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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2023	.	
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The Committee on Community Affairs (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 99 - 417
and insert:
to the contrary, following the declaration of a state of
emergency issued by the Governor for a natural emergency as
defined in s. 252.34(8) during which a permanent residential
structure was damaged and rendered uninhabitable, a county may
not prohibit the placement of one temporary shelter on the
residential property for up to 36 months after the date of the



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11 declaration or until a certificate of occupancy is issued on the
12 permanent residential structure on the property, whichever
13 occurs first, if all of the following circumstances apply:

14 (a) The resident makes a good faith effort to rebuild or
15 renovate the damaged permanent residential structure, including,
16 but not limited to, applying for a building permit, submitting a
17 plan or design to the county, or obtaining a construction loan.

18 (b) The temporary shelter is connected to water and
19 electric utilities and does not present a threat to health and
20 human safety.

21 (c) The resident lives in the temporary structure.

22 Section 2. Section 166.0335, Florida Statutes, is created
23 to read:

24 166.0335 Temporary shelter prohibition.—

25 (1) For the purposes of this section, the term "temporary
26 shelter" includes, but is not limited to, a recreational
27 vehicle, trailer, or similar structure placed on a residential
28 property.

29 (2) Notwithstanding any other law, ordinance, or regulation
30 to the contrary, following the declaration of a state of
31 emergency issued by the Governor for a natural emergency as
32 defined in s. 252.34(8) during which a permanent residential
33 structure was damaged and rendered uninhabitable, a municipality
34 may not prohibit the placement of one temporary shelter on the
35 residential property for up to 36 months after the date of the
36 declaration or until a certificate of occupancy is issued on the
37 permanent residential structure on the property, whichever
38 occurs first, if all of the following circumstances apply:

39 (a) The resident makes a good faith effort to rebuild or



40 renovate the damaged permanent residential structure, including,
41 but not limited to, applying for a building permit, submitting a
42 plan or design to the municipality, or obtaining a construction
43 loan.

44 (b) The temporary shelter is connected to water and
45 electric utilities and does not present a threat to health and
46 human safety.

47 (c) The resident lives in the temporary structure.

48 Section 3. Subsection (4) is added to section 189.0695,
49 Florida Statutes, to read:

50 189.0695 Independent special districts; performance
51 reviews.—

52 (4) Notwithstanding the timeframe specified in paragraph
53 (2)(c), an independent special fire control district may file
54 its final report of the performance review no later than 15
55 months from the beginning of the district's fiscal year if the
56 special district is within an area for which a state of
57 emergency for a natural disaster was declared pursuant to s.
58 252.36 or no later than 24 months from the beginning of the
59 district's fiscal year if the special district is within an area
60 for which a state of emergency was declared pursuant to s.
61 252.36 for a hurricane rated category 3 or higher. This
62 subsection applies retroactively to the final reports required
63 to have been conducted by October 1, 2022.

64 Section 4. Effective upon becoming a law, paragraphs (bb)
65 and (cc) are added to subsection (2) of section 252.35, Florida
66 Statutes, to read:

67 252.35 Emergency management powers; Division of Emergency
68 Management.—



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69 (2) The division is responsible for carrying out the
70 provisions of ss. 252.31-252.90. In performing its duties, the
71 division shall:

72 (bb) Post on its website a model of a local government
73 contract for debris removal to be used by political
74 subdivisions. The initial model contract must be posted to the
75 website no later than June 1, 2023, and, thereafter, the model
76 contract must be annually updated and posted to the website no
77 later than June 1.

78 (cc) Prioritize technical assistance and training to
79 fiscally constrained counties as defined in s. 218.67 on aspects
80 of safety measures, preparedness, prevention, response,
81 recovery, and mitigation relating to natural disasters and
82 emergencies.

83 Section 5. Paragraph (a) of subsection (1) of section
84 252.363, Florida Statutes, is amended to read:

85 252.363 Tolling and extension of permits and other
86 authorizations.—

87 (1) (a) The declaration of a state of emergency issued by
88 the Governor for a natural emergency tolls the period remaining
89 to exercise the rights under a permit or other authorization for
90 the duration of the emergency declaration. Further, the
91 emergency declaration extends the period remaining to exercise
92 the rights under a permit or other authorization for 24 ~~6~~ months
93 in addition to the tolled period. The extended period to
94 exercise the rights under a permit or other authorization may
95 not exceed 48 months in total in the event of multiple natural
96 emergencies for which the Governor declares a state of
97 emergency. This paragraph applies to the following:



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98 1. The expiration of a development order issued by a local
99 government.

100 2. The expiration of a building permit.

101 3. The expiration of a permit issued by the Department of
102 Environmental Protection or a water management district pursuant
103 to part IV of chapter 373.

104 4. Permits issued by the Department of Environmental
105 Protection or a water management district pursuant to part II of
106 chapter 373 for land subject to a development agreement under
107 ss. 163.3220-163.3243 in which the permittee and the developer
108 are the same or a related entity.

109 5. The buildout date of a development of regional impact,
110 including any extension of a buildout date that was previously
111 granted as specified in s. 380.06(7)(c).

112 6. The expiration of a development permit or development
113 agreement authorized by Florida Statutes, including those
114 authorized under the Florida Local Government Development
115 Agreement Act, or issued by a local government or other
116 governmental agency.

117 Section 6. Section 252.391, Florida Statutes, is created to
118 read:

119 252.391 Emergency financial plans.—

120 (1) As used in this section, the term "local governmental
121 entity" means a county, municipality, or district school board.

122 (2) Each local governmental entity is encouraged to develop
123 an emergency financial plan for major natural disasters that may
124 impact its jurisdiction. Disasters include, but are not limited
125 to, hurricanes, tornadoes, floods, and wildfires.

126 (3) Each emergency financial plan should be based on the



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127 likely frequency of the disaster's occurrence. The financial
128 plan should include a calculation of the costs for the natural
129 disaster event and a determination of the financial resources
130 available to the local governmental entity. If insufficient
131 funds are available to address the disaster event, the emergency
132 financial plan should identify strategies to close the gap
133 between the disaster event costs and the local governmental
134 entity's financial capacity. Such strategies may include rainy
135 day funds, reprioritizing its annual budget, and borrowing.

136 (4) Local governmental entities should annually review
137 their emergency financial plans to address changes in
138 conditions.

139 Section 7. Subsections (3) and (4) are added to section
140 252.40, Florida Statutes, to read:

141 252.40 Mutual aid arrangements.—

142 (3) Local governments may create inspection teams to review
143 and approve expedited permits for temporary housing solutions,
144 repairs, and renovations after a natural disaster. Local
145 governments are encouraged to establish interlocal agreements
146 with other jurisdictions to provide additional inspection
147 services during a state of emergency.

148 (4) Municipalities and counties are encouraged to develop
149 and adopt plans to provide temporary accommodations for
150 contractors, utility workers, first responders, and others
151 dispatched to aid in hurricane recovery efforts. Public areas,
152 including, but not limited to, fairgrounds and parking lots, may
153 be used for tents and trailers for such temporary
154 accommodations.

155 Section 8. Effective upon becoming a law, paragraph (g) of



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156 subsection (2) of section 287.055, Florida Statutes, is amended
157 to read:

158 287.055 Acquisition of professional architectural,
159 engineering, landscape architectural, or surveying and mapping
160 services; definitions; procedures; contingent fees prohibited;
161 penalties.—

162 (2) DEFINITIONS.—For purposes of this section:

163 (g) A “continuing contract” is a contract for professional
164 services entered into in accordance with all the procedures of
165 this act between an agency and a firm whereby the firm provides
166 professional services to the agency for projects in which the
167 estimated construction cost of each individual project under the
168 contract does not exceed \$4 million, for study activity if the
169 fee for professional services for each individual study under
170 the contract does not exceed \$500,000, or for work of a
171 specified nature as outlined in the contract required by the
172 agency, with the contract being for a fixed term or with no time
173 limitation except that the contract must provide a termination
174 clause. Firms providing professional services under continuing
175 contracts shall not be required to bid against one another. The
176 term “continuing contract” includes contracts executed through
177 June 30, 2025, for professional services to the agency for
178 projects related to natural disaster response or relief in which
179 the estimated construction cost for each individual project does
180 not exceed \$15 million.

181 Section 9. The amendments made by this act to s.
182 287.055(2)(g), Florida Statutes, expire on July 1, 2026, and the
183 text of that paragraph shall revert to that in existence on the
184 day before the date that this act became a law, except that any



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185 amendments to such text enacted other than by this act shall be
186 preserved and continue to operate to the extent that such
187 amendments are not dependent upon the portions of the text which
188 expire pursuant to this section.

189 Section 10. Section 288.066, Florida Statutes, as created
190 by section 1 of chapter 2023-1, Laws of Florida, is amended to
191 read:

192 288.066 Local Government Emergency Revolving Bridge Loan
193 Program.—

194 (1) CREATION.—The Local Government Emergency Revolving
195 Bridge Loan Program is created, ~~subject to appropriation,~~ within
196 the department to provide financial assistance to local
197 governments impacted by federally declared disasters ~~Hurricane~~
198 ~~Ian or Hurricane Nicole~~. The purpose of the loan program is to
199 assist these local governments in maintaining government
200 operations by bridging the gap between the time that the
201 declared disaster occurred and the time that additional funding
202 sources or revenues are secured to provide them with financial
203 assistance.

204 (2) ELIGIBILITY.—To be eligible for a loan under the
205 program, a local government must be a county or a municipality
206 located in an area designated in a ~~the~~ Federal Emergency
207 Management Agency disaster declaration ~~declarations for~~
208 ~~Hurricane Ian or Hurricane Nicole~~. The local government must
209 show that it may suffer or has suffered substantial loss of its
210 tax or other revenues as a result of the disaster ~~hurricane~~ and
211 demonstrate a need for financial assistance to enable it to
212 continue to perform its governmental operations.

213 (3) LOAN TERMS.—



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214 (a) The department may provide interest-free loans to
215 eligible local governments through a promissory note or other
216 form of written agreement evidencing an obligation to repay the
217 borrowed funds to the department.

218 (b) The amount of each loan must be based upon demonstrated
219 need ~~and must be disbursed to the local government in a lump~~
220 ~~sum~~.

221 (c) The term of the loan is up to 1 year, ~~unless otherwise~~
222 ~~extended by the department~~. However, the department may extend
223 loan terms for up to 6 months based on the local government's
224 financial condition.

225 (4) APPLICATION.—The department shall prescribe a loan
226 application and any other information determined necessary by
227 the department to review and evaluate the application. The
228 eligible local government must submit a loan application within
229 the 12 months after the date that the federal disaster was
230 declared. Upon receipt of an application, the department shall
231 review the application and may request additional information as
232 necessary to complete the review and evaluation. The department
233 shall determine the amount to be loaned, which may be a lower
234 amount than requested, based on the information provided and the
235 total amount of funds available to be loaned and in relation to
236 demonstrated need from other eligible applicants. The department
237 may deny a loan application. Reasons for a loan application
238 denial may include, but are not limited to, the loan risk, an
239 incomplete application, failure to demonstrate need, or the fact
240 that receiving a loan may negatively affect the local
241 government's eligibility for other federal programs.

242 (5) ~~(4)~~ USE OF LOAN FUNDS.—A local government may use loan



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243 funds only to continue local governmental operations or to
244 expand or modify such operations to meet disaster-related needs.
245 The funds may not be used to finance or supplant funding for
246 capital improvements or to repair or restore damaged public
247 facilities or infrastructure.

248 (6)~~(5)~~ LOAN REPAYMENT.—

249 (a) The local government may make payments against the loan
250 at any time without penalty. Early repayment is encouraged as
251 other funding sources or revenues become available to the local
252 government.

253 (b) Loans become due and payable in accordance with the
254 terms of the agreement.

255 (7)~~(6)~~ ADMINISTRATION.—

256 (a) Upon the issuance of a federal disaster declaration,
257 the department shall provide notice of application requirements
258 and the total amount of funds available and make loan
259 information available to eligible local governments. Based upon
260 the amount of funds in the Economic Development Trust Fund
261 available to be loaned and anticipated balances, the department
262 may make funds available in an amount reasonably related to the
263 anticipated need, based upon the impacts of the federal
264 disaster, up to the total amount available ~~The department may~~
265 ~~approve loans in the 2022-2023 fiscal year or the 2023-2024~~
266 ~~fiscal year up to the total amount appropriated.~~

267 (b) The department must coordinate with the Division of
268 Emergency Management or other applicable state agencies to
269 assess whether such loans would affect reimbursement under
270 federal programs for disaster-related expenses.

271 (c) All repayments of principal and interest shall be



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272 returned to the loan fund and made available as provided in this
273 section. Notwithstanding s. 216.301, funds appropriated for this
274 program are not subject to reversion ~~Upon receipt of any loan~~
275 ~~payment from a local government, the department shall transfer~~
276 ~~the funds to the General Revenue Fund.~~

277 (8) ~~(7)~~ RULES.—The department may adopt rules to implement
278 this section.

279 (9) ~~(8)~~ EXPIRATION.—This section expires July 1, 2038 ~~June~~
280 ~~30, 2027. A loan may not be awarded after June 30, 2038.~~ Upon
281 expiration, all unencumbered funds and loan repayments made on
282 or after July 1, 2038, shall be transferred ~~revert~~ to the
283 General Revenue Fund.

284 Section 11. Effective upon becoming a law, subsection (5)
285 is added to section 489.117, Florida Statutes, to read:

286 489.117 Registration; specialty contractors.—

287 (5) Notwithstanding paragraph (1)(b), a registered
288 contractor may engage in contracting only for work covered by
289 the registration within an area for which a state of emergency
290 is declared pursuant to s. 252.36 for a natural emergency. This
291 authorization terminates 24 months after the expiration of the
292 declared state of emergency. The local jurisdiction that
293 licenses the registered contractor may discipline the registered
294 contractor for violations occurring outside the licensing
295 jurisdiction which occur during the period such work is
296 authorized under this subsection.

297 Section 12. Section 553.7922, Florida Statutes, is created
298 to read:

299 553.7922 Local government-expedited approval of certain
300 permits.—Following a state of emergency declared pursuant to



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301 252.36 for a natural emergency, local governments impacted by
302 the emergency shall approve special processing procedures to
303 expedite permit issuance for permits that do not require
304 technical review, including, but not limited to, roof repairs,
305 reroofing, electrical repairs, service changes, or the
306 replacement of one window or one door. Local governments may
307 waive application and inspection fees for permits expedited
308 under this section.

309 Section 13. Effective upon becoming a law, present
310 subsections (8) and (9) of section 553.80, Florida Statutes, are
311 redesignated as subsections (9) and (10), respectively, and a
312 new subsection (8) is added to that section, to read:

313 553.80 Enforcement.—

314 (8) Effective January 1, 2023, local governments located in
315 areas designated in the Federal Emergency Management Agency
316 disaster declarations for Hurricane Ian or Hurricane Nicole may
317 not raise building inspection fees, as authorized by s.
318 125.56(2) or s. 166.222 and this section, before October 1,
319 2024. This subsection expires June 30, 2025.

320 Section 14. A county or municipality located in an area
321 designated in a Federal Emergency Management Agency disaster
322 declaration for Hurricane Ian or Hurricane Nicole shall not
323 adopt more restrictive or burdensome procedures to its
324 comprehensive plan or land development regulations, concerning
325 review, approval, or issuance of a site plan, development permit
326 or development order, to the extent those terms are defined by
327 s. 163.3164, Florida Statutes, or propose any such adoption or
328 amendment before October 1, 2024. This subsection applies
329 retroactively to September 29, 2022.



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330 (2) Any comprehensive plan amendment, land development
331 regulation, site plan, development permit, or development order
332 approved by

333
334 ===== T I T L E A M E N D M E N T =====

335 And the title is amended as follows:

336 Delete lines 67 - 77

337 and insert:

338 governments impacted by certain emergencies to approve
339 special processing procedures to expedite certain
340 permits; amending s. 553.80, F.S.; prohibiting certain
341 local governments from raising building inspection
342 fees during a certain timeframe; providing for future
343 expiration; prohibiting counties and municipalities
344 located in areas included in certain federal disaster
345 declarations from adopting or amending certain
346 procedures for a specified period; providing for
347 retroactive application; providing that certain
348 comprehensive plan amendments, land development
349 regulations, site plans, and development permits or