

SENATE BILL 180: POST-STORM LOCAL GOVERNMENT RESTRICTIONS

Matt Singer, Legislative Advocate, Florida League of Cities

Prepared for the Florida Stormwater Association 2025 Fall Seminar

OVERVIEW



BACKGROUND AND
SUMMARY OF SB 180



REVIEW KEY
MUNICIPAL CONCERNS



DEEP DIVE INTO IMPACTS
ON LOCAL AUTHORITY



OUTLINE WHAT'S NEXT &
DISCUSS OVERALL LANDSCAPE

SENATE BILL 180 OVERVIEW

SENATE BILL 180 SNAPSHOT



Signed into law June 26, 2025



Implemented sweeping emergency management changes (moratoria, permitting, floodplain regs)



Strong municipal opposition due to impacts on planning, zoning, and stormwater standards

S 180 Filed				
AMENDMENT	SPONSOR	FILED	LAST COMMITTEE ACTION	FORMAT
525210 - Amendment (Delete All) Delete everything after the enacting clause and insert:	Community Affairs (DiCeglie)	3/10/2025 3:03 PM	Replaced by Committee Substitute 3/13/2025	Web Page PDF

S 180 c1				
AMENDMENT	SPONSOR	FILED	LAST COMMITTEE ACTION	FORMAT
418328 - Amendment Delete lines 422 - 943 and insert:	Appropriations (DiCeglie)	4/1/2025 8:40 AM (Late Filed)	Replaced by Committee Substitute 4/2/2025	Web Page PDF

Floor Amendments

S 180 c2				
AMENDMENTS	SPONSOR	FILED	LAST FLOOR ACTION	FORMAT
679942 - Amendment Between lines 974 and 975 insert:	Burgess	4/8/2025 1:50 PM	Senate: Withdrawn 4/9/2025	Web Page PDF
894126 - Amendment Between lines 974 and 975 insert:	Burgess	4/9/2025 8:31 AM	Senate: Adopted 4/9/2025	Web Page PDF
297148 - Amendment Delete lines 1060 - 1138 and insert:	DiCeglie	4/8/2025 1:50 PM	Senate: Adopted 4/9/2025	Web Page PDF
424840 - Amendment Between lines 1084 and 1085 insert:	Rouson	4/8/2025 8:28 PM	Senate: Withdrawn 4/9/2025	Web Page PDF
503674 - Amendment Between lines 1138 and 1139 insert:	DiCeglie	4/9/2025 9:32 AM	Senate: Adopted 4/9/2025	Web Page PDF

S 180 e1				
AMENDMENTS	SPONSOR	FILED	LAST FLOOR ACTION	FORMAT
392939 - Amendment Remove everything after the enacting clause and insert:	McFarland	4/28/2025 9:09 PM	Senate: Concurred as Amended 5/2/2025	PDF
↳ 617636 - S Amend. to H Amend. (392939) Delete lines 59 - 1182 and insert:	DiCeglie	4/30/2025 3:25 PM	Senate: Withdrawn 5/1/2025	Web Page PDF
↳ 461112 - S Amend. to H Amend. (392939) Delete lines 59 - 1182 and insert:	DiCeglie	5/1/2025 11:26 AM	House: Concur 5/2/2025	Web Page PDF

SENATE BILL 180 KEY PROVISIONS

SB 180 makes various changes throughout Florida Statutes regarding the preparation and response activities of state and local governments when emergencies impact the State:

- Prohibits local governments in the NFIP from adopting a “*cumulative substantial improvement*” period (lookback period) when determining substantial improvements
- Allows Florida National Guard to provide medical care during emergencies and allows caregivers at special needs shelters
- Requires local government emergency response contracts to include a provision requiring a contractor to pay damages and a penalty for breach of contract
- Encourages local governments to amend contracts regarding management of storm-generated debris
- Requires local governments to post on its website a FAQ related to natural emergency response and emergency preparedness

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SENATE BILL 180 KEY PROVISIONS CONTINUED

- Requires local governments to develop a post-storm permitting and recovery plan to expedite recovery and rebuilding after a hurricane or tropical storm
- No increases in building permit or inspection fees for 180 days after a state of emergency is declared in a county within the area for which the state of emergency is declared
- Imposes a 1-year ban on moratoria and restrictive planning rules for any local government within 100 miles of a hurricane's path and authorizes lawsuits (Section 18)
- Retroactively voids planning actions by local governments listed in the Federal Disaster Declarations for Hurricanes Debby, Helene, or Milton and authorizes lawsuits (Sections 28)
- OPPAGA to study planning and regulatory actions taken by local governments after hurricanes on construction, reconstruction, or redevelopment, and shall make recommendations for legislative options to remove impediments and prevent the implementation by local governments of burdensome or restrictive procedures and processes. OPPAGA shall submit the report by December 1, 2025.

KEY MUNICIPAL CONCERNS

KEY CONCERNS SECTIONS 18 & 28

Undefined terms 'burdensome' & 'more restrictive' → legal ambiguity

Incentivizes opportunistic lawsuits (only the prevailing plaintiff is awarded attorney fees, which means the taxpayer always loses)

The geographic scope of the restrictions are nearly statewide – not just communities recovering from a storm

Chilling effect on stormwater upgrades, resiliency, and comprehensive plan compliance

A BRIEF BLAST FROM THE PAST

PRECURSOR TO SB 180: SB 250 (2023)

- Banned ten counties/municipalities (within 100 miles of landfall of Hurricanes Ian or Nicole) from:
 - adopting a moratorium on redevelopment of damaged properties **or**
 - passing “more burdensome” or “restrictive” procedures for review, approval, or issuance of a site plan, development permit or development order.
 - Not applicable if proposed by a private party for their own property.
- Retroactive to 9/28/22 through 10/1/24.
- Example: Manatee County repealed local wetland protections and sought to bring them back – state agencies opposed based on SB 250

DEEP DIVE
INTO IMPACTS ON
LOCAL AUTHORITY

SECTION 18
(PROSPECTIVE
RESTRICTIONS)

Creates §252.422 in Florida Statutes

Applies 1 year after a hurricane to communities listed in a federal disaster declaration located within 100 miles of storm track

Prohibits moratoria on construction, reconstruction, or redevelopment of any property

Prohibits "**more restrictive**" or "**burdensome**" amendments to comprehensive plans or land development regulations (LDRs)

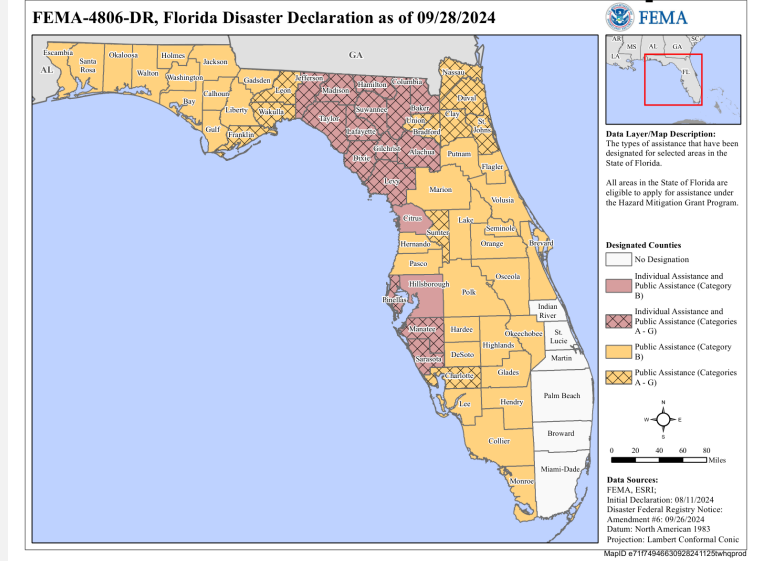
Prohibits "**more restrictive**" or "**burdensome**" permitting procedures (such as a site plan or development permit/order)

Incentivizes any person to file lawsuits; only the prevailing plaintiff is entitled to attorney fees, creating a one-sided framework where taxpayers always lose.

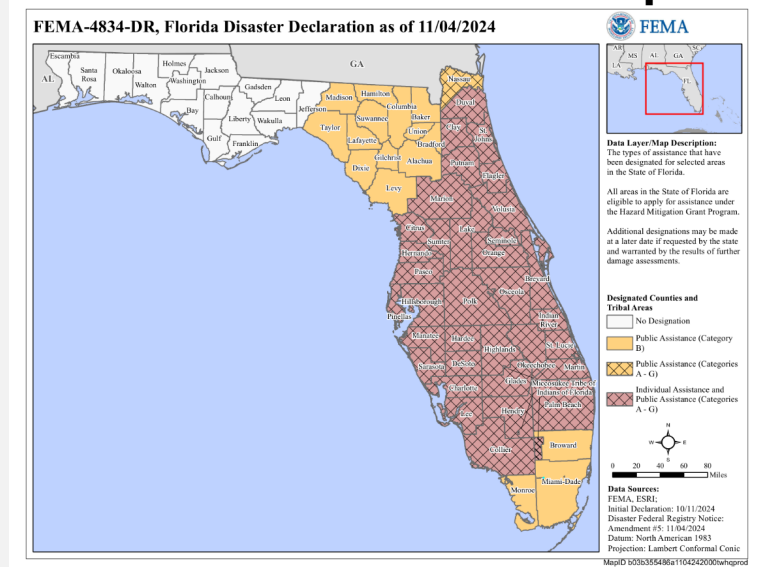
SECTION 28 (RETROACTIVE RESTRICTIONS)

- Applies to communities listed in the federal disaster declarations for Hurricanes Debby, Helene, Milton.
- Retroactive to Aug. 1, 2024; restrictions effective through October 2027; expires June 30, 2028.
- Invalidates any local moratoria or LDRs deemed “more restrictive or burdensome” during the covered period
 - Affected actions are retroactively voided—treated as if they never legally existed.
- Incentivizes residents and business owners to file lawsuits; only the prevailing plaintiff is entitled to attorney fees, creating a one-sided framework where taxpayers always lose.
- Example: City of New Smyrna Beach’s Stormwater Ordinance (LDR 604.01)

Hurricane Debby Disaster Declaration Map



Hurricane Milton Disaster Declaration Map



SECTION 2 (COMMUNITY RATING SYSTEM CONCERNS)

CRS Credit Points, Classes and Premium Discounts

CRS Credit Points	CRS Class	CRS Discount (Premium Reduction)
4,500+	1	45%
4,000 – 4,499	2	40%
3,500 – 3,999	3	35%
3,000 – 3,499	4	30%
2,500 – 2,999	5	25%
2,000 – 2,499	6	20%
1,500 – 1,999	7	15%
1,000 – 1,499	8	10%
500 – 999	9	5%
0 – 499	10	0

Loss of cumulative improvement tracking

Bans local governments from adopting or enforcing a lookback period in calculating the 50% rule, a tool used by 122 Florida communities to gradually bring older buildings into compliance.

Threat to FEMA's CRS program eligibility

Without this tool, many communities risk losing CRS participation, which lowers flood insurance premiums for residents.

ASFPM warning

62% of U.S. residents live in communities with floodplain regulations stricter than NFIP minimums; SB 180 prevents Florida communities from adopting or enforcing similar protections.

Financial consequences

Over 50% of Florida's NFIP communities are in CRS (including 6 in Pinellas County).
Losing status = higher NFIP premiums

Example: City of Cutler Bay

CRS Class 3 = 35% insurance discount
(≈\$523 per policy; ≈\$3M in townwide annual savings).

TAKEAWAYS

SB 180 extends beyond hurricane recovery and impacts ongoing planning efforts

Sections 18 & 28 impose sweeping limits that are retroactive & prospective

The bill creates legal uncertainty and deters proactive resiliency updates

Monitor legal challenges and court interpretations of SB 180 as they evolve

Local governments should track OPPAGA's report and prepare for 2026 fixes



WHAT'S NEXT?

- Potential class-action litigation by several local governments being filed
- OPPAGA report due Dec. 1, 2025 (may shape legislative fixes)
- 2026 Session: FLC prioritizing legislative reform
- Continue conversations with legislators and share practical examples of SB 180's impact

QUESTIONS?
WE WANT
TO HEAR
FROM YOU!

- Have you faced challenges implementing stormwater or land use policies due to SB 180?
- Are you seeing unintended consequences in your community?
- Do you have ideas for legislative fixes or clarifications?
- 🔔 We need your stories, insights, and feedback!

Scan the QR code to email Matt directly with:

- Local case studies or impacts on local regulations
- General questions or concerns
- Suggestions for reform
- 🕒 Your input will help shape FLC's 2026 advocacy strategy.





THANK
YOU!

Let's keep the conversation going - reach out anytime.

Contact Information

Matt Singer, Florida League of Cities
MSinger@FLCities.com (850) 701-3652