



MEMORANDUM

AGENDA ITEM #II

DATE: AUGUST 27, 2025

TO: EXECUTIVE COMMITTEE MEMBERS

FROM: STAFF

SUBJECT: LEGAL COUNSEL UPDATE ON SB 180, CHAPTER 2025-190

Legal Counsel will provide an update on SB 180, Chapter 2025-190.

Links:

[CS/CS/SB 180 Enrolled](#)

[CS/CS/SB 180 Senate Appropriations Post Meeting Staff Analysis](#)

[CS/CS/SB 180 House Message Summary](#)

Attachment:

Legal Counsel's Transmittal Letter with attachments.

Recommendation

Information Only.



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SOUTH FLORIDA REGIONAL PLANNING COUNCIL
TRANSMITTAL LETTER

TO: Isabel Cosio Carballo, Executive Director

CC: Kathe Ann Lerch, Director of Administration

FROM: Samuel S. Goren, General Counsel *SSG*
Paul B. Hernandez, Assistant General Counsel *PBH*

DATE: August 22, 2025

RE: South Florida Regional Planning Council (“Council”) / Document Transmittal

This transmittal letter shall serve to provide you with documents to include as backup material for the agenda item related to SB 180, which will be discussed at the Council’s Executive Committee meeting on August 27, 2025. My office has been using the attached documents to advise our municipal clients on SB 180.

The attached backup documents that I will discuss as part of my presentation to the Council shall include:

1. Florida Division of Emergency Management SB 180 Implementations Requirements memorandum published on July 7, 2025; and
2. Chart created by the General Counsel’s Office summarizing the operative components of SB 180 and identifying the municipal department(s) that may be impacted by – or play a role in – the implementation of SB 180,

Should you have any questions regarding the attached documents or wish to discuss this matter further, please do not hesitate to contact us.

SSG:PBH:ls
Enclosure



STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

TO: County Emergency Management Directors

FROM: Kevin Guthrie, Executive Director, Florida Division of Emergency Management

SUBJECT: Senate Bill (SB) 180 Implementation Requirements

DATE: July 7, 2025

The Legislature passed SB 180 Emergencies on May 2, 2025, and Governor DeSantis signed it into law on June 26. The Florida Division of Emergency Management (FDEM) has identified numerous requirements which will now be the responsibility of local governments at both the county and municipal levels to implement immediately. Please see these requirements noted below for preparation and awareness purposes.

1. Impact Fees

With limited exceptions, 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.

2. Comprehensive Emergency Management Plans

FDEM will provide political subdivisions with a template for comprehensive emergency management plans, including plans for natural disasters, and guidance on the development of mutual aid agreements. We will develop and distribute this template which will include the requirements outlined in SB 180, such as the requirement that emergency comprehensive management plans must include an update to public health emergency capabilities, as determined in collaboration with the Department of Health.

3. Training Hours

FDEM will 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 section 252.38(1)(b), Florida Statutes. FDEM will provide training to meet these requirements or approve training to be given by a not-for-profit corporation.

4. Special Needs Shelters

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, must be allowed to shelter together in the special needs shelter. If a person with special needs is responsible for the care of persons without special needs, those persons must be allowed to use the special needs shelter with the person with special needs.

5. Emergency Contacts

By May 1st of each year, each political subdivision must notify FDEM 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.

6. Website Requirements

Each county and municipality must post on its publicly accessible website various recovery-related information, and a post-storm permitting plan for special building permit and inspection procedures after a hurricane or tropical storms. Counties and municipalities must also have an online option for receiving, reviewing, and accessing substantial damage and substantial improvement letters.

7. Building Permit or Inspection Fees

For 180 days after a state of emergency is declared pursuant to section 252.36, Florida Statutes 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 inspection fees.

8. Office Requirements

Counties and municipalities that have experienced a direct impact from a natural emergency must open a permitting office at which residents can access government services for at least 40 hours per week.

9. Contract Requirements

Effective January 1, 2026, 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.

10. Debris Management Sites

Each county and municipality must apply for authorization of at least one debris management site as and must annually seek preauthorization for any previously approved debris management sites. Municipalities are authorized to apply jointly with a county or adjacent municipalities for authorization of a debris management site if the parties have a memorandum of understanding (MOU) outlining the capacity and location of the site relative to each party, and such MOU is approved annually as part of the preauthorization process.

11. Ordinance Changes Regarding Substantial Improvements or Repairs

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.

12. Moratoriums

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

13. Tenant Rights

Rental tenants must be given an opportunity to collect their belongings or be given notice of a date by which they will be able to do so when rented premises are damaged or destroyed.

14. Hoisting Equipment

Requires hoisting equipment such as cranes to be secured in a specified manner no later than 24 hours before the impacts of a hurricane are anticipated to begin. The Florida Building Commission is to establish best practices for the utilization of tower cranes and hoisting equipment on construction job sites during hurricane season and report to the Legislature by December 31, 2026.

We are available to assist with implementation where practical. The costs to implement these new requirements at each county or municipal level will be borne by your governments and must be appropriately funded during budget development, which is ongoing for many of you.

We have attached the enrolled text of SB 180 and the staff analysis produced by the Legislature to this letter to ensure you have the exact requirements of the bill. **Please ensure your counsel receives a copy of the bill to ensure you are adequately prepared to implement it.**

Attachment: SB 180

Senate Bill 180

Department Director Review

Section of Act	Summary of legislation	Department(s)
2	<ul style="list-style-type: none"> Participation in the National Flood Insurance Program; Local government is prohibited from adopting or enforcing ordinances for substantial improvement or repairs to structures that include a cumulative substantial improvement. 	Planning, Building, CAO
3	<ul style="list-style-type: none"> Impact Fee; local government may not assess an impact fee for the replacement of a previously existing structure that is of the same land use as the original structure. 	Planning Building, CAO
7	<ul style="list-style-type: none"> Revision requirement to update the Comprehensive Emergency Management Plan to include emergency capabilities and collaboration with the Department of Health. 	Emergency Management
7	<ul style="list-style-type: none"> Requirement for the state to provide a template for local government. 	Emergency Manager
7	<ul style="list-style-type: none"> State to implement training programs to improve the ability of the state and local emergency management personnel to prepare and implement emergency management plans and programs. The division shall specify a requirement for a minimum number of training hours that city managers, emergency management directors, public works directors and other officials responsible for the construction and maintenance of public infrastructure must complete biennially. 	City Manager, Asst. City Managers, All Department Heads
7	<ul style="list-style-type: none"> Requirement for the state to conduct an annual hurricane readiness session by April 1 each year. 	Emergency Manager, Public Services Director
8	<ul style="list-style-type: none"> Requires Florida Housing Finance Corporation to enter into MOU's with specified agencies for the use of special need shelters. 	City Manager, Emergency Manager

13	<ul style="list-style-type: none"> Expedite Financial Assistance to local government, streamline the application process. 	Finance, Asst. City Manager
15	<ul style="list-style-type: none"> Political subdivisions requirements for an annual specified notification, by May 1. 	Emergency Manager, Public Services Director
16	<ul style="list-style-type: none"> Requiring municipalities to post certain information on their websites. Information related to natural emergencies; post-storm county and municipal permitting operations. (Full list of topics is listed on page 17 of Chapter 2025-190 (252.381, (1) (a,b,c,d,e)). 	Emergency Manager, Planning, Building, Public Services, Utilities, Communications Police and Fire, I.T.?
16	Develop a post-storm permitting plan to expedite recovery and rebuilding by providing for special building permit and inspection procedures. The plan must be updated on an annual basis by May 1. The full details of the plan requirements are on pages 17 and 18 of Chapter 2025-190.	Planning, Building
16	<ul style="list-style-type: none"> Each municipality shall publish on its website a hurricane and tropical storm recovery permitting guide annually by May 1st. The required guide information is found on page 18 of Chapter 2025-190. 	Emergency Manager, Planning, Building, Public Services, Utilities, Communications
16	<ul style="list-style-type: none"> Prohibition on increasing building permit and inspection fees for 180 days after state of emergency declared for hurricane or tropical storm 	Planning, Building
16	<ul style="list-style-type: none"> Require municipalities to allow individuals to receive substantial damage and substantial improvement letters electronically on or before May 1, 2026. 	Planning, Building, I.T.
16	<ul style="list-style-type: none"> Require municipalities to open a permitting office for a minimum of 40 hours per week. 	Planning, Building, Communications
18	<ul style="list-style-type: none"> Prohibition on impacted local government from proposing or adopting certain moratoriums, amendments or procedures for a specified timeframe, with certain exceptions; authorizing lawsuits to enforce the prohibition. 	Planning, Building, City Manager, City Attorney

18	<ul style="list-style-type: none"> Requiring the Office of Program Policy Analysis and Government Accountability to conduct a study on certain local governments after hurricanes, such as moratoria, new ordinance s and procedures that could affect recovery work. 	Most likely Planning and Building will be needed to respond to survey
19	<ul style="list-style-type: none"> Breach of Contract during the emergency recovery period of natural emergencies; each state or local government contract for goods or services related to emergency response entered into, renewed or amended on or after July 1st, 2025, must include a provision that a breach of contract during an emergency recovery period is subject to a \$5000.00 penalty and damages. The recovery period is a 1-year period that begins on the declared state of emergency date. 	Finance, Contracts, Procurement, CAO
20	<ul style="list-style-type: none"> Inspection; by September 1st, 2026, the Department of Environmental Protection shall submit a 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 storm water management systems to compile necessary information. Bi-annual report Additional information on page 22 of Chapter 2025-190. 	Most likely Public Services and Environmental will be needed to respond to survey
24	<ul style="list-style-type: none"> Provide that local governments are authorized and encouraged to add certain addenda to existing solid waste contracts to collect storm debris 	Finance, Contracts, Public Services, CAO, Procurement
24	<ul style="list-style-type: none"> Requiring municipalities to apply to the Department for authorization to designate a debris management site; authorizing municipalities to apply for debris management sites with adjacent municipalities. 	Public Services, City Manager, CAO
25	<ul style="list-style-type: none"> Requiring a hurricane preparedness plan to be available at worksites with certain hoisting equipment and cranes present; requiring equipment to be secured no later than 24 hours before impact. 	Building, Planning, Code Enforcement

1	<ul style="list-style-type: none"> Section 83.63 Casualty Damage; A tenant must be given the opportunity to collect belongings from the premises when it is safe to do so; a notice of "date to collect" must occur within a reasonable time. 	Police (aware when responding to calls)
7	<ul style="list-style-type: none"> Emergency Management Powers; The state must prepare a CEMP that integrates and coordinates with the emergency management plan of the Federal Government. The plan must have provisions to work closely with local governments with emergency management responsibilities and provide strategies to assist local emergency management efforts to ensure that there are adequate medical and security personnel for all shelters. The list of required subjects and more details on the CEMP are on page 7-8 of Chapter 2025-190 	Emergency Manager, Police and Fire
7	<ul style="list-style-type: none"> Division of Emergency Management to assist political subdivisions in preparing and maintaining emergency management plans. 	Emergency Manager, Police and Fire
8	<ul style="list-style-type: none"> The Division of Emergency Management shall develop a brochure on the special needs registration program; the registration program shall give people with special needs the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations if necessary to ensure their welfare following disasters. 	Emergency Manager, Police, Fire, Community Services, Communications
8	<ul style="list-style-type: none"> Caregiver of a person with special needs is eligible for admission to a special needs shelter. If the person with special needs is the caregiver of persons without special needs, those persons shall be authorized entry into the special needs shelter. 	Emergency Manager, Police, Fire, Community Services
9	<ul style="list-style-type: none"> Transparency Audits for state contracts; contracts that are executed by state agencies to support a response to a declared state of emergency in advance or anticipation must be posted on a secure tracking system. 	Finance, Contracts, Procurement, Legal, I.T.

10	<ul style="list-style-type: none"> Tolling and extension of permits; under a declaration, the rights under a permit extend 24 months in addition to the tolling periods. 	Planning, Building, Legal
11	<ul style="list-style-type: none"> Emergency Coordination Officers; disaster preparedness plans. The Division shall be notified in writing of the person initially designated as the emergency coordination officer for an agency and identify the alternate for this position. This must be done on or before May 1st of each year. 	Emergency Manager
12	<ul style="list-style-type: none"> National hazards, risks and mitigation interagency coordinating group for state agencies. A group composed of state agencies created for the sharing of information on current and potential risks and impacts of natural hazards throughout the state. The group will provide recommendations for state and local natural hazard mitigation strategies. 	Environmental, Public Works, and Emergency Manager
13	<ul style="list-style-type: none"> Financing; The Division of Emergency Management shall take steps to maximize and expedite the distribution of Financial Assistance from the Federal Government to state and local agencies. 	Finance (Reimbursement Representative)
14	<ul style="list-style-type: none"> Allocation of Funds; The Division of Emergency Management shall allocate funds from the Emergency Management Preparedness and Assistance Trust Funds to local emergency management. The local emergency management agency must meet the required criteria of having a program director who works at least 40 hours a week. 	Finance, Emergency Manager
17	<ul style="list-style-type: none"> Public Shelter, the Division of Emergency Management shall administer a program to survey existing schools or other state, county, and municipality-owned public buildings for a public hurricane shelter. 	City Manager, Emergency Manager

18	<ul style="list-style-type: none"> • New Statute: 252.422 <p>Restrictions on County or Municipal regulations after a hurricane; for 1 year after a hurricane makes landfall, an impacted local government cannot propose or adopt a moratorium on construction, reconstruction or redevelopment of any property, or propose or adopt more restrictive or burdensome comprehensive plan or land development regulation amendment.</p> <p>“Impacted local government” generally means a county (or municipality within the county) within 100 miles of track of storm while it is a hurricane</p> <p>Full details are on page 20 of Chapter 2025-190.</p>	Planning, Building, CAO
28	<ul style="list-style-type: none"> • Municipality within a county impacted by Hurricane Debby, Helene or Milton may not propose or adopt any moratorium on construction, reconstruction or redevelopment on property damaged by those hurricanes or redevelopment of any property, or propose or adopt more restrictive or burdensome comprehensive plan or land development regulation amendment. <p>NOT A STATUTE</p> <p>Full details are on page 26 of Chapter 2025-190.</p>	Planning, Building, CAO