



THE FLORIDA SENATE
SENATOR KATHLEEN PASSIDOMO
President

MEMORANDUM

TO: All Senators
FROM: Kathleen Passidomo
SUBJECT: Select Committee on Resiliency Policy Proposals
DATE: February 24, 2023

Florida's Executive Branch, led by Governor DeSantis, mounted an extraordinary effort in the state response to Hurricanes Ian and Nicole. In the roughly six months since these devastating storms, we have gained a deeper understanding of the long-term impacts on communities across our state. To further Florida's ongoing recovery, our Select Committee on Resiliency, led by Leader Albritton, has been working to identify legislative steps we can take to provide additional tools to assist state and local governments with preparation for and response to future storms.

I am pleased to share with you today a series of recommendations the Select Committee has put forward for consideration during the 2023 Legislative Session. Senator Martin, whose district was severely impacted by Hurricane Ian, has filed SB 250, which incorporates these recommendations. I look forward to discussing these important issues further in the coming weeks, and thank you again for your support and encouragement as my own family and community recover from this devastating storm.

REDUCING REGULATORY BARRIERS TO REBUILDING OUR COMMUNITIES

Tolling and Extending Permits During an Emergency

Current law allows for an extension of six months for certain permits following a state of emergency. The bill would increase the extension to 24 months.

Expediting Building Permits Following a Natural Disaster

Sarasota County and other localities expedited all permits related to Hurricane Ian recovery. For permits that did not require technical review, an express permit was provided. For permits that have statutory requirements for engineering drawings and plans review, such as pool cage repair, permits were expedited to the greatest extent possible.

Manatee County waived permitting fees following Hurricane Ian and allowed temporary repairs, equipment replacement, and work done to mitigate wind, water or flood damage to proceed without a permit in emergency situations, provided the permit application was submitted the following business day.

SB 250 would require municipalities and counties to expedite the permitting process for certain types of permits, and allow them to waive associated fees following a natural emergency.

Expanding Express Permit Teams

Several local governments provided testimony that express permit inspection teams helped expedite the approval of temporary housing and emergency repairs. The bill encourages municipalities and counties to create inspection teams for review and approval of expedited permits for temporary housing solutions, repairs and renovations following a natural emergency. Municipalities and counties are also encouraged to establish interlocal agreements with other jurisdictions to provide additional building inspection services during a state of emergency.

Regional Flexibility for Registered Contractors

State certified contractors are allowed to work anywhere in the state, whereas registered contractors are limited to the local areas they are registered. The bill grants a registered contractor authority to provide services in an area in which a state of emergency is declared for a limited time.

PLANNING FOR TEMPORARY HOUSING SOLUTIONS

Living on Your Land as You Rebuild

Some local governments currently prohibit residents from placing temporary shelters on residential property while they are rebuilding after a storm. We know that many people want to live on their own land as they oversee the rebuilding of their property. The bill authorizes residents to place a temporary shelter, such as a travel trailer or mobile home, on their land while they are rebuilding after a storm.

Temporary Housing for Disaster Response Workers

Following a storm, many disaster response workers must commute several hours to find temporary accommodations. There are several examples in the private sector of companies who quickly assemble mobile, temporary housing for their workers. Local governments could benefit from providing accommodations for contractors, utility workers, first responders, etc., that are dispatched to aid in hurricane recovery efforts. In the bill, municipalities and counties are encouraged to adopt plans for temporary accommodations for those providing aid following a natural emergency.

ADDRESSING CONCERNS BROUGHT FORWARD BY CONSTITUENTS AND LOCAL GOVERNMENTS

Building Fee Increase and Land Use Process Moratoriums

Some local governments in hurricane impacted areas are raising building fees or are contemplating changes to processes for comprehensive plan amendments, land development regulations, or development permit or order issuance that could hinder rebuilding and recovery. The bill bars local governments in areas affected by Hurricanes Ian and Nicole until October 1, 2024, from increasing building fees and, retroactively to September 29, 2022, from amending processes to propose amendments to comprehensive plans, to change land development regulations, or to issue development permits or orders. These time-limited moratoriums are intended to help our local communities make their recoveries without impediments, but still require a local government to be in compliance with state law, including ch. 163, F.S.

Local Government Emergency Response Revolving Bridge Loan

Senate Bill 2-B created s. 288.066, F.S., establishing the Local Government Emergency Response Bridge Loan within the Department of Economic Opportunity to provide financial assistance to local governments impacted by Hurricanes Ian and Nicole. The bill appropriates \$50 million in nonrecurring funds from the General Revenue Fund to implement the program and expires June 30, 2027.

SB 250 removes the sunset date and makes the program an evergreen loan program, so that funds will be available to assist local governments that face cash flow issues following a declared disaster. The bill appropriates an additional \$50 million in nonrecurring funds from General Revenue and directs repayments from local governments under the program to go back into the fund, rather than be returned to the General Revenue Fund, making the revolving bridge loan program a total of \$100 million.

Encouraging Local Governments to adopt a Post Disaster Financial Plan

A robust and comprehensive financing strategy should be part of a local government's recovery planning efforts. The bill encourages certain local governments to adopt an emergency financial plan. The plan should integrate three categories of information about recovery: the local entity's needs (i.e., total damage and economic impacts), the known recovery resources (i.e., federal and state assistance, insurance, local reserves, and other resources), and the potential gaps in funding.

Clarifying Timeframes for the Removal of Destroyed Boats

Current law provides a 45-day grace period following a hurricane to bring a derelict vessel into compliance, and allows for the removal or disposal of the derelict vessel after notice and 21 days if the status has not been corrected or a hearing requested. The safety of our waterways following

a storm is critically important, and we know that in many cases and for a variety of reasons, boat owners choose not to return to remove their destroyed vessels. The bill provides a 45-day grace period following a hurricane to bring a derelict vessel into compliance. After that point, the state would have the authority to clear the destroyed boat.

Helping Local Governments Plan for Debris Removal

The Department of Emergency Management (DEM) testified that some local governments do not currently have debris removal contracts in place or are missing key provisions which allow for FEMA reimbursement. In these instances, the state has stepped in and used its contracts for debris removal. The bill instructs the DEM to post a model debris removal contract on its website by June 1 of each year for use by local governments, and requires DEM to prioritize technical assistance to fiscally constrained counties, codifying their current practice.

Extending the Deadline for Independent Special District Performance Reviews

The law requires independent special districts, such as fire control districts, to submit a performance review with the governing board of the district, the Auditor General, the President of the Senate, and the Speaker of the House of Representatives within 9 months from the beginning of the district's fiscal year. In response to local requests, the bill extends the deadline for special fire control districts affected by a major hurricane to submit their performance reviews.

Continuing Contracts

There are currently certain limitations for agencies to enter into continuing contracts. SB 250 increases the total project cost threshold of construction projects that require professional services on a continuing contract, from a limit of \$4 million to a limit of \$15 million for Hurricane Ian related recovery projects.

Protecting Information of Disaster Survivors

Following Hurricane Ian, DEM created a disaster portal to help identify and locate missing residents. The bill creates a public records exemption for the information held by DEM of people critically injured or deceased after a natural emergency for 30 days. Because public records exemptions must run as stand-alone bills, this issue will be filed as Senate Bill 248 by Senator Martin.