

**PROBLEMS WITH PROPOSED SB 102 PROVISIONS  
ALLOWING DEVELOPMENT IN THE FLORIDA KEYS  
TO EXCEED SAFE EVACUATION CAPACITY**

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**SUMMARY/BULLET POINTS**

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Richard Grosso, Esq.  
Richard Grosso, P.A.  
[richardgrosso1979@gmail.com](mailto:richardgrosso1979@gmail.com)  
(954) 801-5662

Rebecca Jetton  
(Former DEO Planning Administrator)  
[beckyjetton@gmail.com](mailto:beckyjetton@gmail.com)  
(850) 766-2139

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**SUMMARY**

- 1. The Bill would have the effect of unconstitutionally reversing a properly rendered final judgment of a Florida appeals court holding that increasing residential development in the Florida Keys violates state law protecting the Keys from excessive development and its residents from dangerous congested hurricane evacuation on its one road out to safety. Under the Florida Constitution's "Separation of Powers" doctrine, the Legislature cannot encroach on the powers of the judicial branch as set forth in its final decision.**
- 2. In spite of increasing numbers of rapidly intensifying tropical storms that become major hurricanes with limited advance warning, the Bill would eliminate the protection afforded Florida Keys citizens by the science-based limit on residential development in the Keys to that which can be fully evacuated in 24 hours.**
- 3. Despite the recent appellate court decision, upheld by the Florida Supreme Court, that adding additional residential development units in the Keys based on a 48-hour evacuation window is invalid, the Bill impermissibly does precisely that.**
- 4. This Bill would be a danger to public safety, effectively repealing the existing 24-hour hurricane evacuation clearance time standard in § 380.0552(9)(a) 2, Fla. Stat. that is based on extensive data, analyses and findings from a statutorily mandated hurricane evacuation study: an evacuation time greater than 24 hours is unsafe for the Florida Keys given their location and vulnerability, very low elevations just above sea level, availability of only one road out, and the dire implications of getting left behind.**
- 5. The Bill, on the other hand, is supported by no data or analysis at all and is contrary to the realities of hurricane evacuation needs and constraints in the Keys.**
- 6. The Bill enables local governments, even in critical concern areas like the Florida Keys, to utilize "...any...measure which is adopted for the purposes of increasing the supply of affordable housing..." This carte blanche provision would undo the areas of critical state concern and endanger Florida Keys citizens during hurricane evacuations.**
- 7. Other tools exist to increase true affordable workforce housing in the Florida Keys which do not increase overdevelopment or risk harm to residents during congested hurricane evacuations.**