extended period to
627 exercise the rights under a permit or other authorization may
628 not exceed 48 months in total in the event of multiple natural
629 emergencies for which the Governor declares a state of
630 emergency. The tolling and extension of permits and other
631 authorizations under this paragraph shall apply retroactively to
632 September 28, 2022, except in the case of the formal
633 determination of the delineation of the extent of wetlands under
634 s. 373.421, in which case tolling and extension of
635 determinations under this paragraph shall apply retroactively to
636 January 1, 2023. This paragraph applies to the following:

637 1. The expiration of a development order issued by a local
638 government.

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2. The expiration of a building permit.

3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.

4. Permits issued by the Department of Environmental Protection or a water management district pursuant to part II of chapter 373 for land subject to a development agreement under ss. 163.3220-163.3243 in which the permittee and the developer are the same or a related entity.

5. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c).

6. The expiration of a development permit or development agreement authorized by Florida Statutes, including those authorized under the Florida Local Government Development Agreement Act, or issued by a local government or other governmental agency.

7. The formal determination of the delineation of the extent of wetlands under s. 373.421.

Section 11. Subsection (4) of section 252.365, Florida Statutes, is amended to read:

252.365 Emergency coordination officers; disaster-preparedness plans.—

(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 12. Section 252.3655, Florida Statutes, is amended

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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. 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.

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697 11. Fish and Wildlife Conservation Commission.

698 12. Office of Insurance Regulation.

699 13. Public Service Commission.

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

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

708 (d) Each agency representative ~~liaison~~ shall provide
709 information from his or her respective agency, including all
710 relevant reports, on the current and potential risks and impacts
711 of natural hazards to this state ~~to his or her agency~~, agency
712 resources available, and efforts made by the agency to address
713 and mitigate the risks and impacts of ~~against~~ natural hazards,
714 ~~and efforts made by the agency to address the impacts of natural~~
715 ~~hazards.~~

716 (e) 1. The coordinating group ~~workgroup~~ shall meet in person
717 or by means of communications media technology as provided in s.
718 120.54(5)(b)2. at least ~~teleconference on a quarterly basis~~ to
719 share information, leverage agency resources, coordinate ongoing
720 efforts, and provide information for inclusion in the annual
721 progress report submitted pursuant to subsection (2). Agency
722 heads for the agencies listed in paragraph (b) shall meet in
723 person at least annually to collectively strategize and
724 prioritize state efforts.

725 2. Information regarding the coordinating group, including

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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;

3. Provide recommendations regarding statutory changes and funding that may assist in addressing or mitigating the risks 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 ~~workgroup~~ shall submit the annual progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 13. Paragraphs (c) and (d) of subsection (5) of section 252.37, Florida Statutes, are redesignated as paragraphs

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(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 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 costs or other funds as appropriated to implement this subsection.

Section 14. Paragraph (a) of subsection (2) of section 252.373, Florida Statutes, is amended to read:

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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 15. 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 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

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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.—

(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, the emergency contact must be the county emergency management director.

Section 16. Section 252.381, Florida Statutes, is created to read:

252.381 Information related to natural emergencies; poststorm county and municipal permitting; operations.—

(1) Each county and municipality must post on its publicly

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accessible website:

(a) A frequently asked questions web page related to natural emergency response, emergency preparedness, and public relief for residents following an emergency. The web page must answer questions concerning resident evacuations; safety tips; generator, food and drinking water, and wastewater and stormwater safety; damage assessment; debris cleanup; accessing assistance through the Federal Emergency Management Agency and this state; building recovery; natural emergency guidance; applicable laws; and what to do before, during, and after an emergency.

(b) A disaster supply list and a list of emergency shelters.

(c) Links to information about flood zones.

(d) A checklist for residents explaining next steps to take during postdisaster recovery.

(e) Information specific to persons with disabilities, including, but not limited to, guidelines for special needs shelter registration; an explanation of how to register for special needs shelters and where to obtain assistance with that process; guidelines as to the level of care that is or is not provided at a special needs shelter as well as situations when either a general population shelter or hospital should be considered; and any other postdisaster assistance or resources available to affected persons with disabilities impacted by a disaster.

(2) (a) Each county and municipality shall develop a poststorm permitting plan to expedite recovery and rebuilding by providing for special building permit and inspection procedures

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after a hurricane or tropical storm. The plan must, at a minimum:

1. Ensure sufficient personnel are prepared and available to expeditiously manage postdisaster 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.

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

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

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

(b) Each county and municipality shall update the plan no

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later than May 1 annually.

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

1. The types of poststorm repairs that require a permit and applicable fees.

2. The types of poststorm repairs that do not require a permit.

3. The poststorm permit application process and specific 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.

(4) 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 may not increase building permit or

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inspection fees.

(5) On or before May 1, 2026, each county and municipality must provide an online option for receiving, reviewing, and accessing substantial damage and substantial improvement letters. The county or municipality must allow homeowners to provide an e-mail address where they can receive digital copies of such letters.

(6) As soon as reasonably practicable following the landfall and passage of a hurricane or tropical storm, each county and municipality that has experienced a direct impact from a natural emergency must use its best efforts to open a permitting office at which residents can access government services for at least 40 hours per week.

Section 17. 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.

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958 ~~(b) By January 31 of each even-numbered year, the division~~
959 ~~shall prepare and submit a statewide emergency shelter plan to~~
960 ~~the Governor and Cabinet for approval, subject to the~~
961 ~~requirements for approval in s. 1013.37(2). The emergency~~
962 ~~shelter plan must project, for each of the next 5 years, the~~
963 ~~hurricane shelter needs of the state, including periods of time~~
964 ~~during which a concurrent public health emergency may~~
965 ~~necessitate more space for each individual to accommodate~~
966 ~~physical distancing. In addition to information on the general~~
967 ~~shelter needs throughout this state, the plan must identify the~~
968 ~~general location and square footage of special needs shelters,~~
969 ~~by regional planning council region. The plan must also include~~
970 ~~information on the availability of shelters that accept pets.~~
971 ~~The Department of Health shall assist the division in~~
972 ~~determining the estimated need for special needs shelter space~~
973 ~~and the adequacy of facilities to meet the needs of persons with~~
974 ~~special needs based on information from the registries of~~
975 ~~persons with special needs and other information.~~

976 (3)(a) The division shall annually provide by October 15 to
977 the Governor, the President of the Senate, and the Speaker of
978 the House of Representatives a report that includes, ~~and the~~
979 ~~Governor~~ a list of facilities recommended to be retrofitted
980 using state funds. State funds should be maximized and targeted
981 to projects in counties ~~regional planning council regions~~ with
982 hurricane evacuation shelter deficits. Additionally, the
983 division shall prioritize on the list of recommended facilities
984 other state-owned, municipal-owned, and county-owned public
985 buildings, other than schools, for retrofitting using state
986 funds. The owner or lessee of a public hurricane evacuation

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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 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 18. Section 252.422, Florida Statutes, is created to read:

252.422 Restrictions on county or municipal regulations after a hurricane.—

(1) As used in this section, the term "impacted local government" means a county listed in a federal disaster declaration located entirely or partially within 100 miles of the track of a storm declared to be a hurricane by the National Hurricane Center while the storm was categorized as a hurricane or a municipality located within such a county.

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(2) For 1 year after a hurricane makes landfall, an impacted local government may not propose or adopt:

(a) A moratorium on construction, reconstruction, or redevelopment of any property.

(b) A more restrictive or burdensome amendment to its comprehensive plan or land development regulations.

(c) A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined in s. 163.3164.

(3) Notwithstanding subsection (2), a comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by an impacted local government before or after the effective date of this act may be enforced if:

(a) The associated application is initiated by a private party other than the impacted local government and the property that is the subject of the application is owned by the initiating private party;

(b) The proposed comprehensive plan amendment was submitted to reviewing agencies pursuant to s. 163.3184 before landfall; or

(c) The proposed comprehensive plan amendment or land development regulation is approved by the state land planning agency pursuant to s. 380.05.

(4) (a) Any person may file suit against any impacted local government for declaratory and injunctive relief to enforce this section.

(b) A county or municipality may request a determination by

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1045 a court of competent jurisdiction as to whether such action
1046 violates this section. Upon such a request, the county or
1047 municipality may not enforce the action until the court has
1048 issued a preliminary or final judgment determining whether the
1049 action violates this section.

1050 (c) Before a plaintiff may file suit, the plaintiff shall
1051 notify the impacted local government by setting forth the facts
1052 upon which the complaint or petition is based and the reasons
1053 the impacted local government's action violates this section.
1054 Upon receipt of the notice, the impacted local government shall
1055 have 14 days to withdraw or revoke the action at issue or
1056 otherwise declare it void. If the impacted local government does
1057 not withdraw or revoke the action at issue within the time
1058 prescribed, the plaintiff may file suit. The plaintiff shall be
1059 entitled to entry of a preliminary injunction to prevent the
1060 impacted local government from implementing the challenged
1061 action during pendency of the litigation. In any action
1062 instituted pursuant to this paragraph, the prevailing plaintiff
1063 shall be entitled to reasonable attorney fees and costs.

1064 (d) In any case brought under this section, all parties are
1065 entitled to the summary procedure provided in s. 51.011, and the
1066 court shall advance the cause on the calendar.

1067 (5) The Office of Program Policy Analysis and Government
1068 Accountability (OPPAGA) shall conduct a study on actions taken
1069 by local governments after hurricanes which are related to
1070 comprehensive plans, land development regulations, and
1071 procedures for review, approval, or issuance of site plans,
1072 permits, or development orders. The study must focus on the
1073 impact that local governmental actions, including moratoriums,

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ordinances, and procedures, have had or may have on construction, reconstruction, or redevelopment of any property damaged by hurricanes. In its research, OPPAGA shall survey stakeholders that play integral parts in the rebuilding and recovery process. OPPAGA shall make recommendations for legislative options to remove impediments to the construction, reconstruction, or redevelopment of any property damaged by a hurricane and prevent the implementation by local governments of burdensome or restrictive procedures and processes. OPPAGA shall submit the report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2025.

Section 19. Effective January 1, 2026, section 252.505, Florida Statutes, is created to read:

252.505 Breach of contract during emergency recovery periods for natural emergencies.—Each state or local government contract for goods or services related to emergency response for a natural emergency entered into, renewed, or amended on or after July 1, 2025, must include a provision that requires a vendor or service provider that breaches such contract during an emergency recovery period to pay a \$5,000 penalty and damages, which may be either actual and consequential damages or liquidated damages. As used in this section, the term “emergency recovery period” means a 1-year period that begins on the date that the Governor initially declared a state of emergency for a natural emergency.

Section 20. Subsection (4) is added to section 373.423, Florida Statutes, to read:

373.423 Inspection.—

(4) (a) By September 1, 2026, the department shall submit a

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Flood Inventory and Restoration Report to the Division of
Emergency Management. The department must work with water
management districts, local governments, and operators of public
and private stormwater management systems to compile the
necessary information for the report, which must:

1. Identify priority infrastructure needs within each water
management district jurisdiction that may result in flooding or
property damage or threaten human health if left unaddressed;

2. Identify locations that have both historic flooding
occurrences, based on flood zones identified by the Federal
Emergency Management Agency, and the potential to flood from
future significant storm events, such as hurricanes and tropical
storms;

3. For each location identified in subparagraph 1. or
subparagraph 2., include an inspection and maintenance schedule
and specific information on the age of the infrastructure,
upstream impacts, and other factors that may lead to system
failure if unaddressed; and

4. Include a list of facilities prioritized for funding to
address flooding issues.

(b) The owner of any priority infrastructure identified in
the report must submit an inspection and maintenance schedule to
the department.

(c) The department must review and update the report on a
biannual basis. The report must provide information regarding
compliance with the inspection and maintenance schedules,
include any additional revisions based on storm event
experience, and revise the list of facilities as new flooding
events take place and new projects are implemented to alleviate

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infrastructure deficiencies which led to flooding events. The
department must submit an updated report to the Division of
Emergency Management by September 1 of each year in which the
report is due.

Section 21. Paragraph (a) of subsection (9) of section
380.0552, Florida Statutes, is amended to read:

380.0552 Florida Keys Area; protection and designation as
area of critical state concern.—

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local
comprehensive plan in the Florida Keys Area may be enacted,
amended, or rescinded by a local government, but the enactment,
amendment, or rescission becomes effective only upon approval by
the state land planning agency. The state land planning agency
shall review the proposed change to determine if it is in
compliance with the principles for guiding development specified
in chapter 27F-8, Florida Administrative Code, as amended
effective August 23, 1984, and must approve or reject the
requested changes within 60 days after receipt. Amendments to
local comprehensive plans in the Florida Keys Area must also be
reviewed for compliance with the following:

1. Construction schedules and detailed capital financing
plans for wastewater management improvements in the annually
adopted capital improvements element, and standards for the
construction of wastewater treatment and disposal facilities or
collection systems that meet or exceed the criteria in s.
403.086(11) for wastewater treatment and disposal facilities or
s. 381.0065(4)(1) for onsite sewage treatment and disposal
systems.

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2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24.5 ~~24~~ hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. For purposes of hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent residents.

b. The City of Key West Area of Critical State Concern established by chapter 28-36, Florida Administrative Code, shall be included in the hurricane evacuation study and is subject to the evacuation requirements of this subsection.

Section 22. The Department of Commerce shall conduct baseline modeling scenarios and gather data in order to determine a number of building permit allocations to be distributed in the Florida Keys Area based upon the hurricane evacuation clearance time provided in s. 380.0552(9)(a), Florida Statutes, as amended by this act. The permit allocations must be distributed to counties and municipalities based on the number of vacant buildable lots within each jurisdiction. The permit allocations must be distributed over a period of at least 10 years but may not exceed 900 total permit allocations. All permits must be issued for vacant, buildable parcels, of which only one may be awarded for any individual parcel, and the distribution of which must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing.

Section 23. Subsection (1) of section 400.063, Florida

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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 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 24. 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

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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, debris, or waste. 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 25. Section 489.1132, Florida Statutes, is created to read:

489.1132 Regulation of hoisting equipment used in construction, demolition, or excavation work during a hurricane.—

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

(a) "Controlling entity" means the general contractor, prime contractor, or construction manager with overall responsibility for a construction project.

(b) "Hoisting equipment" means power-operated cranes, derricks, and hoists used in construction, demolition, or excavation work that are regulated by the Occupational Safety and Health Administration.

(c) "Mobile crane" means a type of hoisting equipment incorporating a cable-suspended latticed boom or hydraulic telescoping boom designed to be moved between operating locations by transport over a roadway. The term does not include a mobile crane with a boom length of less than 25 feet or a maximum rated load capacity of less than 15,000 pounds.

(d) "Tower crane" means a type of hoisting equipment using a vertical mast or tower to support a working boom in an elevated position if the working boom can rotate to move loads laterally either by rotating at the top of the mast or tower or by the rotation of the mast or tower itself, whether the mast or tower base is fixed in one location or ballasted and moveable between locations.

(2) (a) When a tower crane or mobile crane is located on a worksite, a hurricane preparedness plan for the crane must be available for inspection at the worksite.

(b) In preparation for a hurricane, the controlling entity must ensure that hoisting equipment is secured in the following manner no later than 24 hours before the impacts of the hurricane are anticipated to begin:

1. All hoisting equipment must be secured in compliance

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with manufacturer recommendations relating to hurricane and high-wind events, including any recommendations relating to the placement, use, and removal of advertising banners and rigging.

2. Tower crane turntables must be lubricated before the event.

3. Fixed booms on mobile cranes must be laid down whenever feasible.

4. Booms on hydraulic cranes must be retracted and stored.

5. The counterweights of any hoists must be locked below the top tie-in.

6. Tower cranes must be set in the weathervane position.

7. All rigging must be removed from hoist blocks.

8. All power at the base of tower cranes must be disconnected.

(3) A person licensed under this part who intentionally violates this section is subject to discipline under ss. 455.227 and 489.129.

(4) The Florida Building Commission shall establish best practices for the utilization of tower cranes and hoisting equipment on construction job sites during hurricane season and report its findings to the Legislature by December 31, 2026.

Section 26. Subsection (6) of section 553.902, Florida Statutes, is amended to read:

553.902 Definitions.—As used in this part, the term:

(6) “Renovated building” means a residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, if the estimated cost of renovation exceeds 30 percent of the assessed value of the

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structure. However, if the alteration is a result of a natural disaster that is the subject of a declaration of a state of emergency by the Governor, the estimated cost of renovation must exceed 75 percent of the fair market value of the building before the natural disaster.

Section 27. The Division of Emergency Management shall consult with local governments, the Department of Business and Professional Regulation, the Department of Environmental Protection, and any other appropriate agencies to develop recommendations for statutory changes necessary to streamline the permitting process for repairing and rebuilding structures damaged during natural emergencies. By July 1, 2026, the division shall provide a report containing such recommendations to the President of the Senate and the Speaker of the House of Representatives.

Section 28. (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, may 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 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

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1335 null and void ab initio. This subsection applies retroactively
1336 to August 1, 2024.

1337 (2) Notwithstanding subsection (1), any comprehensive plan
1338 amendment, land development regulation amendment, site plan,
1339 development permit, or development order approved or adopted by
1340 a county or municipality before or after the effective date of
1341 this act may be enforced if:

1342 (a) The associated application is initiated by a private
1343 party other than the county or municipality.

1344 (b) The property that is the subject of the application is
1345 owned by the initiating private party.

1346 (3) (a) A resident of or the owner of a business in a county
1347 or municipality may bring a civil action for declaratory and
1348 injunctive relief against the county or municipality for a
1349 violation of this section. Pending adjudication of the action
1350 and upon filing of a complaint showing a violation of this
1351 section, the resident or business owner is entitled to a
1352 preliminary injunction against the county or municipality
1353 preventing implementation of the moratorium or the comprehensive
1354 plan amendment, land development regulation, or procedure. If
1355 such civil action is successful, the resident or business owner
1356 is entitled to reasonable attorney fees and costs.

1357 (b) Attorney fees and costs and damages may not be awarded
1358 pursuant to this subsection if:

1359 1. The resident or business owner provides the governing
1360 body of the county or municipality written notice that a
1361 proposed or enacted moratorium, comprehensive plan amendment,
1362 land development regulation, or procedure is in violation of
1363 this section; and

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1364 2. The governing body of the county or municipality
1365 withdraws the proposed moratorium, comprehensive plan amendment,
1366 land development regulation, or procedure within 14 days; or, in
1367 the case of an adopted moratorium, comprehensive plan amendment,
1368 land development regulation, or procedure, the governing body of
1369 a county or municipality notices an intent to repeal within 14
1370 days after receipt of the notice and repeals the moratorium,
1371 comprehensive plan amendment, land development regulation, or
1372 procedure within 14 days thereafter.

1373 (4) This section expires June 30, 2028.

1374 Section 29. The Division of Law Revision is directed to
1375 replace the phrase "the effective date of this act" wherever it
1376 occurs in this act with the date this act becomes a law.

1377 Section 30. Except as otherwise provided in this act, this
1378 act shall take effect upon becoming a law.

The 2024 Florida Statutes (including 2025 Special Session C)

[Title XXVIII](#)
NATURAL RESOURCES; CONSERVATION,
RECLAMATION, AND USE

[Chapter 380](#)
LAND AND WATER
MANAGEMENT

[View Entire
Chapter](#)

380.04 Definition of development.—

(1) The term “development” means 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.

(2) The following activities or uses shall be taken for the purposes of this chapter to involve “development,” as defined in this section:

(a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.

(b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

(c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any “coastal construction” as defined in s. [161.021](#).

(d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.

(e) Demolition of a structure.

(f) Clearing of land as an adjunct of construction.

(g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(3) The following operations or uses shall not be taken for the purpose of this chapter to involve “development” as defined in this section:

(a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

(b) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, or renewing on established rights-of-way or corridors, or constructing on established or to-be-established rights-of-way or corridors, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners.

(c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

(e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

(f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

(g) A change in the ownership or form of ownership of any parcel or structure.

(h) The creation or termination of rights of access, riparian rights, easements, distribution and transmission corridors, covenants concerning development of land, or other rights in land.

(4) “Development,” as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, “development” refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (1).

History.—s. 4, ch. 72-317; s. 2, ch. 83-308; s. 94, ch. 2002-20; s. 29, ch. 2002-296; s. 2, ch. 2018-34.

The 2024 Florida Statutes (including 2025 Special Session C)

Title XI	Chapter 163	View Entire Chapter
COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	INTERGOVERNMENTAL PROGRAMS	

163.3164 Community Planning Act; definitions.—As used in this act:

(1) “Adaptation action area” or “adaptation area” means a designation in the coastal management element of a local government’s comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

(2) “Administration Commission” means the Governor and the Cabinet, and for purposes of this chapter the commission shall act on a simple majority vote, except that for purposes of imposing the sanctions provided in s. [163.3184](#)(8), affirmative action shall require the approval of the Governor and at least three other members of the commission.

(3) “Affordable housing” has the same meaning as in s. [420.0004](#)(3).

(4) “Agricultural enclave” means an unincorporated, undeveloped parcel that:

- (a) Is owned by a single person or entity;
- (b) Has been in continuous use for bona fide agricultural purposes, as defined by s. [193.461](#), for a period of 5 years prior to the date of any comprehensive plan amendment application;
- (c) Is surrounded on at least 75 percent of its perimeter by:
 - 1. Property that has existing industrial, commercial, or residential development; or
 - 2. Property that the local government has designated, in the local government’s comprehensive plan, zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such property is existing industrial, commercial, or residential development;
- (d) Has public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. [163.3180](#); and

(e) Does not exceed 1,280 acres; however, if the property is surrounded by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area shall be determined to be urban and the parcel may not exceed 4,480 acres.

(5) “Antiquated subdivision” means a subdivision that was recorded or approved more than 20 years ago and that has substantially failed to be built and the continued buildout of the subdivision in accordance with the subdivision’s zoning and land use purposes would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder current planning practices, and lead to inefficient and fiscally irresponsible development patterns as determined by the respective jurisdiction in which the subdivision is located.

(6) “Area” or “area of jurisdiction” means the total area qualifying under this act, whether this be all of the lands lying within the limits of an incorporated municipality, lands in and adjacent to incorporated municipalities, all unincorporated lands within a county, or areas comprising combinations of the lands in incorporated municipalities and unincorporated areas of counties.

(7) “Capital improvement” means physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purposes of this part, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

(8) “Coastal area” means the 35 coastal counties and all coastal municipalities within their boundaries.

(9) “Compatibility” means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

(10) “Comprehensive plan” means a plan that meets the requirements of ss. [163.3177](#) and [163.3178](#).

(11) “Deepwater ports” means the ports identified in s. [403.021\(9\)](#).

(12) “Density” means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

(13) “Developer” means any person, including a governmental agency, undertaking any development as defined in this act.

(14) “Development” has the same meaning as in s. [380.04](#).

(15) “Development order” means any order granting, denying, or granting with conditions an application for a development permit.

(16) “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.

(17) “Downtown revitalization” means the physical and economic renewal of a central business district of a community as designated by local government, and includes both downtown development and redevelopment.

(18) “Floodprone areas” means areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on flood insurance rate maps or flood hazard boundary maps.

(19) “Goal” means the long-term end toward which programs or activities are ultimately directed.

(20) “Governing body” means the board of county commissioners of a county, the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated, or the combination of such bodies where joint utilization of this act is accomplished as provided herein.

(21) “Governmental agency” means:

(a) The United States or any department, commission, agency, or other instrumentality thereof.

(b) This state or any department, commission, agency, or other instrumentality thereof.

(c) Any local government, as defined in this section, or any department, commission, agency, or other instrumentality thereof.

(d) Any school board or other special district, authority, or governmental entity.

(22) “Intensity” means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

(23) “Internal trip capture” means trips generated by a mixed-use project that travel from one onsite land use to another onsite land use without using the external road network.

(24) “Land” means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

(25) “Land development regulation commission” means a commission designated by a local government to develop and recommend, to the local governing body, land development regulations which implement the adopted comprehensive plan and to review land development regulations, or amendments thereto, for consistency with the adopted plan and report to the governing body regarding its findings. The responsibilities of the land development regulation commission may be performed by the local planning agency.

(26) “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.

(27) “Land use” means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

(28) “Level of service” means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

(29) “Local government” means any county or municipality.

(30) “Local planning agency” means the agency designated to prepare the comprehensive plan or plan amendments required by this act.

(31) “Master development plan” or “master plan,” for the purposes of this act and 26 U.S.C. s. 118, means a planning document that integrates plans, orders, agreements, designs, and studies to guide development as defined in this section and may include, as appropriate, authorized land uses, authorized amounts of horizontal and vertical development, and public facilities, including local and regional water storage for water quality and water supply. The term includes, but is not limited to, a plan for a development under this chapter or chapter 380, a basin management action plan pursuant to s. 403.067(7), a regional water supply plan pursuant to s. 373.709, a watershed protection plan pursuant to s. 373.4595, and a spring protection plan developed pursuant to s. 373.807.

(32) “Mobility fee” means a local government fee schedule established by ordinance and based on the projects included in the local government’s adopted mobility plan.

(33) “Mobility plan” means an alternative transportation system mobility study developed by using a plan-based methodology and adopted into a local government comprehensive plan that promotes a compact, mixed use, and interconnected development served by a multimodal transportation system in an area that is urban in character, or designated to be urban in character, as defined in s. 171.031.

(34) “Newspaper of general circulation” means a newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(35) “New town” means an urban activity center and community designated on the future land use map of sufficient size, population, and land use composition to support a variety of economic and social activities consistent with an urban area designation. New towns shall include basic economic activities; all major land use categories, with the possible exception of agricultural and industrial; and a centrally provided full range of public facilities and services that demonstrate internal trip capture. A new town shall be based on a master development plan.

(36) “Objective” means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

(37) “Parcel of land” means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.

(38) “Person” means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

(39) “Policy” means the way in which programs and activities are conducted to achieve an identified goal.

(40) “Projects that promote public transportation” means projects that directly affect the provisions of public transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use of public transit services, transit stops (shelters and stations), office buildings or projects that include fixed-rail or transit terminals as part of the building, and projects which are transit oriented and designed to complement reasonably proximate planned or existing public facilities.

(41) “Public facilities” means major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

(42) “Public notice” means notice as required by s. [125.66\(2\)](#) for a county or by s. [166.041\(3\)\(a\)](#) for a municipality. The public notice procedures required in this part are established as minimum public notice procedures.

(43) “Regional planning agency” means the council created pursuant to chapter 186.

(44) “Seasonal population” means part-time inhabitants who use, or may be expected to use, public facilities or services, but are not residents and includes tourists, migrant farmworkers, and other short-term and long-term visitors.

(45) “Sector plan” means the process authorized by s. [163.3245](#) in which one or more local governments engage in long-term planning for a large area and address regional issues through adoption of detailed specific area plans within the planning area as a means of fostering innovative planning and development strategies, furthering the purposes of this part and part I of chapter 380, reducing overlapping data and analysis requirements, protecting regionally significant resources and facilities, and addressing extrajurisdictional impacts. The term includes an optional sector plan that was adopted before June 2, 2011.

(46) “State land planning agency” means the Department of Commerce.

(47) “Structure” has the same meaning as in s. [380.031\(19\)](#).

(48) “Suitability” means the degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development.

(49) “Transit-oriented development” means a project or projects, in areas identified in a local government comprehensive plan, that is or will be served by existing or planned transit service. These designated areas shall be compact, moderate to high density developments, of mixed-use character, interconnected with other land uses, bicycle and pedestrian friendly, and designed to support frequent transit service operating through, collectively or separately, rail, fixed guideway, streetcar, or bus systems on dedicated facilities or available roadway connections.

(50) “Transportation corridor management” means the coordination of the planning of designated future transportation corridors with land use planning within and adjacent to the corridor to promote orderly growth, to meet the concurrency requirements of this chapter, and to maintain the integrity of the corridor for transportation purposes.

(51) “Urban infill” means the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place and the average residential density is at least five dwelling units per acre, the average nonresidential intensity is at least a floor area ratio of 1.0 and vacant, developable land does not constitute more than 10 percent of the area.

(52) “Urban redevelopment” means demolition and reconstruction or substantial renovation of existing buildings or infrastructure within urban infill areas, existing urban service areas, or community redevelopment areas created pursuant to part III.

(53) “Urban service area” means areas identified in the comprehensive plan where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are identified in the capital improvements element. The term includes any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation.

(54) “Urban sprawl” means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

History.—s. 3, ch. 75-257; s. 49, ch. 79-190; s. 10, ch. 81-167; s. 10, ch. 83-55; s. 2, ch. 85-55; s. 3, ch. 92-129; s. 2, ch. 93-206; s. 2, ch. 95-257; s. 22, ch. 95-280; s. 7, ch. 95-310; s. 2, ch. 98-176; s. 2, ch. 99-378; s. 1, ch. 2005-290; s. 3, ch. 2006-255; s. 1, ch. 2007-204; s. 2, ch. 2009-96; s. 2, ch. 2011-14; ss. 6, 80, ch. 2011-139; s. 59, ch. 2011-142; s. 21, ch. 2018-158; s. 30, ch. 2019-3; s. 26, ch. 2024-6; s. 1, ch. 2024-266.