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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. 252.35, F.S.; requiring the Division of
9 Emergency Management to post a model contract for
10 debris removal on its website by a specified date;
11 requiring the model contract to be annually updated by
12 a specified date; requiring the division to prioritize
13 technical assistance and training relating to natural
14 disasters and emergencies to fiscally constrained
15 counties; requiring the division to administer a
16 revolving loan fund for certain local government
17 projects; amending s. 252.363, F.S.; increasing the
18 timeframe to exercise rights under a permit or other
19 authorization; limiting the timeframe to exercise
20 rights under a permit or other authorization to a
21 certain timeframe when multiple natural emergencies
22 occur; providing for retroactive application; creating
23 s. 252.391, F.S.; defining the term "local
24 governmental entity"; encouraging local governmental
25 entities to develop an emergency financial plan for
26 major disasters; providing the contents of the
27 emergency financial plan; recommending annual review
28 of the emergency financial plan; amending s. 252.40,
29 F.S.; authorizing local governments to create

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30 inspection teams for the review and approval of
31 certain expedited permits; encouraging local
32 governments to establish certain interlocal
33 agreements; encouraging local governments to develop
34 plans related to temporary accommodations of certain
35 individuals; amending s. 287.055, F.S.; revising the
36 definition of the term "continuing contract";
37 providing for the future expiration and reversion of
38 specified statutory text; amending s. 288.066, F.S.;
39 creating the Local Government Emergency Revolving
40 Bridge Loan Program within the Department of Economic
41 Opportunity to provide certain financial assistance to
42 local governments impacted by federally declared
43 disasters; conforming provisions to changes made by
44 the act; providing construction; authorizing the
45 department to provide interest-free loans to eligible
46 local governments through specified means; requiring
47 the department to prescribe a loan application;
48 requiring the department to determine the loan amount
49 based on certain factors; authorizing the department
50 to deny a loan application and providing specified
51 reasons for such denial; requiring the department to
52 provide certain notice and make loan information
53 available to eligible local governments; requiring
54 loan repayments to be returned to the loan fund;
55 providing that funds appropriated for the program are
56 not subject to reversion; providing for expiration;
57 creating s. 366.98, F.S.; providing liability
58 protection for public utilities in certain

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59 circumstances; authorizing the Florida Public Service
60 Commission to resolve certain issues; providing
61 applicability; amending s. 489.117, F.S.; authorizing
62 a registered contractor to engage in contracting under
63 certain circumstances; providing an expiration
64 timeframe for such authorization; authorizing the
65 local jurisdiction to discipline the registered
66 contractor under certain circumstances; creating s.
67 553.7922, F.S.; requiring local governments impacted
68 by certain emergencies to approve special processing
69 procedures to expedite certain permits; amending s.
70 553.80, F.S.; prohibiting certain local governments
71 from raising building inspection fees during a certain
72 timeframe; providing for future expiration;
73 prohibiting counties and municipalities located within
74 a certain area from adopting or amending certain
75 moratoriums, amendments, or procedures for a specified
76 period; declaring that such moratoriums, amendments,
77 or procedures are null and void; providing for
78 retroactive application; providing that certain
79 comprehensive plan amendments, land development
80 regulations, site plans, and development permits or
81 orders may be enforced; providing for expiration;
82 amending s. 823.11, F.S.; authorizing certain persons
83 to engage in a process relating to the removal and
84 destruction of derelict vessels; providing
85 appropriations; providing for the transfer of certain
86 appropriated funds to the Economic Development Trust
87 Fund of the Department of Economic Opportunity;

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88 requiring that loan repayments be repaid to the
89 Economic Development Trust Fund; authorizing certain
90 independent special fire control districts to file a
91 specified report on an alternative schedule; providing
92 effective dates.

93

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

95

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

98 125.023 Temporary shelter prohibition.-

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

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

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

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

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

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

123 166.0335 Temporary shelter prohibition.—

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

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

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

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

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146 (c) The resident lives in the temporary structure.
147 Section 3. Effective upon becoming a law, paragraphs (bb),
148 (cc), and (dd) are added to subsection (2) of section 252.35,
149 Florida Statutes, to read:
150 252.35 Emergency management powers; Division of Emergency
151 Management.—
152 (2) The division is responsible for carrying out the
153 provisions of ss. 252.31-252.90. In performing its duties, the
154 division shall:
155 (bb) Post on its website a model of a local government
156 contract for debris removal to be used by political
157 subdivisions. The initial model contract must be posted to the
158 website no later than June 1, 2023, and, thereafter, the model
159 contract must be annually updated and posted to the website no
160 later than June 1.
161 (cc) Prioritize technical assistance and training to
162 fiscally constrained counties as defined in s. 218.67(1) on
163 aspects of safety measures, preparedness, prevention, response,
164 recovery, and mitigation relating to natural disasters and
165 emergencies.
166 (dd) Administer a revolving loan program for local
167 government hazard mitigation projects.
168 Section 4. Paragraph (a) of subsection (1) of section
169 252.363, Florida Statutes, is amended to read:
170 252.363 Tolling and extension of permits and other
171 authorizations.—
172 (1) (a) The declaration of a state of emergency issued by
173 the Governor for a natural emergency tolls the period remaining
174 to exercise the rights under a permit or other authorization for

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175 the duration of the emergency declaration. Further, the
176 emergency declaration extends the period remaining to exercise
177 the rights under a permit or other authorization for 24 ~~6~~ months
178 in addition to the tolled period. The extended period to
179 exercise the rights under a permit or other authorization may
180 not exceed 48 months in total in the event of multiple natural
181 emergencies for which the Governor declares a state of
182 emergency. The tolling and extension of permits and other
183 authorizations under this paragraph shall apply retroactively to
184 September 28, 2022. This paragraph applies to the following:

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

187 2. The expiration of a building permit.

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

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

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

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

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204 Section 5. Section 252.391, Florida Statutes, is created to
205 read:

206 252.391 Emergency financial plans.—

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

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

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

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

226 Section 6. Subsections (3) and (4) are added to section
227 252.40, Florida Statutes, to read:

228 252.40 Mutual aid arrangements.—

229 (3) Local governments may create inspection teams to review
230 and approve expedited permits for temporary housing solutions,
231 repairs, and renovations after a natural disaster. Local
232 governments are encouraged to establish interlocal agreements

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233 with other jurisdictions to provide additional inspection
234 services during a state of emergency.

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

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

245 287.055 Acquisition of professional architectural,
246 engineering, landscape architectural, or surveying and mapping
247 services; definitions; procedures; contingent fees prohibited;
248 penalties.—

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

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

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262 contracts shall not be required to bid against one another. The
263 term "continuing contract" includes contracts executed through
264 December 31, 2023, for professional services to the agency for
265 projects related to repairs and remediation to a specific site
266 due to damage caused by Hurricane Ian in which the estimated
267 construction cost for each individual project does not exceed
268 \$15 million.

269 Section 8. The amendments made by this act to s.
270 287.055(2)(g), Florida Statutes, expire on January 1, 2024, and
271 the text of that paragraph shall revert to that in existence on
272 the day before the date that this act became a law, except that
273 any amendments to such text enacted other than by this act shall
274 be 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 9. Section 288.066, Florida Statutes, as created by
278 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. Access to and
301 eligibility for the loan program supersedes any local government
302 charter or borrowing limitations that would otherwise
303 financially constrain the local government's ability to recover
304 from a disaster.

305 (3) LOAN TERMS.—

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

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

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

317 (4) APPLICATION.—The department shall prescribe a loan
318 application and may request any other information determined
319 necessary by the department to review and evaluate the

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

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

341 (6)~~(5)~~ LOAN REPAYMENT.—

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

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

348 (7)~~(6)~~ ADMINISTRATION.—

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

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

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

370 ~~(8)-(7)~~ RULES.—The department may adopt rules to implement
371 this section.

372 ~~(9)-(8)~~ EXPIRATION.—This section expires July 1, 2038. A
373 loan may not be awarded after June 30, 2038 ~~June 30, 2027~~. Upon
374 expiration, all unencumbered funds and loan repayments made on
375 or after July 1, 2038, must be transferred ~~revert~~ to the General
376 Revenue Fund.

377 Section 10. Section 366.98, Florida Statutes, is created to

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378 read:

379 366.98 Public utility liability arising out of emergencies
380 and disasters.-

381 (1) A public utility is not liable for damages based in
382 whole or in part on changes in the reliability, continuity, or
383 quality of utility services which arise in any way out of an
384 emergency or disaster, including, but not limited to, a state of
385 emergency declared under s. 252.36. Consistent with the
386 commission's jurisdiction over public utility rates and service,
387 issues relating to the sufficiency of a public utility's
388 disaster preparedness and response shall be resolved by the
389 commission.

390 (2) This section does not create a new cause of action. In
391 the event that there is a conflict between this section and any
392 other section of the Florida Statutes, this section shall
393 control.

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

396 489.117 Registration; specialty contractors.-

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

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

409 553.7922 Local government-expedited approval of certain
410 permits.—Following a state of emergency declared pursuant to s.
411 252.36 for a natural emergency, local governments impacted by
412 the emergency shall approve special processing procedures to
413 expedite permit issuance for permits that do not require
414 technical review, including, but not limited to, roof repairs,
415 reroofing, electrical repairs, service changes, or the
416 replacement of one window or one door. Local governments may
417 waive application and inspection fees for permits expedited
418 under this section.

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

423 553.80 Enforcement.—

424 (8) Effective January 1, 2023, local governments located in
425 areas designated in the Federal Emergency Management Agency
426 disaster declarations for Hurricane Ian or Hurricane Nicole may
427 not raise building inspection fees, as authorized by s.
428 125.56(2) or s. 166.222 and this section, before October 1,
429 2024. This subsection expires June 30, 2025.

430 Section 14. (1) A county or municipality located entirely
431 or partially within 100 miles of where either Hurricane Ian or
432 Hurricane Nicole made landfall shall not propose or adopt any
433 moratorium on construction, reconstruction, or redevelopment of
434 any property damaged by Hurricane Ian or Hurricane Nicole;
435 propose or adopt more restrictive or burdensome amendments to

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436 its comprehensive plan or land development regulations; or
437 propose or adopt more restrictive or burdensome procedures
438 concerning review, approval, or issuance of a site plan,
439 development permit, or development order, to the extent that
440 those terms are defined by s. 163.3164, Florida Statutes, before
441 October 1, 2024, and any such moratorium or restrictive or
442 burdensome comprehensive plan amendment, land development
443 regulation, or procedure shall be null and void ab initio. This
444 subsection applies retroactively to September 28, 2022.

445 (2) Notwithstanding subsection (1), any comprehensive plan
446 amendment, land development regulation amendment, site plan,
447 development permit, or development order approved or adopted by
448 a county or municipality before or after the effective date of
449 this section may be enforced if:

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

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

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

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

458 823.11 Derelict vessels; relocation or removal; penalty.—

459 (2)

460 (d) Notwithstanding the additional 45 days provided in sub-
461 paragraph (b)2.b. during which an owner or a responsible
462 party may not be charged for a violation of this section, the
463 commission, an officer of the commission, a law enforcement
464 agency or officer specified in s. 327.70, or, during a state of

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465 emergency declared by the Governor, the Division of Emergency
466 Management or its designee, may immediately begin the process
467 set forth in s. 705.103(2) (a) and, once that process has been
468 completed and the 45 days provided herein have passed, any
469 vessel that has not been removed or repaired such that it is no
470 longer derelict upon the waters of this state may be removed and
471 destroyed as provided therein.

472 Section 16. For the 2023-2024 fiscal year, the sums of \$1
473 million in nonrecurring funds from the General Revenue Fund and
474 \$10 million in nonrecurring funds from the Federal Grants Trust
475 Fund are appropriated to the Division of Emergency Management to
476 fund the Safeguarding Tomorrow Through Ongoing Risk Mitigation
477 Act Revolving Loan Program. These funds shall be placed in
478 reserve. The division is authorized to submit a budget amendment
479 for release of the funds held in reserve for approval by the
480 Legislative Budget Commission pursuant to chapter 216, Florida
481 Statutes. Release is contingent upon documentation of an award
482 or other approval by the Federal Emergency Management Agency and
483 the division's approved intended use plan for the funds.

484 Section 17. (1) For the 2023-2024 fiscal year, the sum of
485 \$50 million in nonrecurring funds is appropriated from the
486 General Revenue Fund to the Economic Development Trust Fund of
487 the Department of Economic Opportunity to fund the Local
488 Government Emergency Revolving Bridge Loan Program.

489 (2) Funds appropriated in section 3 of chapter 2023-1, Laws
490 of Florida, for the Local Government Emergency Bridge Loan
491 Program which have not been loaned to a local government
492 pursuant to a loan agreement as of July 1, 2023, shall be
493 transferred by nonoperating budget authority to the Economic

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494 Development Trust Fund of the Department of Economic Opportunity
495 to be used for the Local Government Emergency Revolving Bridge
496 Loan Program.

497 (3) Notwithstanding sections 1 and 3 of chapter 2023-1,
498 Laws of Florida, all loan repayments for loans made under the
499 Local Government Emergency Bridge Loan Program shall be repaid
500 into the Economic Development Trust Fund and be made available
501 for loans under the Local Government Emergency Revolving Bridge
502 Loan Program.

503 Section 18. Notwithstanding the timeframe specified in s.
504 189.0695 (2) (c) and (d), Florida Statutes, an independent
505 special fire control district located entirely or partially
506 within 50 miles of where Hurricane Ian made landfall that was
507 required to submit its final report of the performance review by
508 July 1, 2023, may file such report no later than January 1,
509 2024.

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