By the Committees on Fiscal Policy; and Community Affairs; and Senator Martin

A bill to be entitled
An act relating to natural emergencies; creating ss. 125.023 and 166.0335, F.S.; defining the term “temporary shelter”; prohibiting counties and municipalities, respectively, from prohibiting temporary shelters on residential property for a specified timeframe under certain circumstances; amending s. 189.0695, F.S.; authorizing independent special fire control districts to file a specified report on an alternative schedule under certain circumstances; providing for retroactive application; amending s. 252.35, F.S.; requiring the Division of Emergency Management to post a model contract for debris removal on its website by a specified date; requiring the model contract to be annually updated by a specified date; requiring the division to prioritize technical assistance and training relating to natural disasters and emergencies to fiscally constrained counties; requiring the division to administer a revolving loan fund for certain local government projects; amending s. 252.363, F.S.; increasing the timeframe to exercise rights under a permit or other authorization; limiting the timeframe to exercise rights under a permit or other authorization to a certain timeframe when multiple natural emergencies occur; creating s. 252.391, F.S.; defining the term “local governmental entity”; encouraging local governmental entities to develop an emergency financial plan for major disasters; providing the...
contents of the emergency financial plan; recommending
annual review of the emergency financial plan;
amending s. 252.40, F.S.; authorizing local
governments to create inspection teams for the review
and approval of certain expedited permits; encouraging
local governments to establish certain interlocal
agreements; encouraging local governments to develop
plans related to temporary accommodations of certain
individuals; amending s. 287.055, F.S.; revising the
definition of the term “continuing contract”;
providing for the future expiration and reversion of
specified statutory text; amending s. 288.066, F.S.;
creating the Local Government Emergency Revolving
Bridge Loan Program within the Department of Economic
Opportunity to provide certain financial assistance to
local governments impacted by federally declared
disasters; conforming provisions to changes made by
the act; providing construction; authorizing the
department to provide interest-free loans to eligible
local governments through specified means; requiring
the department to prescribe a loan application;
requiring the department to determine the loan amount
based on certain factors; authorizing the department
to deny a loan application and providing specified
reasons for such denial; requiring the department to
provide certain notice and make loan information
available to eligible local governments; requiring
loan repayments to be returned to the loan fund;
providing that funds appropriated for the program are
59 not subject to reversion; providing for expiration;  
60 amending s. 489.117, F.S.; authorizing a registered  
61 contractor to engage in contracting under certain  
62 circumstances; providing an expiration timeframe for  
63 such authorization; authorizing the local jurisdiction  
64 to discipline the registered contractor under certain  
65 circumstances; creating s. 553.7922, F.S.; requiring  
66 local governments impacted by certain emergencies to  
67 approve special processing procedures to expedite  
68 certain permits; amending s. 553.80, F.S.; prohibiting  
69 certain local governments from raising building  
70 inspection fees during a certain timeframe; providing  
71 for future expiration; prohibiting counties and  
72 municipalities located in areas included in certain  
73 federal disaster declarations from adopting or  
74 amending certain procedures for a specified period;  
75 providing for retroactive application; providing that  
76 certain comprehensive plan amendments, land  
77 development regulations, site plans, and development  
78 permits or orders may be enforced; providing for  
79 expiration; creating s. 627.4108, F.S.; requiring  
80 certain property insurers to submit any and all claims  
81 handling manuals to the Office of Insurance Regulation  
82 by a certain date and annually thereafter and within a  
83 certain timeframe of any updates to such manuals;  
84 requiring the insurers to include a certain  
85 attestation on a form prescribed by the office;  
86 requiring the office to conduct market conduct exams  
87 as necessary; amending s. 823.11, F.S.; authorizing
certain persons to engage in a process relating to the removal and destruction of derelict vessels; providing appropriations; providing for the transfer of certain appropriated funds to the Economic Development Trust Fund of the Department of Economic Opportunity; requiring that loan repayments be repaid to the Economic Development Trust Fund; providing effective dates.

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, 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.—
(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 municipality 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 municipality, 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 3. Subsection (4) is added to section 189.0695, Florida Statutes, to read:

189.0695 Independent special districts; performance reviews.—

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

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

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

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

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

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

252.363 Tolling and extension of permits and other authorizations.—

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

1. The expiration of a development order issued by a local government.
2. The expiration of a building permit.
3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.
4. Permits issued by the Department of Environmental Protection or a water management district pursuant to part II of chapter 373 for land subject to a development agreement under ss. 163.3220-163.3243 in which the permittee and the developer are the same or a related entity.
5. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c).
6. The expiration of a development permit or development agreement authorized by Florida Statutes, including those authorized under the Florida Local Government Development Agreement Act, or issued by a local government or other governmental agency.

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

252.391 Emergency financial plans.—
(1) As used in this section, the term “local governmental entity” means a county, municipality, or district school board.

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

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

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

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

252.40 Mutual aid arrangements.—

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

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

Section 8. Effective upon becoming a law, paragraph (g) of subsection (2) of section 287.055, Florida Statutes, is amended to read:
287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

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

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

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

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

288.066 Local Government Emergency Revolving Bridge Loan
Program.—

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

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

(3) LOAN TERMS.—
(a) The department may provide interest-free loans to eligible local governments through a promissory note or other form of written agreement evidencing an obligation to repay the borrowed funds to the department.
(b) The amount of each loan must be based upon demonstrated need and must be disbursed to the local government in a lump sum.
(c) The term of the loan is up to 1 year, unless otherwise extended by the department. However, the department may extend loan terms for up to 6 months based on the local government’s financial condition.

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

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

(6) LOAN REPAYMENT.—

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

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

(7) ADMINISTRATION.—

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

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

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

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

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

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

489.117 Registration; specialty contractors.—

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

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

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

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

553.80 Enforcement.—

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

Section 14. (1) A county or municipality located in an area designated in a Federal Emergency Management Agency disaster declaration for Hurricane Ian or Hurricane Nicole shall not propose or adopt more restrictive or burdensome procedures to its comprehensive plan or land development regulations, concerning review, approval, or issuance of a site plan, development permit or development order, to the extent those
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(2) Any comprehensive plan amendment, land development regulation, site plan, development permit, or development order approved by a county or municipality under procedures adopted before the effective date of this act may be enforced.

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

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

627.4108 Submission of claims handling manuals; attestation.—

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

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

(a) On or before August 1, 2023;

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

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

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

(a) The insurer’s claims handling manual complies with the requirements of this code and comports to usual and customary industry claims handling practices; and
b) The insurer maintains adequate resources available to implement the requirements of its claims handling manual at all times, including during extreme catastrophic events.

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

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

823.11 Derelict vessels; relocation or removal; penalty.—

(2)

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

Section 17. For the 2023-2024 fiscal year, the sums of $1 million in nonrecurring funds from the General Revenue Fund and $10 million in nonrecurring funds from the Federal Grants Trust Fund are appropriated to the Division of Emergency Management to fund the Safeguarding Tomorrow Through Ongoing Risk Mitigation Act Revolving Loan Program. These funds shall be placed in reserve. The division is authorized to submit a budget amendment
for release of the funds held in reserve for approval by the
Legislative Budget Commission pursuant to chapter 216, Florida
Statutes. Release is contingent upon documentation of an award
or other approval by the Federal Emergency Management Agency and
the division’s approved intended use plan for the funds.

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

Section 19. (1) For the 2023-2024 fiscal year, the sum of
$50 million in nonrecurring funds is appropriated from the
General Revenue Fund to the Economic Development Trust Fund of
the Department of Economic Opportunity to fund the Local
Government Emergency Revolving Bridge Loan Program.

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

(3) Notwithstanding sections 1 and 3 of chapter 2023-1,
Laws of Florida, all loan repayments for loans made under the
Local Government Emergency Bridge Loan Program shall be repaid
into the Economic Development Trust Fund and be made available
for loans under the Local Government Emergency Revolving Bridge
Loan Program.
Section 20. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2023.