

City of Key West - Staff Report

To: Growth Management Director

From: Todd Stoughton, Legislative Affairs Liaison

Date: November 6, 2025

Subject: Review of Florida State Legislation — Senate Bill 180 (2025) and Implications for the City of Key West

1. Purpose

This report provides an overview of SB 180 (2025) — newly enacted state law titled Emergencies — its provisions relevant to local governments, and an analysis of how it may affect the City of Key West’s planning, permitting, emergency management, and resilience efforts. Staff offer key considerations and proposed next steps for the City Commission’s direction.

2. Background & Summary of SB 180

SB 180 was passed by the Florida Legislature in 2025 and became Chapter 2025-190 upon approval. The law deals broadly with emergency management, disaster recovery, and resiliency.

Key provisions include:

1. Prohibiting certain local governments from adopting ordinances related to substantial improvements or repairs to structures.
2. Prohibiting impact fees for “like-kind” replacement structures in certain disaster recovery contexts.
3. Requiring revisions to the state’s comprehensive emergency management plan, enhancing transparency of emergency contracts and stormwater inspections.
4. Limiting the ability of counties and municipalities within 100 miles of a hurricane’s track from adopting moratoria or more restrictive land-use regulations.
5. These limitations apply retroactively (to August 1, 2024) and extend through October 1, 2027, in some instances.

3. Relevance to the City of Key West

As a coastal municipality highly vulnerable to hurricanes, storm surge, sea-level rise and redevelopment pressures, the City should evaluate SB 180’s implications in several domains:

- A. Planning & Land Development Regulation — SB 180 could limit the City’s ability to adopt new resiliency-oriented regulations.
- B. Emergency Management & Recovery — Offers useful tools like expanded post-storm permitting but may limit stricter standards.

C. Fiscal and Impact Fee Considerations — May affect revenue streams following disaster recovery.

D. Resiliency and Long-Term Planning — Could delay implementation of proactive resilience regulations.

4. Risks / Concerns

- Legal vulnerability due to vague standards.
- Loss of local control over growth management.
- Resiliency delays.
- Fiscal impact from reduced impact fees.
- Public expectation challenges.

5. Opportunities / Advantages

The bill offers positive elements such as enhanced transparency and improved permitting. The City can strategically plan future amendments and use this time to prepare resilience measures.

6. Recommendations and Next Steps

1. Legal review by City Attorney.
2. Inventory affected ordinances.
3. Develop timing strategy for regulatory updates.
4. Assess fiscal impacts.
5. Conduct public outreach.
6. Develop non-regulatory resilience workplan.
7. Monitor litigation and state guidance.

7. Conclusion

SB 180 represents a significant shift for Florida local governments. For the City of Key West, it brings both opportunities and constraints. Staff recommend that the Commission direct the Legal & Planning Departments to begin review and report back with detailed implications and timelines.

Attachments

- Florida Senate 2025 Summary of Legislation Passed CS/CS/SB 180 - Emergencies

THE FLORIDA SENATE
2025 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/SB 180 — Emergencies

by Appropriations Committee; Community Affairs Committee; and Senator DiCeglie

The bill makes various changes relating to the preparation and response activities of state and local government when emergencies impact the state. Regarding the responsibilities of the Florida Division of Emergency Management (FDEM), the bill:

- Requires the FDEM, for the purpose of the Hurricane Loss Mitigation Program, to prioritize use of funds for shelters located in counties, rather than regional planning councils, that have a shelter deficit, and for projects that are publicly owned, other than schools.
- Combines the FDEM shelter reports and requires it to be submitted to the Governor and Legislature annually, rather than biennially, and requires prioritization of non-school public facilities to be recommended for retrofit.
- Directs the FDEM to conduct annual regional hurricane readiness sessions and provide biennial emergency management training for specified county and municipal personnel.
- Renames the Natural Hazards Interagency Workgroup as the “Natural Hazards Risks and Mitigation Interagency Coordinating Group,” of which the executive director of the FDEM is the administrator and substantially revises the membership and duties of the group.
- Requires the FDEM to report annually to the Legislature on the expenditures related to emergencies incurred over the past year, including a summary of the event, detailed expenditures, and an accounting of all inventory and assets purchased (effective January 1, 2026).
- Requires contracts executed to support the response to a declared state of emergency to be posted on the state’s secure contract tracking system (effective January 1, 2026).
- Provides additional requirements for the FDEM handling of federal funds, including legislative notification for innovative uses and standardizing and streamlining processes related to the distribution of federal financial assistance to state and local agencies.
- Requires state agencies, counties, and municipalities to notify the FDEM by May 1 annually of the person designated as the emergency contact for the state agency, county, or municipality, and his or her alternate.
- Requires the Department of Environmental Protection (DEP) to submit and biannually update a Flood Inventory and Restoration Report to the FDEM, working with water management districts, local governments, and operators of public and private stormwater systems to identify flooding risks, provide inspection schedules, and list funding priorities.
- Requires the FDEM to consult with local governments and the appropriate state agencies to recommend statutory changes to streamline the permitting process for repairing and rebuilding structures damaged by natural emergencies and submit a report to the Legislature by July 1, 2026.

Regarding the emergency preparedness and response duties and directives of local governments, the bill:

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- Requires each county and municipality to post certain information related to emergency response and preparation on its website, including frequently asked questions related to natural emergency response and preparedness, a disaster supply and emergency shelter list, links to information about flood zone, a checklist for post-storm recovery, and information specific to persons with disabilities.
- Requires each county and municipality to develop a post-storm permitting plan to expedite recovery and rebuilding and ensure sufficient staffing for increased permitting and inspection demands. Each local government must also publish on its website a post-storm permitting guide to advise residents of post-storm permitting procedures and rebuilding requirements.
- Directs each county and municipality to apply to the DEP for authorization of at least one debris management site and encourages local governments to add an addendum to existing solid waste contracts for the collection of storm-generated debris.
- Prohibits each county and municipality located within an area for which a state of emergency is declared for a hurricane or tropical storm from increasing building permit or inspection fees for 180 days after the declaration.
- Prohibits a local government participating in the National Flood Insurance Program from adopting cumulative substantial improvement periods, also known as “lookback ordinances.”
- Prohibits the imposition of impact fees for replacement structures if the land use is the same as the original, unless a replacement structure increases demand on public facilities.
- Increases the threshold above which a property appraiser must assess repairs at just value after damage due to calamity to 130 percent of the square footage before destruction or 2,000 total square feet.

Additionally, for one year after a hurricane makes landfall, the bill prohibits certain counties and municipalities from proposing or adopting a moratorium on the construction or redevelopment of property or more restrictive or burdensome regulations or procedures pertaining to land development. If these provisions are not followed, the bill provides a procedure for a person to file a suit against a local government for declaratory and injunctive relief and entitles a prevailing plaintiff reasonable attorney fees and costs. A county listed in a federal disaster declaration, or a municipality located within such a county, located entirely or partially within 100 miles of a hurricane’s track is subject to the prohibition.

For Hurricane Debby, Hurricane Helene, and Hurricane Milton, the bill provides similar prohibitions on construction moratoriums and burdensome or restrictive regulations. The provisions apply until October 1, 2027, and are applied retroactively to August 1, 2024.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) must study the actions of local government after hurricanes which are related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders. The OPPAGA must submit a report to the Legislature by December 1, 2025, which includes recommendations for options to remove impediments to construction,

reconstruction, or redevelopment and prevent local governments from implementing burdensome or restrictive procedures or processes.

The bill also introduces the following policy changes aimed at enhancing the state's emergency preparedness and response efforts:

- Allows Florida National Guard servicemembers to provide medical care within their scope of licensure to military personnel and civilians during emergencies.
- Provides for the tolling and extension of a formal determination of the delineation of the extent of wetlands in the event a state of emergency is declared, which applies retroactively to January 1, 2023.
- Requires a tenant to be given an opportunity to collect his or her belongings or given notice of a date by which the tenant will be able to do so when a rented premise is damaged or destroyed.
- Extends the evacuation clearance time for the Florida Keys Area of Critical State Concern from 24 hours to 24.5 hours and directs the Department of Commerce to conduct a study to determine the number of building permit allocations that may be distributed based on this change. Such building permit allocations may not exceed 900 total allocations and must be distributed over 10 years. The bill also establishes requirements for distribution and issuance of the permits.
- Provides for the regulation of hoisting equipment during hurricanes, requiring equipment 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 must 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.
- Provides that the estimated costs of a renovation of property damaged by a natural disaster must exceed 75 percent of the fair market value of the building prior to the disaster before the property must be rebuilt to current thermal efficiency standards.
- Requires the Department of Veterans Affairs to provide special needs shelter registration information to its clients and caregivers.
- Requires the Florida Housing Finance Corporation to enter into a memorandum of understanding with the Department of Elder Affairs and with the Agency for Persons with Disabilities to ensure special needs shelter registry information is provided to residents of low-income senior independent living facilities and independent living properties for persons with disabilities that received funding through the corporation.
- Provides that a 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.

Finally, effective January 1, 2026, the bill requires all state and local government contracts for goods or services related to emergency response entered into, renewed, or amended on or after July 1, 2025, to include a provision that, upon breach during an emergency recovery period, the contractor is required to pay actual, consequential, and liquidated damages and a \$5,000 penalty. The bill defines "emergency recovery period" as the 1-year period that begins on the date the Governor initially declared a state of emergency for a natural emergency.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming a law, except as otherwise provided.

Vote: Senate 34-1; House 106-0