

By Senator Martin

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1 A bill to be entitled
2 An act relating to natural emergencies; creating ss.
3 125.023 and 166.0335, F.S.; defining the term
4 "temporary shelter"; prohibiting counties and
5 municipalities, respectively, from prohibiting
6 temporary shelters on residential property for a
7 specified timeframe under certain circumstances;
8 amending s. 189.0695, F.S.; authorizing independent
9 special fire control districts to file a specified
10 report on an alternative schedule under certain
11 circumstances; providing for retroactive application;
12 amending s. 252.35, F.S.; requiring the Division of
13 Emergency Management to post a model contract for
14 debris removal on its website by a specified date;
15 requiring the model contract to be annually updated by
16 a specified date; requiring the division to prioritize
17 technical assistance and training relating to natural
18 disasters and emergencies to fiscally constrained
19 counties; amending s. 252.363, F.S.; increasing the
20 timeframe to exercise rights under a permit or other
21 authorization; limiting the timeframe to exercise
22 rights under a permit or other authorization to a
23 certain timeframe when multiple natural emergencies
24 occur; creating s. 252.391, F.S.; defining the term
25 "local governmental entity"; encouraging local
26 governmental entities to develop an emergency
27 financial plan for major disasters; providing the
28 contents of the emergency financial plan; recommending
29 annual review of the emergency financial plan;

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30 amending s. 252.40, F.S.; authorizing local
31 governments to create inspection teams for the review
32 and approval of certain expedited permits; encouraging
33 local governments to establish certain interlocal
34 agreements; encouraging local governments to develop
35 plans related to temporary accommodations of certain
36 individuals; amending s. 287.055, F.S.; revising the
37 definition of the term "continuing contract";
38 providing for the future expiration and reversion of
39 specified statutory text; amending s. 288.066, F.S.;
40 creating the Local Government Emergency Revolving
41 Bridge Loan Program within the Department of Economic
42 Opportunity to provide certain financial assistance to
43 local governments impacted by federally declared
44 disasters; conforming provisions to changes made by
45 the act; authorizing the department to provide
46 interest-free loans to eligible local governments
47 through specified means; requiring the department to
48 prescribe a loan application; requiring the department
49 to determine the loan amount based on certain factors;
50 authorizing the department to deny a loan application
51 and providing specified reasons for such denial;
52 requiring the department to provide certain notice and
53 make loan information available to eligible local
54 governments; requiring loan repayments to be returned
55 to the loan fund; providing that funds appropriated
56 for the program are not subject to reversion;
57 providing for expiration; amending s. 489.117, F.S.;
58 authorizing a registered contractor to engage in

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59 contracting under certain circumstances; providing an
60 expiration timeframe for such authorization;
61 authorizing the local jurisdiction to discipline the
62 registered contractor under certain circumstances;
63 creating s. 553.7922, F.S.; requiring local
64 governments impacted by natural emergencies to approve
65 special processing procedures to expedite certain
66 permits; amending s. 553.80, F.S.; prohibiting certain
67 local governments from raising building inspection
68 fees during a certain timeframe; providing for future
69 expiration; prohibiting counties and municipalities
70 located in areas included in certain federal disaster
71 declarations from amending processes for proposing
72 amendments to their comprehensive plan or land
73 development regulations or issuing development permits
74 or development orders for a specified period;
75 providing for retroactive application; providing that
76 certain comprehensive plan amendments, land
77 development regulations, and development permits or
78 orders may be enforced; providing for expiration;
79 amending s. 823.11, F.S.; authorizing certain persons
80 to engage in a process relating to the removal and
81 destruction of derelict vessels; providing an
82 appropriation; providing for the transfer of certain
83 appropriated funds to the Economic Development Trust
84 Fund of the Department of Economic Opportunity;
85 requiring that loan repayments be repaid to the
86 Economic Development Trust Fund; providing effective
87 dates.

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Be It Enacted by the Legislature of the State of Florida:

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

125.023 Temporary shelter prohibition.—

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

(2) Notwithstanding any other law, ordinance, or regulation to the contrary, a county may not prohibit the placement of one temporary shelter on a residential property for up to 36 months or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first, following a natural emergency as defined in s. 252.34(8) if all of the following circumstances apply:

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

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

(c) The resident lives in the temporary structure.

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

166.0335 Temporary shelter prohibition.—

(1) For the purposes of this section, the term "temporary

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117 shelter” includes, but is not limited to, a recreational
118 vehicle, trailer, or similar structure placed on a residential
119 property.

120 (2) Notwithstanding any other law, ordinance, or regulation
121 to the contrary, a municipality may not prohibit the placement
122 of one temporary shelter on a residential property for up to 36
123 months or until a certificate of occupancy is issued on the
124 permanent residential structure on the property, whichever
125 occurs first, following a natural emergency as defined in s.
126 252.34(8) if all of the following circumstances apply:

127 (a) The resident makes a good faith effort to rebuild or
128 renovate the damaged permanent residential structure, including,
129 but not limited to, applying for a building permit, submitting a
130 plan or design to the municipality, or obtaining a construction
131 loan.

132 (b) The temporary shelter is connected to water and
133 electric utilities and does not present a threat to health and
134 human safety.

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

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

138 189.0695 Independent special districts; performance
139 reviews.—

140 (4) Notwithstanding the timeframe specified in paragraph
141 (2)(c), an independent special fire control district may file
142 its final report of the performance review no later than 15
143 months from the beginning of the district’s fiscal year if the
144 special district is within an area for which a state of
145 emergency for a natural disaster was declared pursuant to s.

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146 252.36 or no later than 24 months from the beginning of the
147 district's fiscal year if the special district is within an area
148 for which a state of emergency was declared pursuant to s.
149 252.36 for a hurricane rated category 3 or higher. This
150 subsection applies retroactively to the final reports required
151 to have been conducted by October 1, 2022.

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

155 252.35 Emergency management powers; Division of Emergency
156 Management.—

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

160 (bb) Post on its website a model of a local government
161 contract for debris removal to be used by political
162 subdivisions. The initial model contract must be posted to the
163 website no later than June 1, 2023, and, thereafter, the model
164 contract must be annually updated and posted to the website no
165 later than June 1.

166 (cc) Prioritize technical assistance and training to
167 fiscally constrained counties as defined in s. 218.67 on aspects
168 of safety measures, preparedness, prevention, response,
169 recovery, and mitigation relating to natural disasters and
170 emergencies.

171 Section 5. Paragraph (a) of subsection (1) of section
172 252.363, Florida Statutes, is amended to read:

173 252.363 Tolling and extension of permits and other
174 authorizations.—

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175 (1) (a) The declaration of a state of emergency issued by
176 the Governor for a natural emergency tolls the period remaining
177 to exercise the rights under a permit or other authorization for
178 the duration of the emergency declaration. Further, the
179 emergency declaration extends the period remaining to exercise
180 the rights under a permit or other authorization for 24 ~~6~~ months
181 in addition to the tolled period. In the event that multiple
182 natural emergencies occur within the period of authorization,
183 the period to exercise the rights under the permit is extended
184 for no longer than 48 months in addition to the tolled period.

185 This paragraph applies to the following:

186 1. The expiration of a development order issued by a local
187 government.

188 2. The expiration of a building permit.

189 3. The expiration of a permit issued by the Department of
190 Environmental Protection or a water management district pursuant
191 to part IV of chapter 373.

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

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

200 6. The expiration of a development permit or development
201 agreement authorized by Florida Statutes, including those
202 authorized under the Florida Local Government Development
203 Agreement Act, or issued by a local government or other

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204 governmental agency.

205 Section 6. Section 252.391, Florida Statutes, is created to
206 read:

207 252.391 Emergency financial plans.—

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

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

214 (3) Each emergency financial plan should be based on the
215 likely frequency of the disaster's occurrence. The financial
216 plan should include a calculation of the costs for the natural
217 disaster event and a determination of the financial resources
218 available to the local governmental entity. If insufficient
219 funds are available to address the disaster event, the emergency
220 financial plan should identify strategies to close the gap
221 between the disaster event costs and the local governmental
222 entity's financial capacity. Such strategies may include rainy
223 day funds, reprioritizing its annual budget, and borrowing.

224 (4) Local governmental entities should annually review
225 their emergency financial plans to address changes in
226 conditions.

227 Section 7. Subsections (3) and (4) are added to section
228 252.40, Florida Statutes, to read:

229 252.40 Mutual aid arrangements.—

230 (3) Local governments may create inspection teams to review
231 and approve expedited permits for temporary housing solutions,
232 repairs, and renovations following a natural disaster. Local

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233 governments are encouraged to establish interlocal agreements
234 with other jurisdictions to provide additional inspection
235 services during a state of emergency.

236 (4) Municipalities and counties are encouraged to develop
237 and adopt plans to provide temporary accommodations for
238 contractors, utility workers, first responders, and others
239 dispatched to aid in hurricane recovery efforts. Public areas,
240 including, but not limited to, fairgrounds and parking lots, may
241 be used for tents and trailers for such temporary
242 accommodations.

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

246 287.055 Acquisition of professional architectural,
247 engineering, landscape architectural, or surveying and mapping
248 services; definitions; procedures; contingent fees prohibited;
249 penalties.—

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

251 (g) A "continuing contract" is a contract for professional
252 services entered into in accordance with all the procedures of
253 this act between an agency and a firm whereby the firm provides
254 professional services to the agency for projects in which the
255 estimated construction cost of each individual project under the
256 contract does not exceed \$4 million, for study activity if the
257 fee for professional services for each individual study under
258 the contract does not exceed \$500,000, or for work of a
259 specified nature as outlined in the contract required by the
260 agency, with the contract being for a fixed term or with no time
261 limitation except that the contract must provide a termination

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262 clause. Firms providing professional services under continuing
263 contracts shall not be required to bid against one another. The
264 term "continuing contract" includes contracts executed through
265 June 30, 2025, for professional services to the agency for
266 projects related to natural disaster response or relief in which
267 the estimated construction cost for each individual project does
268 not exceed \$15 million.

269 Section 9. The amendments made by this act to s.
270 287.055(2)(g), Florida Statutes, expire on July 1, 2026, and the
271 text of that paragraph shall revert to that in existence on the
272 day before the date that this act became a law, except that any
273 amendments to such text enacted other than by this act shall be
274 preserved and continue to operate to the extent that such
275 amendments are not dependent upon the portions of the text which
276 expire pursuant to this section.

277 Section 10. Section 288.066, Florida Statutes, as created
278 by section 1 of chapter 2023-1, Laws of Florida, is amended to
279 read:

280 288.066 Local Government Emergency Revolving Bridge Loan
281 Program.—

282 (1) CREATION.—The Local Government Emergency Revolving
283 Bridge Loan Program is created, ~~subject to appropriation,~~ within
284 the department to provide financial assistance to local
285 governments impacted by federally declared disasters ~~Hurricane~~
286 ~~Ian or Hurricane Nicole~~. The purpose of the loan program is to
287 assist these local governments in maintaining government
288 operations by bridging the gap between the time that the
289 declared disaster occurred and the time that additional funding
290 sources or revenues are secured to provide them with financial

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291 assistance.

292 (2) ELIGIBILITY.—To be eligible for a loan under the
293 program, a local government must be a county or a municipality
294 located in an area designated in a the Federal Emergency
295 Management Agency disaster declaration ~~declarations for~~
296 ~~Hurricane Ian or Hurricane Nicole~~. The local government must
297 show that it may suffer or has suffered substantial loss of its
298 tax or other revenues as a result of the disaster ~~hurricane~~ and
299 demonstrate a need for financial assistance to enable it to
300 continue to perform its governmental operations.

301 (3) LOAN TERMS.—

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

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

309 (c) The term of the loan is up to one year, ~~unless~~
310 ~~otherwise extended by the department~~. However, the department
311 may extend loan terms for up to 6 months based on the local
312 government's financial condition.

313 (4) APPLICATION.—The department shall prescribe a loan
314 application and any other information determined necessary by
315 the department to review and evaluate the application. The
316 eligible local government must submit a loan application within
317 12 months from the date that the federal disaster was declared.
318 Upon receipt of an application, the department shall review the
319 application and may request additional information as necessary

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320 to complete the review and evaluation. The department shall
321 determine the amount to be loaned, which may be a lower amount
322 than requested, based on the information provided and the total
323 amount of funds available to be loaned and in relation to
324 demonstrated need from other eligible applicants. The department
325 may deny a loan application. Reasons for a loan application
326 denial may include, but are not limited to, the loan risk, an
327 incomplete application, failure to demonstrate need, or the fact
328 that receiving a loan may negatively affect the local
329 government's eligibility for other federal programs.

330 (5)~~(4)~~ USE OF LOAN FUNDS.—A local government may use loan
331 funds only to continue local governmental operations or to
332 expand or modify such operations to meet disaster-related needs.
333 The funds may not be used to finance or supplant funding for
334 capital improvements or to repair or restore damaged public
335 facilities or infrastructure.

336 (6)~~(5)~~ LOAN REPAYMENT.—

337 (a) The local government may make payments against the loan
338 at any time without penalty. Early repayment is encouraged as
339 other funding sources or revenues become available to the local
340 government.

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

343 (7)~~(6)~~ ADMINISTRATION.—

344 (a) Upon the issuance of a federal disaster declaration,
345 the department shall provide notice of application requirements
346 and the total amount of funds available and make loan
347 information available to eligible local governments. Based upon
348 the amount of funds in the Economic Development Trust Fund

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349 available to be loaned and anticipated balances, the department
350 may make funds available in an amount reasonably related to the
351 anticipated need, based upon the impacts of the federal
352 disaster, up to the total amount available ~~The department may~~
353 ~~approve loans in the 2022-2023 fiscal year or the 2023-2024~~
354 ~~fiscal year up to the total amount appropriated.~~

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

359 (c) All repayments of principal and interest shall be
360 returned to the loan fund and made available as provided in this
361 section. Notwithstanding s. 216.301, funds appropriated for this
362 program may not be subject to reversion ~~Upon receipt of any loan~~
363 ~~payment from a local government, the department shall transfer~~
364 ~~the funds to the General Revenue Fund.~~

365 (8) ~~(7)~~ RULES.—The department may adopt rules to implement
366 this section.

367 (9) ~~(8)~~ EXPIRATION.—This section expires July 1, 2038 ~~June~~
368 ~~30, 2027. A loan may not be awarded after June 30, 2038.~~ Upon
369 expiration, all unencumbered funds and loan repayments made on
370 or after July 1, 2038, shall be transferred ~~revert~~ to the
371 General Revenue Fund.

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

374 489.117 Registration; specialty contractors.—

375 (5) Notwithstanding paragraph (1)(b), a registered
376 contractor may engage in contracting only for work covered by
377 the registration within an area for which a state of emergency

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378 is declared pursuant to s. 252.36. This authorization terminates
379 24 months after the expiration of the declared state of
380 emergency. The local jurisdiction that licenses the registered
381 contractor may discipline the registered contractor for
382 violations occurring outside the licensing jurisdiction which
383 occur during the period such work is authorized under this
384 subsection.

385 Section 12. Section 553.7922, Florida Statutes, is created
386 to read:

387 553.7922 Local government expedited approval of certain
388 permits.—Following a natural emergency, as defined in s.
389 252.34(8), local governments impacted by the natural emergency
390 shall approve special processing procedures to expedite permit
391 issuance for permits that do not require technical review,
392 including, but not limited to, roof repairs, reroofing,
393 electrical repairs, service changes, or the replacement of one
394 window or one door. Local governments may waive application and
395 inspection fees for permits expedited under this section.

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

400 553.80 Enforcement.—

401 (8) Effective January 1, 2023, local governments located in
402 areas designated in the Federal Emergency Management Agency
403 disaster declarations for Hurricane Ian or Hurricane Nicole may
404 not raise building inspection fees, as authorized by s.
405 125.56(2) or s. 166.222 and this section, before October 1,
406 2024. This subsection expires June 30, 2025.

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407 Section 14. (1) A county or municipality located in an area
408 designated in a Federal Emergency Management Agency disaster
409 declaration for Hurricane Ian or Hurricane Nicole may not adopt
410 more restrictive procedures for proposing amendments to its
411 comprehensive plan or land development regulations, or for
412 issuing a development permit or development order, as those
413 terms are defined by s. 163.3164, Florida Statutes, before
414 October 1, 2024. This subsection applies retroactively to
415 September 29, 2022.

416 (2) Any comprehensive plan amendment, land development
417 regulation, development permit, or development order approved by
418 a county or municipality under procedures adopted before the
419 effective date of this act may be enforced.

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

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

424 823.11 Derelict vessels; relocation or removal; penalty.—

425 (2)

426 (d) Notwithstanding the additional 45 days provided in sub-
427 paragraph (b)2.b. during which an owner or a responsible
428 party may not be charged for a violation of this section, the
429 commission, an officer of the commission, a law enforcement
430 agency or officer specified in s. 327.70, or, during a state of
431 emergency declared by the Governor, the Division of Emergency
432 Management or its designee, may immediately begin the process
433 set forth in s. 705.103(2)(a) and, once that process has been
434 completed and the 45 days provided herein have passed, any
435 vessel that has not been removed or repaired such that it is no

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436 longer derelict upon the waters of this state may be removed and
437 destroyed as provided therein.

438 Section 16. (1) For the 2023-2024 fiscal year, the sum of
439 \$50 million in nonrecurring funds is appropriated from the
440 General Revenue Fund to the Economic Development Trust Fund of
441 the Department of Economic Opportunity to fund the Local
442 Government Emergency Revolving Bridge Loan Program.

443 (2) Funds appropriated in section 3 of chapter 2023-1, Laws
444 of Florida, for the Local Government Emergency Bridge Loan
445 Program which have not been loaned to a local government
446 pursuant to a loan agreement as of July 1, 2023, shall be
447 transferred by nonoperating budget authority to the Economic
448 Development Trust Fund of the Department of Economic Opportunity
449 to be used for the Local Government Emergency Revolving Bridge
450 Loan Program.

451 (3) Notwithstanding sections 1 and 3 of chapter 2023-1,
452 Laws of Florida, all loan repayments for loans made under the
453 Local Government Emergency Bridge Loan Program shall be repaid
454 into the Economic Development Trust Fund and be made available
455 for loans under the Local Government Emergency Revolving Bridge
456 Loan Program.

457 Section 17. Except as otherwise expressly provided in this
458 act and except for this section, which shall take effect upon
459 becoming a law, this act shall take effect July 1, 2023.