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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; requiring the division to administer a
20 revolving loan fund for certain local government
21 projects; amending s. 252.363, F.S.; increasing the
22 timeframe to exercise rights under a permit or other
23 authorization; limiting the timeframe to exercise
24 rights under a permit or other authorization to a
25 certain timeframe when multiple natural emergencies
26 occur; creating s. 252.391, F.S.; defining the term
27 "local governmental entity"; encouraging local
28 governmental entities to develop an emergency
29 financial plan for major disasters; providing the

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30 contents of the emergency financial plan; recommending
31 annual review of the emergency financial plan;
32 amending s. 252.40, F.S.; authorizing local
33 governments to create inspection teams for the review
34 and approval of certain expedited permits; encouraging
35 local governments to establish certain interlocal
36 agreements; encouraging local governments to develop
37 plans related to temporary accommodations of certain
38 individuals; amending s. 287.055, F.S.; revising the
39 definition of the term "continuing contract";
40 providing for the future expiration and reversion of
41 specified statutory text; amending s. 288.066, F.S.;
42 creating the Local Government Emergency Revolving
43 Bridge Loan Program within the Department of Economic
44 Opportunity to provide certain financial assistance to
45 local governments impacted by federally declared
46 disasters; conforming provisions to changes made by
47 the act; providing construction; authorizing the
48 department to provide interest-free loans to eligible
49 local governments through specified means; requiring
50 the department to prescribe a loan application;
51 requiring the department to determine the loan amount
52 based on certain factors; authorizing the department
53 to deny a loan application and providing specified
54 reasons for such denial; requiring the department to
55 provide certain notice and make loan information
56 available to eligible local governments; requiring
57 loan repayments to be returned to the loan fund;
58 providing that funds appropriated for the program are

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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 within a certain area from
73 adopting or amending certain amendments or procedures
74 for a specified period; declaring that such amendments
75 or procedures are null and void; providing for
76 retroactive application; providing that certain
77 comprehensive plan amendments, land development
78 regulations, site plans, and development permits or
79 orders may be enforced; providing for expiration;
80 amending s. 823.11, F.S.; authorizing certain persons
81 to engage in a process relating to the removal and
82 destruction of derelict vessels; providing
83 appropriations; providing for the transfer of certain
84 appropriated funds to the Economic Development Trust
85 Fund of the Department of Economic Opportunity;
86 requiring that loan repayments be repaid to the
87 Economic Development Trust Fund; providing effective

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88 dates.

89

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

91

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

94 125.023 Temporary shelter prohibition.-

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

99 (2) Notwithstanding any other law, ordinance, or regulation
100 to the contrary, following the declaration of a state of
101 emergency issued by the Governor for a natural emergency as
102 defined in s. 252.34(8) during which a permanent residential
103 structure was damaged and rendered uninhabitable, a county may
104 not prohibit the placement of one temporary shelter on the
105 residential property for up to 36 months after the date of the
106 declaration or until a certificate of occupancy is issued on the
107 permanent residential structure on the property, whichever
108 occurs first, if all of the following circumstances apply:

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

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

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

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

119 166.0335 Temporary shelter prohibition.-

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

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

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

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

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

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

145 189.0695 Independent special districts; performance

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146 reviews.—

147 (4) Notwithstanding the timeframe specified in paragraph
148 (2) (c), an independent special fire control district may file
149 its final report of the performance review no later than 15
150 months from the beginning of the district's fiscal year if the
151 special district is within an area for which a state of
152 emergency for a natural disaster was declared pursuant to s.
153 252.36 or no later than 24 months from the beginning of the
154 district's fiscal year if the special district is within an area
155 for which a state of emergency was declared pursuant to s.
156 252.36 for a hurricane rated category 3 or higher. This
157 subsection applies retroactively to the final reports required
158 to have been conducted by October 1, 2022.

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

162 252.35 Emergency management powers; Division of Emergency
163 Management.—

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

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

173 (cc) Prioritize technical assistance and training to
174 fiscally constrained counties as defined in s. 218.67 on aspects

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175 of safety measures, preparedness, prevention, response,
176 recovery, and mitigation relating to natural disasters and
177 emergencies.

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

180 Section 5. Paragraph (a) of subsection (1) of section
181 252.363, Florida Statutes, is amended to read:

182 252.363 Tolling and extension of permits and other
183 authorizations.—

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

195 1. The expiration of a development order issued by a local
196 government.

197 2. The expiration of a building permit.

198 3. The expiration of a permit issued by the Department of
199 Environmental Protection or a water management district pursuant
200 to part IV of chapter 373.

201 4. Permits issued by the Department of Environmental
202 Protection or a water management district pursuant to part II of
203 chapter 373 for land subject to a development agreement under

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204 ss. 163.3220-163.3243 in which the permittee and the developer
205 are the same or a related entity.

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

209 6. The expiration of a development permit or development
210 agreement authorized by Florida Statutes, including those
211 authorized under the Florida Local Government Development
212 Agreement Act, or issued by a local government or other
213 governmental agency.

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

216 252.391 Emergency financial plans.—

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

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

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

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

236 Section 7. Subsections (3) and (4) are added to section
237 252.40, Florida Statutes, to read:

238 252.40 Mutual aid arrangements.—

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

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

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

255 287.055 Acquisition of professional architectural,
256 engineering, landscape architectural, or surveying and mapping
257 services; definitions; procedures; contingent fees prohibited;
258 penalties.—

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

260 (g) A "continuing contract" is a contract for professional
261 services entered into in accordance with all the procedures of

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262 this act between an agency and a firm whereby the firm provides
263 professional services to the agency for projects in which the
264 estimated construction cost of each individual project under the
265 contract does not exceed \$4 million, for study activity if the
266 fee for professional services for each individual study under
267 the contract does not exceed \$500,000, or for work of a
268 specified nature as outlined in the contract required by the
269 agency, with the contract being for a fixed term or with no time
270 limitation except that the contract must provide a termination
271 clause. Firms providing professional services under continuing
272 contracts shall not be required to bid against one another. The
273 term "continuing contract" includes contracts executed through
274 December 31, 2023, for professional services to the agency for
275 projects related to repairs and remediation to a specific site
276 due to damage caused by Hurricane Ian in which the estimated
277 construction cost for each individual project does not exceed
278 \$15 million.

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

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

290 288.066 Local Government Emergency Revolving Bridge Loan

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291 Program.—

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

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

315 (3) LOAN TERMS.—

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

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

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

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

345 (5)~~(4)~~ USE OF LOAN FUNDS.—A local government may use loan
346 funds only to continue local governmental operations or to
347 expand or modify such operations to meet disaster-related needs.
348 The funds may not be used to finance or supplant funding for

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349 capital improvements or to repair or restore damaged public
350 facilities or infrastructure.

351 (6)~~(5)~~ LOAN REPAYMENT.—

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

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

358 (7)~~(6)~~ ADMINISTRATION.—

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

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

374 (c) All repayments of principal and interest must be
375 returned to the loan fund and made available as provided in this
376 section. Notwithstanding s. 216.301, funds appropriated for this
377 program are not subject to reversion ~~Upon receipt of any loan~~

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378 ~~payment from a local government, the department shall transfer~~
379 ~~the funds to the General Revenue Fund.~~

380 (8)~~(7)~~ RULES.—The department may adopt rules to implement
381 this section.

382 (9)~~(8)~~ EXPIRATION.—This section expires July 1, 2038 ~~June~~
383 ~~30, 2027.~~ A loan may not be awarded after June 30, 2038. Upon
384 expiration, all unencumbered funds and loan repayments made on
385 or after July 1, 2038, must be transferred ~~revert~~ to the General
386 Revenue Fund.

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

389 489.117 Registration; specialty contractors.—

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

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

402 553.7922 Local government-expedited approval of certain
403 permits.—Following a state of emergency declared pursuant to s.
404 252.36 for a natural emergency, local governments impacted by
405 the emergency shall approve special processing procedures to
406 expedite permit issuance for permits that do not require

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407 technical review, including, but not limited to, roof repairs,
408 reroofing, electrical repairs, service changes, or the
409 replacement of one window or one door. Local governments may
410 waive application and inspection fees for permits expedited
411 under this section.

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

416 553.80 Enforcement.—

417 (8) Effective January 1, 2023, local governments located in
418 areas designated in the Federal Emergency Management Agency
419 disaster declarations for Hurricane Ian or Hurricane Nicole may
420 not raise building inspection fees, as authorized by s.
421 125.56(2) or s. 166.222 and this section, before October 1,
422 2024. This subsection expires June 30, 2025.

423 Section 14. (1) A county or municipality located entirely
424 or partially within 100 miles of where either Hurricane Ian or
425 Hurricane Nicole made landfall shall not propose or adopt more
426 restrictive or burdensome amendments to its comprehensive plan
427 or land development regulations, nor propose or adopt more
428 restrictive or burdensome procedures concerning review,
429 approval, or issuance of a site plan, development permit, or
430 development order, to the extent that those terms are defined by
431 s. 163.3164, Florida Statutes, before October 1, 2024, and any
432 such restrictive or burdensome comprehensive plan amendment,
433 land development regulation, or procedure shall be null and void
434 ab initio. This subsection applies retroactively to September
435 29, 2022.

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436 (2) Notwithstanding subsection (1), any comprehensive plan
437 amendment, land development regulation amendment, site plan,
438 development permit, or development order approved or adopted by
439 a county or municipality before or after the effective date of
440 this section may be enforced if:

441 (a) The associated application is initiated by a private
442 party other than the county or municipality; and

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

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

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

449 823.11 Derelict vessels; relocation or removal; penalty.—

450 (2)

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

463 Section 16. For the 2023-2024 fiscal year, the sums of \$1
464 million in nonrecurring funds from the General Revenue Fund and

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465 \$10 million in nonrecurring funds from the Federal Grants Trust
466 Fund are appropriated to the Division of Emergency Management to
467 fund the Safeguarding Tomorrow Through Ongoing Risk Mitigation
468 Act Revolving Loan Program. These funds shall be placed in
469 reserve. The division is authorized to submit a budget amendment
470 for release of the funds held in reserve for approval by the
471 Legislative Budget Commission pursuant to chapter 216, Florida
472 Statutes. Release is contingent upon documentation of an award
473 or other approval by the Federal Emergency Management Agency and
474 the division's approved intended use plan for the funds.

475 Section 17. The sum of \$971,331 in recurring funds and
476 \$37,456 in nonrecurring funds from the Insurance Regulatory
477 Trust Fund and eight positions with associated salary rate of
478 625,000 is appropriated to the Office of Insurance Regulation
479 related to hurricane related market conduct activity.

480 Section 18. (1) For the 2023-2024 fiscal year, the sum of
481 \$50 million in nonrecurring funds is appropriated from the
482 General Revenue Fund to the Economic Development Trust Fund of
483 the Department of Economic Opportunity to fund the Local
484 Government Emergency Revolving Bridge Loan Program.

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

493 (3) Notwithstanding sections 1 and 3 of chapter 2023-1,

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494 Laws of Florida, all loan repayments for loans made under the
495 Local Government Emergency Bridge Loan Program shall be repaid
496 into the Economic Development Trust Fund and be made available
497 for loans under the Local Government Emergency Revolving Bridge
498 Loan Program.

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