

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Giallombardo offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 125.023, Florida Statutes, is created
6 to read:

7 125.023 Temporary shelter prohibition.-

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

12 (2) Notwithstanding any other law, ordinance, or
13 regulation to the contrary, following the declaration of a state

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14 of emergency issued by the Governor for a natural emergency as
15 defined in s. 252.34(8) during which a permanent residential
16 structure was damaged and rendered uninhabitable, a county may
17 not prohibit the placement of one temporary shelter on the
18 residential property for up to 36 months after the date of the
19 declaration or until a certificate of occupancy is issued on the
20 permanent residential structure on the property, whichever
21 occurs first, if all of the following circumstances apply:

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

26 (b) The temporary shelter is connected to water and
27 electric utilities and does not present a threat to health and
28 human safety.

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

30 Section 2. Section 166.0335, Florida Statutes, is created
31 to read:

32 166.0335 Temporary shelter prohibition.—

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

37 (2) Notwithstanding any other law, ordinance, or
38 regulation to the contrary, following the declaration of a state

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39 of emergency issued by the Governor for a natural emergency as
40 defined in s. 252.34(8) during which a permanent residential
41 structure was damaged and rendered uninhabitable, a municipality
42 may not prohibit the placement of one temporary shelter on the
43 residential property for up to 36 months after the date of the
44 declaration or until a certificate of occupancy is issued on the
45 permanent residential structure on the property, whichever
46 occurs first, if all of the following circumstances apply:

47 (a) The resident makes a good faith effort to rebuild or
48 renovate the damaged permanent residential structure, including,
49 but not limited to, applying for a building permit, submitting a
50 plan or design to the municipality, or obtaining a construction
51 loan.

52 (b) The temporary shelter is connected to water and
53 electric utilities and does not present a threat to health and
54 human safety.

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

56 Section 3. Effective upon becoming a law, paragraphs (bb),
57 (cc), and (dd) are added to subsection (2) of section 252.35,
58 Florida Statutes, to read:

59 252.35 Emergency management powers; Division of Emergency
60 Management.—

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

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64 (bb) Post on its website a model of a local government
65 contract for debris removal to be used by political
66 subdivisions. The initial model contract must be posted to the
67 website no later than June 1, 2023, and, thereafter, the model
68 contract must be annually updated and posted to the website no
69 later than June 1.

70 (cc) Prioritize technical assistance and training to
71 fiscally constrained counties as defined in s. 218.67(1) on
72 aspects of safety measures, preparedness, prevention, response,
73 recovery, and mitigation relating to natural disasters and
74 emergencies.

75 (dd) Administer a revolving loan program for local
76 government hazard mitigation projects.

77 Section 4. Paragraph (a) of subsection (1) of section
78 252.363, Florida Statutes, is amended to read:

79 252.363 Tolling and extension of permits and other
80 authorizations.—

81 (1) (a) The declaration of a state of emergency issued by
82 the Governor for a natural emergency tolls the period remaining
83 to exercise the rights under a permit or other authorization for
84 the duration of the emergency declaration. Further, the
85 emergency declaration extends the period remaining to exercise
86 the rights under a permit or other authorization for 24 ~~6~~ months
87 in addition to the tolled period. The extended period to
88 exercise the rights under a permit or other authorization may

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89 not exceed 48 months in total in the event of multiple natural
90 emergencies for which the Governor declares a state of
91 emergency. The tolling and extension of permits and other
92 authorizations under this paragraph shall apply retroactively to
93 September 28, 2022. This paragraph applies to the following:

94 1. The expiration of a development order issued by a local
95 government.

96 2. The expiration of a building permit.

97 3. The expiration of a permit issued by the Department of
98 Environmental Protection or a water management district pursuant
99 to part IV of chapter 373.

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

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

108 6. The expiration of a development permit or development
109 agreement authorized by Florida Statutes, including those
110 authorized under the Florida Local Government Development
111 Agreement Act, or issued by a local government or other
112 governmental agency.

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113 Section 5. Section 252.391, Florida Statutes, is created
114 to read:

115 252.391 Emergency financial plans.-

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

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

122 (3) Each emergency financial plan should be based on the
123 likely frequency of the disaster's occurrence. The financial
124 plan should include a calculation of the costs for the natural
125 disaster event and a determination of the financial resources
126 available to the local governmental entity. If insufficient
127 funds are available to address the disaster event, the emergency
128 financial plan should identify strategies to close the gap
129 between the disaster event costs and the local governmental
130 entity's financial capacity. Such strategies may include rainy
131 day funds, reprioritizing its annual budget, and borrowing.

132 (4) Local governmental entities should annually review
133 their emergency financial plans to address changes in
134 conditions.

135 Section 6. Subsections (3) and (4) are added to section
136 252.40, Florida Statutes, to read:

137 252.40 Mutual aid arrangements.-

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138 (3) Local governments may create inspection teams to
139 review and approve expedited permits for temporary housing
140 solutions, repairs, and renovations after a natural disaster.

141 Local governments are encouraged to establish interlocal
142 agreements with other jurisdictions to provide additional
143 inspection services during a state of emergency.

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

151 Section 7. Effective upon becoming a law, paragraph (g) of
152 subsection (2) of section 287.055, Florida Statutes, is amended
153 to read:

154 287.055 Acquisition of professional architectural,
155 engineering, landscape architectural, or surveying and mapping
156 services; definitions; procedures; contingent fees prohibited;
157 penalties.—

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

159 (g) A "continuing contract" is a contract for professional
160 services entered into in accordance with all the procedures of
161 this act between an agency and a firm whereby the firm provides
162 professional services to the agency for projects in which the

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163 estimated construction cost of each individual project under the
164 contract does not exceed \$4 million, for study activity if the
165 fee for professional services for each individual study under
166 the contract does not exceed \$500,000, or for work of a
167 specified nature as outlined in the contract required by the
168 agency, with the contract being for a fixed term or with no time
169 limitation except that the contract must provide a termination
170 clause. Firms providing professional services under continuing
171 contracts shall not be required to bid against one another. The
172 term "continuing contract" includes contracts executed through
173 December 31, 2023, for professional services to the agency for
174 projects related to repairs and remediation to a specific site
175 due to damage caused by Hurricane Ian in which the estimated
176 construction cost for each individual project does not exceed
177 \$15 million.

178 Section 8. The amendments made by this act to s.
179 287.055(2)(g), Florida Statutes, expire on January 1, 2024, and
180 the text of that paragraph shall revert to that in existence on
181 the day before the date that this act became a law, except that
182 any amendments to such text enacted other than by this act shall
183 be preserved and continue to operate to the extent that such
184 amendments are not dependent upon the portions of the text which
185 expire pursuant to this section.

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186 Section 9. Section 288.066, Florida Statutes, as created
187 by section 1 of chapter 2023-1, Laws of Florida, is amended to
188 read:

189 288.066 Local Government Emergency Revolving Bridge Loan
190 Program.—

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

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

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211 charter or borrowing limitations that would otherwise
212 financially constrain the local government's ability to recover
213 from a disaster.

214 (3) LOAN TERMS.—

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

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

222 (c) The term of the loan is up to 24 months ~~1 year, unless~~
223 ~~otherwise extended by the department.~~ However, the department
224 may extend loan terms for up to 6 months based on the local
225 government's financial condition.

226 (4) APPLICATION.—The department shall prescribe a loan
227 application and may request any other information determined
228 necessary by the department to review and evaluate the
229 application. The eligible local government must submit a loan
230 application within the 12 months after the date that the federal
231 disaster was declared. Upon receipt of an application, the
232 department shall review the application and may request
233 additional information as necessary to complete the review and
234 evaluation. If the loan application is approved, the department
235 shall determine the amount to be loaned, which may be a lower

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236 amount than requested, based on the information provided and the
237 total amount of funds available to be loaned and in relation to
238 demonstrated need from other eligible applicants. If the loan
239 application is denied, reasons for the denial may include, but
240 are not limited to, the loan risk, an incomplete application,
241 failure to demonstrate need, or the fact that receiving a loan
242 may negatively affect the local government's eligibility for
243 other federal programs.

244 (5)-(4) USE OF LOAN FUNDS.-A local government may use loan
245 funds only to continue local governmental operations or to
246 expand or modify such operations to meet disaster-related needs.
247 The funds may not be used to finance or supplant funding for
248 capital improvements or to repair or restore damaged public
249 facilities or infrastructure.

250 (6)-(5) LOAN REPAYMENT.-

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

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

257 (7)-(6) ADMINISTRATION.-

258 (a) Upon the issuance of a federal disaster declaration,
259 the department shall provide notice of application requirements
260 and the total amount of funds available and shall make loan

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261 information available to eligible local governments. Based upon
262 the amount of funds in the Economic Development Trust Fund
263 available to be loaned and anticipated balances, the department
264 may make funds available in an amount reasonably related to the
265 anticipated need, based upon the impacts of the federal
266 disaster, up to the total amount available ~~The department may~~
267 ~~approve loans in the 2022-2023 fiscal year or the 2023-2024~~
268 ~~fiscal year up to the total amount appropriated.~~

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

273 (c) All repayments of principal and interest must be
274 returned to the loan fund and made available as provided in this
275 section. Notwithstanding s. 216.301, funds appropriated for this
276 program are not subject to reversion ~~Upon receipt of any loan~~
277 ~~payment from a local government, the department shall transfer~~
278 ~~the funds to the General Revenue Fund.~~

279 ~~(8)(7)~~ RULES.—The department may adopt rules to implement
280 this section.

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

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286 Section 10. Section 366.98, Florida Statutes, is created
287 to read:

288 366.98 Public utility liability arising out of emergencies
289 and disasters.-

290 (1) A public utility is not liable for damages based in
291 whole or in part on changes in the reliability, continuity, or
292 quality of utility services which arise in any way out of an
293 emergency or disaster, including, but not limited to, a state of
294 emergency declared under s. 252.36. Consistent with the
295 commission's jurisdiction over public utility rates and service,
296 issues relating to the sufficiency of a public utility's
297 disaster preparedness and response shall be resolved by the
298 commission.

299 (2) This section does not create a new cause of action. In
300 the event that there is a conflict between this section and any
301 other section of the Florida Statutes, this section shall
302 control.

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

305 489.117 Registration; specialty contractors.-

306 (5) Notwithstanding paragraph (1)(b), a registered
307 contractor may engage in contracting only for work covered by
308 the registration within an area for which a state of emergency
309 is declared pursuant to s. 252.36 for a natural emergency. This
310 authorization terminates 24 months after the expiration of the

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311 declared state of emergency. The local jurisdiction that
312 licenses the registered contractor may discipline the registered
313 contractor for violations occurring outside the licensing
314 jurisdiction which occur during the period such work is
315 authorized under this subsection.

316 Section 12. Section 553.7922, Florida Statutes, is created
317 to read:

318 553.7922 Local government-expedited approval of certain
319 permits.—Following a state of emergency declared pursuant to s.
320 252.36 for a natural emergency, local governments impacted by
321 the emergency shall approve special processing procedures to
322 expedite permit issuance for permits that do not require
323 technical review, including, but not limited to, roof repairs,
324 reroofing, electrical repairs, service changes, or the
325 replacement of one window or one door. Local governments may
326 waive application and inspection fees for permits expedited
327 under this section.

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

332 553.80 Enforcement.—

333 (8) Effective January 1, 2023, local governments located
334 in areas designated in the Federal Emergency Management Agency
335 disaster declarations for Hurricane Ian or Hurricane Nicole may

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336 not raise building inspection fees, as authorized by s.
337 125.56(2) or s. 166.222 and this section, before October 1,
338 2024. This subsection expires June 30, 2025.

339 Section 14. (1) A county or municipality located entirely
340 or partially within 100 miles of where either Hurricane Ian or
341 Hurricane Nicole made landfall shall not propose or adopt any
342 moratorium on construction, reconstruction, or redevelopment of
343 any property damaged by Hurricane Ian or Hurricane Nicole;
344 propose or adopt more restrictive or burdensome amendments to
345 its comprehensive plan or land development regulations; or
346 propose or adopt more restrictive or burdensome procedures
347 concerning review, approval, or issuance of a site plan,
348 development permit, or development order, to the extent that
349 those terms are defined by s. 163.3164, Florida Statutes, before
350 October 1, 2024, and any such moratorium or restrictive or
351 burdensome comprehensive plan amendment, land development
352 regulation, or procedure shall be null and void ab initio. This
353 subsection applies retroactively to September 28, 2022.

354 (2) Notwithstanding subsection (1), any comprehensive plan
355 amendment, land development regulation amendment, site plan,
356 development permit, or development order approved or adopted by
357 a county or municipality before or after the effective date of
358 this section may be enforced if:

359 (a) The associated application is initiated by a private
360 party other than the county or municipality.

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361 (b) The property that is the subject of the application is
362 owned by the initiating private party.

363 (3) This section shall take effect upon becoming a law and
364 expire June 30, 2025.

365 Section 15. Paragraph (d) is added to subsection (2) of
366 section 823.11, Florida Statutes, to read:

367 823.11 Derelict vessels; relocation or removal; penalty.—

368 (2)

369 (d) Notwithstanding the additional 45 days provided in
370 sub-subparagraph (b)2.b. during which an owner or a responsible
371 party may not be charged for a violation of this section, the
372 commission, an officer of the commission, a law enforcement
373 agency or officer specified in s. 327.70, or, during a state of
374 emergency declared by the Governor, the Division of Emergency
375 Management or its designee, may immediately begin the process
376 set forth in s. 705.103(2)(a) and, once that process has been
377 completed and the 45 days provided herein have passed, any
378 vessel that has not been removed or repaired such that it is no
379 longer derelict upon the waters of this state may be removed and
380 destroyed as provided therein.

381 Section 16. For the 2023-2024 fiscal year, the sums of \$1
382 million in nonrecurring funds from the General Revenue Fund and
383 \$10 million in nonrecurring funds from the Federal Grants Trust
384 Fund are appropriated to the Division of Emergency Management to
385 fund the Safeguarding Tomorrow Through Ongoing Risk Mitigation

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386 Act Revolving Loan Program. These funds shall be placed in
387 reserve. The division is authorized to submit a budget amendment
388 for release of the funds held in reserve for approval by the
389 Legislative Budget Commission pursuant to chapter 216, Florida
390 Statutes. Release is contingent upon documentation of an award
391 or other approval by the Federal Emergency Management Agency and
392 the division's approved intended use plan for the funds.

393 Section 17. (1) For the 2023-2024 fiscal year, the sum of
394 \$50 million in nonrecurring funds is appropriated from the
395 General Revenue Fund to the Economic Development Trust Fund of
396 the Department of Economic Opportunity to fund the Local
397 Government Emergency Revolving Bridge Loan Program.

398 (2) Funds appropriated in section 3 of chapter 2023-1,
399 Laws of Florida, for the Local Government Emergency Bridge Loan
400 Program which have not been loaned to a local government
401 pursuant to a loan agreement as of July 1, 2023, shall be
402 transferred by nonoperating budget authority to the Economic
403 Development Trust Fund of the Department of Economic Opportunity
404 to be used for the Local Government Emergency Revolving Bridge
405 Loan Program.

406 (3) Notwithstanding sections 1 and 3 of chapter 2023-1,
407 Laws of Florida, all loan repayments for loans made under the
408 Local Government Emergency Bridge Loan Program shall be repaid
409 into the Economic Development Trust Fund and be made available

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410 for loans under the Local Government Emergency Revolving Bridge
411 Loan Program.

412 Section 18. Notwithstanding the timeframe specified in s.
413 189.0695 (2) (c) and (d), Florida Statutes, an independent
414 special fire control district located entirely or partially
415 within 50 miles of where Hurricane Ian made landfall that was
416 required to submit its final report of the performance review by
417 July 1, 2023, may file such report no later than January 1,
418 2024.

419 Section 19. Except as otherwise expressly provided in this
420 act and except for this section, which shall take effect upon
421 becoming a law, this act shall take effect July 1, 2023.

422 -----
423

424 **T I T L E A M E N D M E N T**

425 Remove everything before the enacting clause and insert:

426 A bill to be entitled

427 An act relating to natural emergencies; creating ss.

428 125.023 and 166.0335, F.S.; defining the term

429 "temporary shelter"; prohibiting counties and

430 municipalities, respectively, from prohibiting

431 temporary shelters on residential property for a

432 specified timeframe under certain circumstances;

433 amending s. 252.35, F.S.; requiring the Division of

434 Emergency Management to post a model contract for

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435 debris removal on its website by a specified date;
436 requiring the model contract to be annually updated by
437 a specified date; requiring the division to prioritize
438 technical assistance and training relating to natural
439 disasters and emergencies to fiscally constrained
440 counties; requiring the division to administer a
441 revolving loan fund for certain local government
442 projects; amending s. 252.363, F.S.; increasing the
443 timeframe to exercise rights under a permit or other
444 authorization; limiting the timeframe to exercise
445 rights under a permit or other authorization to a
446 certain timeframe when multiple natural emergencies
447 occur; providing for retroactive application; creating
448 s. 252.391, F.S.; defining the term "local
449 governmental entity"; encouraging local governmental
450 entities to develop an emergency financial plan for
451 major disasters; providing the contents of the
452 emergency financial plan; recommending annual review
453 of the emergency financial plan; amending s. 252.40,
454 F.S.; authorizing local governments to create
455 inspection teams for the review and approval of
456 certain expedited permits; encouraging local
457 governments to establish certain interlocal
458 agreements; encouraging local governments to develop
459 plans related to temporary accommodations of certain

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460 individuals; amending s. 287.055, F.S.; revising the
461 definition of the term "continuing contract";
462 providing for the future expiration and reversion of
463 specified statutory text; amending s. 288.066, F.S.;
464 creating the Local Government Emergency Revolving
465 Bridge Loan Program within the Department of Economic
466 Opportunity to provide certain financial assistance to
467 local governments impacted by federally declared
468 disasters; conforming provisions to changes made by
469 the act; providing construction; authorizing the
470 department to provide interest-free loans to eligible
471 local governments through specified means; requiring
472 the department to prescribe a loan application;
473 requiring the department to determine the loan amount
474 based on certain factors; authorizing the department
475 to deny a loan application and providing specified
476 reasons for such denial; requiring the department to
477 provide certain notice and make loan information
478 available to eligible local governments; requiring
479 loan repayments to be returned to the loan fund;
480 providing that funds appropriated for the program are
481 not subject to reversion; providing for expiration;
482 creating s. 366.98, F.S.; providing liability
483 protection for public utilities in certain
484 circumstances; authorizing the Florida Public Service

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485 Commission to resolve certain issues; providing
486 applicability; amending s. 489.117, F.S.; authorizing
487 a registered contractor to engage in contracting under
488 certain circumstances; providing an expiration
489 timeframe for such authorization; authorizing the
490 local jurisdiction to discipline the registered
491 contractor under certain circumstances; creating s.
492 553.7922, F.S.; requiring local governments impacted
493 by certain emergencies to approve special processing
494 procedures to expedite certain permits; amending s.
495 553.80, F.S.; prohibiting certain local governments
496 from raising building inspection fees during a certain
497 timeframe; providing for future expiration;
498 prohibiting counties and municipalities located within
499 a certain area from adopting or amending certain
500 moratoriums, amendments, or procedures for a specified
501 period; declaring that such moratoriums, amendments,
502 or procedures are null and void; providing for
503 retroactive application; providing that certain
504 comprehensive plan amendments, land development
505 regulations, site plans, and development permits or
506 orders may be enforced; providing for expiration;
507 amending s. 823.11, F.S.; authorizing certain persons
508 to engage in a process relating to the removal and
509 destruction of derelict vessels; providing

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510 | appropriations; providing for the transfer of certain
511 | appropriated funds to the Economic Development Trust
512 | Fund of the Department of Economic Opportunity;
513 | requiring that loan repayments be repaid to the
514 | Economic Development Trust Fund; authorizing certain
515 | independent special fire control districts to file a
516 | specified report on an alternative schedule; providing
517 | effective dates.

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