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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2023	.	
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The Committee on Fiscal Policy (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 156 - 447

and insert:

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

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the



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11 provisions of ss. 252.31-252.90. In performing its duties, the
12 division shall:

13 (bb) Post on its website a model of a local government
14 contract for debris removal to be used by political
15 subdivisions. The initial model contract must be posted to the
16 website no later than June 1, 2023, and, thereafter, the model
17 contract must be annually updated and posted to the website no
18 later than June 1.

19 (cc) Prioritize technical assistance and training to
20 fiscally constrained counties as defined in s. 218.67 on aspects
21 of safety measures, preparedness, prevention, response,
22 recovery, and mitigation relating to natural disasters and
23 emergencies.

24 (dd) Administer a revolving loan program for local
25 government hazard mitigation projects.

26 Section 5. Paragraph (a) of subsection (1) of section
27 252.363, Florida Statutes, is amended to read:

28 252.363 Tolling and extension of permits and other
29 authorizations.—

30 (1) (a) The declaration of a state of emergency issued by
31 the Governor for a natural emergency tolls the period remaining
32 to exercise the rights under a permit or other authorization for
33 the duration of the emergency declaration. Further, the
34 emergency declaration extends the period remaining to exercise
35 the rights under a permit or other authorization for 24 ~~6~~ months
36 in addition to the tolled period. The extended period to
37 exercise the rights under a permit or other authorization may
38 not exceed 48 months in total in the event of multiple natural
39 emergencies for which the Governor declares a state of



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40 emergency. This paragraph applies to the following:

41 1. The expiration of a development order issued by a local
42 government.

43 2. The expiration of a building permit.

44 3. The expiration of a permit issued by the Department of
45 Environmental Protection or a water management district pursuant
46 to part IV of chapter 373.

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

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

55 6. The expiration of a development permit or development
56 agreement authorized by Florida Statutes, including those
57 authorized under the Florida Local Government Development
58 Agreement Act, or issued by a local government or other
59 governmental agency.

60 Section 6. Section 252.391, Florida Statutes, is created to
61 read:

62 252.391 Emergency financial plans.-

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

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



69 (3) Each emergency financial plan should be based on the
70 likely frequency of the disaster's occurrence. The financial
71 plan should include a calculation of the costs for the natural
72 disaster event and a determination of the financial resources
73 available to the local governmental entity. If insufficient
74 funds are available to address the disaster event, the emergency
75 financial plan should identify strategies to close the gap
76 between the disaster event costs and the local governmental
77 entity's financial capacity. Such strategies may include rainy
78 day funds, reprioritizing its annual budget, and borrowing.

79 (4) Local governmental entities should annually review
80 their emergency financial plans to address changes in
81 conditions.

82 Section 7. Subsections (3) and (4) are added to section
83 252.40, Florida Statutes, to read:

84 252.40 Mutual aid arrangements.—

85 (3) Local governments may create inspection teams to review
86 and approve expedited permits for temporary housing solutions,
87 repairs, and renovations after a natural disaster. Local
88 governments are encouraged to establish interlocal agreements
89 with other jurisdictions to provide additional inspection
90 services during a state of emergency.

91 (4) Municipalities and counties are encouraged to develop
92 and adopt plans to provide temporary accommodations for
93 contractors, utility workers, first responders, and others
94 dispatched to aid in hurricane recovery efforts. Public areas,
95 including, but not limited to, fairgrounds and parking lots, may
96 be used for tents and trailers for such temporary
97 accommodations.



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98 Section 8. Effective upon becoming a law, paragraph (g) of
99 subsection (2) of section 287.055, Florida Statutes, is amended
100 to read:

101 287.055 Acquisition of professional architectural,
102 engineering, landscape architectural, or surveying and mapping
103 services; definitions; procedures; contingent fees prohibited;
104 penalties.—

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

106 (g) A "continuing contract" is a contract for professional
107 services entered into in accordance with all the procedures of
108 this act between an agency and a firm whereby the firm provides
109 professional services to the agency for projects in which the
110 estimated construction cost of each individual project under the
111 contract does not exceed \$4 million, for study activity if the
112 fee for professional services for each individual study under
113 the contract does not exceed \$500,000, or for work of a
114 specified nature as outlined in the contract required by the
115 agency, with the contract being for a fixed term or with no time
116 limitation except that the contract must provide a termination
117 clause. Firms providing professional services under continuing
118 contracts shall not be required to bid against one another. The
119 term "continuing contract" includes contracts executed through
120 December 31, 2023, for professional services to the agency for
121 projects related to repairs and remediation to a specific site
122 due to damage caused by Hurricane Ian in which the estimated
123 construction cost for each individual project does not exceed
124 \$15 million.

125 Section 9. The amendments made by this act to s.
126 287.055(2)(g), Florida Statutes, expire on July 1, 2026, and the



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127 text of that paragraph shall revert to that in existence on the
128 day before the date that this act became a law, except that any
129 amendments to such text enacted other than by this act shall be
130 preserved and continue to operate to the extent that such
131 amendments are not dependent upon the portions of the text which
132 expire pursuant to this section.

133 Section 10. Section 288.066, Florida Statutes, as created
134 by section 1 of chapter 2023-1, Laws of Florida, is amended to
135 read:

136 288.066 Local Government Emergency Revolving Bridge Loan
137 Program.—

138 (1) CREATION.—The Local Government Emergency Revolving
139 Bridge Loan Program is created, ~~subject to appropriation,~~ within
140 the department to provide financial assistance to local
141 governments impacted by federally declared disasters ~~Hurricane~~
142 ~~Ian or Hurricane Nicole~~. The purpose of the loan program is to
143 assist these local governments in maintaining government
144 operations by bridging the gap between the time that the
145 declared disaster occurred and the time that additional funding
146 sources or revenues are secured to provide them with financial
147 assistance.

148 (2) ELIGIBILITY.—To be eligible for a loan under the
149 program, a local government must be a county or a municipality
150 located in an area designated in a the Federal Emergency
151 Management Agency disaster declaration ~~declarations for~~
152 ~~Hurricane Ian or Hurricane Nicole~~. The local government must
153 show that it may suffer or has suffered substantial loss of its
154 tax or other revenues as a result of the disaster ~~hurricane~~ and
155 demonstrate a need for financial assistance to enable it to



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156 continue to perform its governmental operations. Access to and
157 eligibility for the loan program supersedes any local government
158 charter or borrowing limitations that would otherwise
159 financially constrain the local government's ability to recover
160 from a disaster.

161 (3) LOAN TERMS.—

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

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

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

173 (4) APPLICATION.—The department shall prescribe a loan
174 application and any other information determined necessary by
175 the department to review and evaluate the application. The
176 eligible local government must submit a loan application within
177 the 12 months after the date that the federal disaster was
178 declared. Upon receipt of an application, the department shall
179 review the application and may request additional information as
180 necessary to complete the review and evaluation. The department
181 shall determine the amount to be loaned, which may be a lower
182 amount than requested, based on the information provided and the
183 total amount of funds available to be loaned and in relation to
184 demonstrated need from other eligible applicants. The department



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185 may deny a loan application. Reasons for a loan application
186 denial may include, but are not limited to, the loan risk, an
187 incomplete application, failure to demonstrate need, or the fact
188 that receiving a loan may negatively affect the local
189 government's eligibility for other federal programs.

190 (5) ~~(4)~~ USE OF LOAN FUNDS.—A local government may use loan
191 funds only to continue local governmental operations or to
192 expand or modify such operations to meet disaster-related needs.
193 The funds may not be used to finance or supplant funding for
194 capital improvements or to repair or restore damaged public
195 facilities or infrastructure.

196 (6) ~~(5)~~ LOAN REPAYMENT.—

197 (a) The local government may make payments against the loan
198 at any time without penalty. Early repayment is encouraged as
199 other funding sources or revenues become available to the local
200 government.

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

203 (7) ~~(6)~~ ADMINISTRATION.—

204 (a) Upon the issuance of a federal disaster declaration,
205 the department shall provide notice of application requirements
206 and the total amount of funds available and make loan
207 information available to eligible local governments. Based upon
208 the amount of funds in the Economic Development Trust Fund
209 available to be loaned and anticipated balances, the department
210 may make funds available in an amount reasonably related to the
211 anticipated need, based upon the impacts of the federal
212 disaster, up to the total amount available ~~The department may~~
213 ~~approve loans in the 2022-2023 fiscal year or the 2023-2024~~



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214 ~~fiscal year up to the total amount appropriated.~~

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

219 (c) All repayments of principal and interest shall be
220 returned to the loan fund and made available as provided in this
221 section. Notwithstanding s. 216.301, funds appropriated for this
222 program are not subject to reversion ~~Upon receipt of any loan~~
223 ~~payment from a local government, the department shall transfer~~
224 ~~the funds to the General Revenue Fund.~~

225 (8) ~~(7)~~ RULES.—The department may adopt rules to implement
226 this section.

227 (9) ~~(8)~~ EXPIRATION.—This section expires July 1, 2038 ~~June~~
228 ~~30, 2027. A loan may not be awarded after June 30, 2038.~~ Upon
229 expiration, all unencumbered funds and loan repayments made on
230 or after July 1, 2038, shall be transferred ~~revert~~ to the
231 General Revenue Fund.

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

234 489.117 Registration; specialty contractors.—

235 (5) Notwithstanding paragraph (1)(b), a registered
236 contractor may engage in contracting only for work covered by
237 the registration within an area for which a state of emergency
238 is declared pursuant to s. 252.36 for a natural emergency. This
239 authorization terminates 24 months after the expiration of the
240 declared state of emergency. The local jurisdiction that
241 licenses the registered contractor may discipline the registered
242 contractor for violations occurring outside the licensing



243 jurisdiction which occur during the period such work is
244 authorized under this subsection.

245 Section 12. Section 553.7922, Florida Statutes, is created
246 to read:

247 553.7922 Local government-expedited approval of certain
248 permits.—Following a state of emergency declared pursuant to
249 252.36 for a natural emergency, local governments impacted by
250 the emergency shall approve special processing procedures to
251 expedite permit issuance for permits that do not require
252 technical review, including, but not limited to, roof repairs,
253 reroofing, electrical repairs, service changes, or the
254 replacement of one window or one door. Local governments may
255 waive application and inspection fees for permits expedited
256 under this section.

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

261 553.80 Enforcement.—

262 (8) Effective January 1, 2023, local governments located in
263 areas designated in the Federal Emergency Management Agency
264 disaster declarations for Hurricane Ian or Hurricane Nicole may
265 not raise building inspection fees, as authorized by s.
266 125.56(2) or s. 166.222 and this section, before October 1,
267 2024. This subsection expires June 30, 2025.

268 Section 14. A county or municipality located in an area
269 designated in a Federal Emergency Management Agency disaster
270 declaration for Hurricane Ian or Hurricane Nicole shall not
271 propose or adopt more restrictive or burdensome procedures to



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272 its comprehensive plan or land development regulations,
273 concerning review, approval, or issuance of a site plan,
274 development permit or development order, to the extent those
275 terms are defined by s. 163.3164, Florida Statutes, before
276 October 1, 2024. This subsection applies retroactively to
277 September 29, 2022.

278 (2) Any comprehensive plan amendment, land development
279 regulation, site plan, development permit, or development order
280 approved by a county or municipality under procedures adopted
281 before the effective date of this act may be enforced.

282 (3) This section shall take effect upon becoming a law and
283 expires June 30, 2025.

284 Section 15. Section 627.4108, Florida Statutes, is created
285 to read:

286 627.4108 Submission of claims handling manuals;
287 attestation.-

288 (1) This section is intended to ensure that property
289 insurers are able to properly handle insurance claims during
290 natural disasters, catastrophes, and other emergencies.

291 (2) Each authorized property insurer and eligible surplus
292 lines property insurer conducting business in this state must
293 submit any and all claims handling manuals to the office:

294 (a) On or before August 1, 2023;

295 (b) Annually thereafter, on or before May 1 of each
296 calendar year; and

297 (c) Within 30 days of any updates or amendments to such
298 manual.

299 (2) The insurer must include with each such submission an
300 attestation on a form prescribed by the office stating that:



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301 (a) The insurer's claims handling manual complies with the
302 requirements of this code and comports to usual and customary
303 industry claims handling practices; and

304 (b) The insurer maintains adequate resources available to
305 implement the requirements of its claims handling manual at all
306 times, including during extreme catastrophic events.

307 (3) The office may, as often as it deems necessary, conduct
308 market conduct examinations under s. 624.3161 of insurers to
309 ensure compliance with this section.

310 Section 16. Paragraph (d) is added to subsection (2) of
311 section 823.11, Florida Statutes, to read:

312 823.11 Derelict vessels; relocation or removal; penalty.—

313 (2)

314 (d) Notwithstanding the additional 45 days provided in sub-
315 paragraph (b)2.b. during which an owner or a responsible
316 party may not be charged for a violation of this section, the
317 commission, an officer of the commission, a law enforcement
318 agency or officer specified in s. 327.70, or, during a state of
319 emergency declared by the Governor, the Division of Emergency
320 Management or its designee, may immediately begin the process
321 set forth in s. 705.103(2) (a) and, once that process has been
322 completed and the 45 days provided herein have passed, any
323 vessel that has not been removed or repaired such that it is no
324 longer derelict upon the waters of this state may be removed and
325 destroyed as provided therein.

326 Section 17. For the 2023-2024 fiscal year, the sums of
327 \$1,000,000 in nonrecurring funds from the General Revenue Fund
328 and \$10,000,000 in nonrecurring funds from the Federal Grants
329 Trust Fund are appropriated to the Division of Emergency



330 Management to fund the Safeguarding Tomorrow Through Ongoing
331 Risk Mitigation Act Revolving Loan Program. These funds shall be
332 placed in reserve. The division is authorized to submit a budget
333 amendment for release of the funds held in reserve for approval
334 by the Legislative Budget Commission pursuant to chapter 216,
335 Florida Statutes. Release is contingent upon documentation of an
336 award or other approval by the Federal Emergency Management
337 Agency and the division's approved intended use plan for the
338 funds.

339 Section 18. The sum of \$971,331 in recurring funds and
340 \$37,456 in nonrecurring funds from the Insurance Regulatory
341 Trust Fund and eight positions with associated salary rate of
342 625,000 is appropriated to the Office of Insurance Regulation
343 related to hurricane related market conduct activity.

344
345 ===== T I T L E A M E N D M E N T =====

346 And the title is amended as follows:

347 Delete lines 19 - 80

348 and insert:

349 counties; requiring the division administer a
350 revolving loan fund for certain local government
351 projects; amending s. 252.363, F.S.; increasing the
352 timeframe to exercise rights under a permit or other
353 authorization; limiting the timeframe to exercise
354 rights under a permit or other authorization to a
355 certain timeframe when multiple natural emergencies
356 occur; creating s. 252.391, F.S.; defining the term
357 "local governmental entity"; encouraging local
358 governmental entities to develop an emergency



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359 financial plan for major disasters; providing the
360 contents of the emergency financial plan; recommending
361 annual review of the emergency financial plan;
362 amending s. 252.40, F.S.; authorizing local
363 governments to create inspection teams for the review
364 and approval of certain expedited permits; encouraging
365 local governments to establish certain interlocal
366 agreements; encouraging local governments to develop
367 plans related to temporary accommodations of certain
368 individuals; amending s. 287.055, F.S.; revising the
369 definition of the term "continuing contract";
370 providing for the future expiration and reversion of
371 specified statutory text; amending s. 288.066, F.S.;
372 creating the Local Government Emergency Revolving
373 Bridge Loan Program within the Department of Economic
374 Opportunity to provide certain financial assistance to
375 local governments impacted by federally declared
376 disasters; conforming provisions to changes made by
377 the act; providing construction; authorizing the
378 department to provide interest-free loans to eligible
379 local governments through specified means; requiring
380 the department to prescribe a loan application;
381 requiring the department to determine the loan amount
382 based on certain factors; authorizing the department
383 to deny a loan application and providing specified
384 reasons for such denial; requiring the department to
385 provide certain notice and make loan information
386 available to eligible local governments; requiring
387 loan repayments to be returned to the loan fund;



388 providing that funds appropriated for the program are
389 not subject to reversion; providing for expiration;
390 amending s. 489.117, F.S.; authorizing a registered
391 contractor to engage in contracting under certain
392 circumstances; providing an expiration timeframe for
393 such authorization; authorizing the local jurisdiction
394 to discipline the registered contractor under certain
395 circumstances; creating s. 553.7922, F.S.; requiring
396 local governments impacted by certain emergencies to
397 approve special processing procedures to expedite
398 certain permits; amending s. 553.80, F.S.; prohibiting
399 certain local governments from raising building
400 inspection fees during a certain timeframe; providing
401 for future expiration; prohibiting counties and
402 municipalities located in areas included in certain
403 federal disaster declarations from adopting or
404 amending certain procedures for a specified period;
405 providing for retroactive application; providing that
406 certain comprehensive plan amendments, land
407 development regulations, site plans, and development
408 permits or orders may be enforced; providing for
409 expiration; creating s. 627.4108, F.S.; requiring
410 certain property insurers to submit any and all claims
411 handling manuals to the Office of Insurance Regulation
412 by a certain date and annually thereafter and within a
413 certain timeframe of any updates to such manual;
414 requiring the insurer to include a certain attestation
415 on a form prescribed by the office; requiring the
416 office to conduct market conduct exams as necessary;



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417 amending s. 823.11, F.S.; authorizing certain persons
418 to engage in a process relating to the removal and
419 destruction of derelict vessels; providing
420 appropriations; providing for the transfer of