

By the Committee on Community Affairs; and Senator Martin

578-02610-23

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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; providing construction; authorizing the  
46 department to provide interest-free loans to eligible  
47 local governments through specified means; requiring  
48 the department to prescribe a loan application;  
49 requiring the department to determine the loan amount  
50 based on certain factors; authorizing the department  
51 to deny a loan application and providing specified  
52 reasons for such denial; requiring the department to  
53 provide certain notice and make loan information  
54 available to eligible local governments; requiring  
55 loan repayments to be returned to the loan fund;  
56 providing that funds appropriated for the program are  
57 not subject to reversion; providing for expiration;  
58 amending s. 489.117, F.S.; authorizing a registered

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

86  
87 Be It Enacted by the Legislature of the State of Florida:

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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, 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 declaration or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first, 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.-

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

121 (2) Notwithstanding any other law, ordinance, or regulation  
122 to the contrary, following the declaration of a state of  
123 emergency issued by the Governor for a natural emergency as  
124 defined in s. 252.34(8) during which a permanent residential  
125 structure was damaged and rendered uninhabitable, a municipality  
126 may not prohibit the placement of one temporary shelter on the  
127 residential property for up to 36 months after the date of the  
128 declaration or until a certificate of occupancy is issued on the  
129 permanent residential structure on the property, whichever  
130 occurs first, if all of the following circumstances apply:

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

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

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

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

142 189.0695 Independent special districts; performance  
143 reviews.—

144 (4) Notwithstanding the timeframe specified in paragraph  
145 (2) (c), an independent special fire control district may file

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146 its final report of the performance review no later than 15  
147 months from the beginning of the district's fiscal year if the  
148 special district is within an area for which a state of  
149 emergency for a natural disaster was declared pursuant to s.  
150 252.36 or no later than 24 months from the beginning of the  
151 district's fiscal year if the special district is within an area  
152 for which a state of emergency was declared pursuant to s.  
153 252.36 for a hurricane rated category 3 or higher. This  
154 subsection applies retroactively to the final reports required  
155 to have been conducted by October 1, 2022.

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

159 252.35 Emergency management powers; Division of Emergency  
160 Management.—

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

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

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

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175 Section 5. Paragraph (a) of subsection (1) of section  
176 252.363, Florida Statutes, is amended to read:

177 252.363 Tolling and extension of permits and other  
178 authorizations.—

179 (1) (a) The declaration of a state of emergency issued by  
180 the Governor for a natural emergency tolls the period remaining  
181 to exercise the rights under a permit or other authorization for  
182 the duration of the emergency declaration. Further, the  
183 emergency declaration extends the period remaining to exercise  
184 the rights under a permit or other authorization for 24 ~~6~~ months  
185 in addition to the tolled period. The extended period to  
186 exercise the rights under a permit or other authorization may  
187 not exceed 48 months in total in the event of multiple natural  
188 emergencies for which the Governor declares a state of  
189 emergency. This paragraph applies to the following:

190 1. The expiration of a development order issued by a local  
191 government.

192 2. The expiration of a building permit.

193 3. The expiration of a permit issued by the Department of  
194 Environmental Protection or a water management district pursuant  
195 to part IV of chapter 373.

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

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

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204           6. The expiration of a development permit or development  
205 agreement authorized by Florida Statutes, including those  
206 authorized under the Florida Local Government Development  
207 Agreement Act, or issued by a local government or other  
208 governmental agency.

209           Section 6. Section 252.391, Florida Statutes, is created to  
210 read:

211           252.391 Emergency financial plans.—

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

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

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

228           (4) Local governmental entities should annually review  
229 their emergency financial plans to address changes in  
230 conditions.

231           Section 7. Subsections (3) and (4) are added to section  
232 252.40, Florida Statutes, to read:



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233 252.40 Mutual aid arrangements.—

234 (3) Local governments may create inspection teams to review  
235 and approve expedited permits for temporary housing solutions,  
236 repairs, and renovations after a natural disaster. Local  
237 governments are encouraged to establish interlocal agreements  
238 with other jurisdictions to provide additional inspection  
239 services during a state of emergency.

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

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

250 287.055 Acquisition of professional architectural,  
251 engineering, landscape architectural, or surveying and mapping  
252 services; definitions; procedures; contingent fees prohibited;  
253 penalties.—

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

255 (g) A "continuing contract" is a contract for professional  
256 services entered into in accordance with all the procedures of  
257 this act between an agency and a firm whereby the firm provides  
258 professional services to the agency for projects in which the  
259 estimated construction cost of each individual project under the  
260 contract does not exceed \$4 million, for study activity if the  
261 fee for professional services for each individual study under

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262 the contract does not exceed \$500,000, or for work of a  
263 specified nature as outlined in the contract required by the  
264 agency, with the contract being for a fixed term or with no time  
265 limitation except that the contract must provide a termination  
266 clause. Firms providing professional services under continuing  
267 contracts shall not be required to bid against one another. The  
268 term "continuing contract" includes contracts executed through  
269 June 30, 2025, for professional services to the agency for  
270 projects related to natural disaster response or relief in which  
271 the estimated construction cost for each individual project does  
272 not exceed \$15 million.

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

281 Section 10. Section 288.066, Florida Statutes, as created  
282 by section 1 of chapter 2023-1, Laws of Florida, is amended to  
283 read:

284 288.066 Local Government Emergency Revolving Bridge Loan  
285 Program.—

286 (1) CREATION.—The Local Government Emergency Revolving  
287 Bridge Loan Program is created, ~~subject to appropriation,~~ within  
288 the department to provide financial assistance to local  
289 governments impacted by federally declared disasters ~~Hurricane~~  
290 ~~Ian or Hurricane Nicole~~. The purpose of the loan program is to

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291 assist these local governments in maintaining government  
292 operations by bridging the gap between the time that the  
293 declared disaster occurred and the time that additional funding  
294 sources or revenues are secured to provide them with financial  
295 assistance.

296 (2) ELIGIBILITY.—To be eligible for a loan under the  
297 program, a local government must be a county or a municipality  
298 located in an area designated in a ~~the~~ Federal Emergency  
299 Management Agency disaster declaration ~~declarations for~~  
300 ~~Hurricane Ian or Hurricane Nicole~~. The local government must  
301 show that it may suffer or has suffered substantial loss of its  
302 tax or other revenues as a result of the disaster ~~hurricane~~ and  
303 demonstrate a need for financial assistance to enable it to  
304 continue to perform its governmental operations. Access to and  
305 eligibility for the loan program supersedes any local government  
306 charter or borrowing limitations that would otherwise  
307 financially constrain the local government's ability to recover  
308 from a disaster.

309 (3) LOAN TERMS.—

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

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

317 (c) The term of the loan is up to 1 year, ~~unless otherwise~~  
318 ~~extended by the department.~~ However, the department may extend  
319 loan terms for up to 6 months based on the local government's

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320 financial condition.

321 (4) APPLICATION.—The department shall prescribe a loan  
322 application and any other information determined necessary by  
323 the department to review and evaluate the application. The  
324 eligible local government must submit a loan application within  
325 the 12 months after the date that the federal disaster was  
326 declared. Upon receipt of an application, the department shall  
327 review the application and may request additional information as  
328 necessary to complete the review and evaluation. The department  
329 shall determine the amount to be loaned, which may be a lower  
330 amount than requested, based on the information provided and the  
331 total amount of funds available to be loaned and in relation to  
332 demonstrated need from other eligible applicants. The department  
333 may deny a loan application. Reasons for a loan application  
334 denial may include, but are not limited to, the loan risk, an  
335 incomplete application, failure to demonstrate need, or the fact  
336 that receiving a loan may negatively affect the local  
337 government's eligibility for other federal programs.

338 (5) ~~(4)~~ USE OF LOAN FUNDS.—A local government may use loan  
339 funds only to continue local governmental operations or to  
340 expand or modify such operations to meet disaster-related needs.  
341 The funds may not be used to finance or supplant funding for  
342 capital improvements or to repair or restore damaged public  
343 facilities or infrastructure.

344 (6) ~~(5)~~ LOAN REPAYMENT.—

345 (a) The local government may make payments against the loan  
346 at any time without penalty. Early repayment is encouraged as  
347 other funding sources or revenues become available to the local  
348 government.

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

351 (7)~~(6)~~ ADMINISTRATION.—

352 (a) Upon the issuance of a federal disaster declaration,  
353 the department shall provide notice of application requirements  
354 and the total amount of funds available and make loan  
355 information available to eligible local governments. Based upon  
356 the amount of funds in the Economic Development Trust Fund  
357 available to be loaned and anticipated balances, the department  
358 may make funds available in an amount reasonably related to the  
359 anticipated need, based upon the impacts of the federal  
360 disaster, up to the total amount available ~~The department may~~  
361 ~~approve loans in the 2022-2023 fiscal year or the 2023-2024~~  
362 ~~fiscal year up to the total amount appropriated.~~

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

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

373 (8)~~(7)~~ RULES.—The department may adopt rules to implement  
374 this section.

375 (9)~~(8)~~ EXPIRATION.—This section expires July 1, 2038 ~~June~~  
376 ~~30, 2027~~. A loan may not be awarded after June 30, 2038. Upon  
377 expiration, all unencumbered funds and loan repayments made on

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378 or after July 1, 2038, shall be transferred ~~revert~~ to the  
379 General Revenue Fund.

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

382 489.117 Registration; specialty contractors.—

383 (5) Notwithstanding paragraph (1)(b), a registered  
384 contractor may engage in contracting only for work covered by  
385 the registration within an area for which a state of emergency  
386 is declared pursuant to s. 252.36 for a natural emergency. This  
387 authorization terminates 24 months after the expiration of the  
388 declared state of emergency. The local jurisdiction that  
389 licenses the registered contractor may discipline the registered  
390 contractor for violations occurring outside the licensing  
391 jurisdiction which occur during the period such work is  
392 authorized under this subsection.

393 Section 12. Section 553.7922, Florida Statutes, is created  
394 to read:

395 553.7922 Local government-expedited approval of certain  
396 permits.—Following a state of emergency declared pursuant to  
397 252.36 for a natural emergency, local governments impacted by  
398 the emergency shall approve special processing procedures to  
399 expedite permit issuance for permits that do not require  
400 technical review, including, but not limited to, roof repairs,  
401 reroofing, electrical repairs, service changes, or the  
402 replacement of one window or one door. Local governments may  
403 wave application and inspection fees for permits expedited  
404 under this section.

405 Section 13. Effective upon becoming a law, present  
406 subsections (8) and (9) of section 553.80, Florida Statutes, are

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407 redesignated as subsections (9) and (10), respectively, and a  
408 new subsection (8) is added to that section, to read:

409 553.80 Enforcement.—

410 (8) Effective January 1, 2023, local governments located in  
411 areas designated in the Federal Emergency Management Agency  
412 disaster declarations for Hurricane Ian or Hurricane Nicole may  
413 not raise building inspection fees, as authorized by s.  
414 125.56(2) or s. 166.222 and this section, before October 1,  
415 2024. This subsection expires June 30, 2025.

416 Section 14. A county or municipality located in an area  
417 designated in a Federal Emergency Management Agency disaster  
418 declaration for Hurricane Ian or Hurricane Nicole shall not  
419 adopt more restrictive or burdensome procedures to its  
420 comprehensive plan or land development regulations, concerning  
421 review, approval, or issuance of a site plan, development permit  
422 or development order, to the extent those terms are defined by  
423 s. 163.3164, Florida Statutes, or propose any such adoption or  
424 amendment before October 1, 2024. This subsection applies  
425 retroactively to September 29, 2022.

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

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

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

434 823.11 Derelict vessels; relocation or removal; penalty.—

435 (2)

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436 (d) Notwithstanding the additional 45 days provided in sub-  
437 subparagraph (b)2.b. during which an owner or a responsible  
438 party may not be charged for a violation of this section, the  
439 commission, an officer of the commission, a law enforcement  
440 agency or officer specified in s. 327.70, or, during a state of  
441 emergency declared by the Governor, the Division of Emergency  
442 Management or its designee, may immediately begin the process  
443 set forth in s. 705.103(2) (a) and, once that process has been  
444 completed and the 45 days provided herein have passed, any  
445 vessel that has not been removed or repaired such that it is no  
446 longer derelict upon the waters of this state may be removed and  
447 destroyed as provided therein.

448 Section 16. (1) For the 2023-2024 fiscal year, the sum of  
449 \$50 million in nonrecurring funds is appropriated from the  
450 General Revenue Fund to the Economic Development Trust Fund of  
451 the Department of Economic Opportunity to fund the Local  
452 Government Emergency Revolving Bridge Loan Program.

453 (2) Funds appropriated in section 3 of chapter 2023-1, Laws  
454 of Florida, for the Local Government Emergency Bridge Loan  
455 Program which have not been loaned to a local government  
456 pursuant to a loan agreement as of July 1, 2023, shall be  
457 transferred by nonoperating budget authority to the Economic  
458 Development Trust Fund of the Department of Economic Opportunity  
459 to be used for the Local Government Emergency Revolving Bridge  
460 Loan Program.

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



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465 for loans under the Local Government Emergency Revolving Bridge  
466 Loan Program.

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