

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 Representative Giallombardo offered the following:

Amendment (with title amendment)

Remove lines 162-417 and insert:

6 Section 4. Paragraph (a) of subsection (1) of section
 7 252.363, Florida Statutes, is amended to read:

8 252.363 Tolling and extension of permits and other
 9 authorizations.—

10 (1)(a) The declaration of a state of emergency issued by
 11 the Governor for a natural emergency tolls the period remaining
 12 to exercise the rights under a permit or other authorization for
 13 the duration of the emergency declaration. Further, the
 14 emergency declaration extends the period remaining to exercise
 15 the rights under a permit or other authorization for 24 ~~6~~ months
 16 in addition to the tolled period. The extended period to

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17 exercise the rights under a permit or other authorization may
18 not exceed 48 months in total in the event of multiple natural
19 emergencies for which the Governor declares a state of
20 emergency. The tolling and extension of permits and other
21 authorizations under this paragraph shall apply retroactively to
22 September 28, 2022. This paragraph applies to the following:

23 1. The expiration of a development order issued by a local
24 government.

25 2. The expiration of a building permit.

26 3. The expiration of a permit issued by the Department of
27 Environmental Protection or a water management district pursuant
28 to part IV of chapter 373.

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

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

37 6. The expiration of a development permit or development
38 agreement authorized by Florida Statutes, including those
39 authorized under the Florida Local Government Development
40 Agreement Act, or issued by a local government or other
41 governmental agency.

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42 Section 5. Section 252.391, Florida Statutes, is created
43 to read:

44 252.391 Emergency financial plans.-

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

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

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

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

64 Section 6. Subsections (3) and (4) are added to section
65 252.40, Florida Statutes, to read:

66 252.40 Mutual aid arrangements.-

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67 (3) Local governments may create inspection teams to
68 review and approve expedited permits for temporary housing
69 solutions, repairs, and renovations after a natural disaster.

70 Local governments are encouraged to establish interlocal
71 agreements with other jurisdictions to provide additional
72 inspection services during a state of emergency.

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

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

83 287.055 Acquisition of professional architectural,
84 engineering, landscape architectural, or surveying and mapping
85 services; definitions; procedures; contingent fees prohibited;
86 penalties.—

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

88 (g) A "continuing contract" is a contract for professional
89 services entered into in accordance with all the procedures of
90 this act between an agency and a firm whereby the firm provides
91 professional services to the agency for projects in which the

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92 | estimated construction cost of each individual project under the
93 | contract does not exceed \$4 million, for study activity if the
94 | fee for professional services for each individual study under
95 | the contract does not exceed \$500,000, or for work of a
96 | specified nature as outlined in the contract required by the
97 | agency, with the contract being for a fixed term or with no time
98 | limitation except that the contract must provide a termination
99 | clause. Firms providing professional services under continuing
100 | contracts shall not be required to bid against one another. The
101 | term "continuing contract" includes contracts executed through
102 | December 31, 2023, for professional services to the agency for
103 | projects related to repairs and remediation to a specific site
104 | due to damage caused by Hurricane Ian in which the estimated
105 | construction cost for each individual project does not exceed
106 | \$15 million.

107 | Section 8. The amendments made by this act to s.
108 | 287.055(2)(g), Florida Statutes, expire on January 1, 2024, and
109 | the text of that paragraph shall revert to that in existence on
110 | the day before the date that this act became a law, except that
111 | any amendments to such text enacted other than by this act shall
112 | be preserved and continue to operate to the extent that such
113 | amendments are not dependent upon the portions of the text which
114 | expire pursuant to this section.

115 | Section 9. Section 288.066, Florida Statutes, as created
116 | by section 1 of chapter 2023-1, Laws of Florida, is amended to

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117 read:

118 288.066 Local Government Emergency Revolving Bridge Loan
119 Program.—

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

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

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142 from a disaster.

143 (3) LOAN TERMS.—

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

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

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

155 (4) APPLICATION.—The department shall prescribe a loan
156 application and may request any other information determined
157 necessary by the department to review and evaluate the
158 application. The eligible local government must submit a loan
159 application within the 12 months after the date that the federal
160 disaster was declared. Upon receipt of an application, the
161 department shall review the application and may request
162 additional information as necessary to complete the review and
163 evaluation. If the loan application is approved, the department
164 shall determine the amount to be loaned, which may be a lower
165 amount than requested, based on the information provided and the
166 total amount of funds available to be loaned and in relation to

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167 demonstrated need from other eligible applicants. If the loan
168 application is denied, reasons for the denial may include, but
169 are not limited to, the loan risk, an incomplete application,
170 failure to demonstrate need, or the fact that receiving a loan
171 may negatively affect the local government's eligibility for
172 other federal programs.

173 (5)-(4) USE OF LOAN FUNDS.—A local government may use loan
174 funds only to continue local governmental operations or to
175 expand or modify such operations to meet disaster-related needs.
176 The funds may not be used to finance or supplant funding for
177 capital improvements or to repair or restore damaged public
178 facilities or infrastructure.

179 (6)-(5) LOAN REPAYMENT.—

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

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

186 (7)-(6) ADMINISTRATION.—

187 (a) Upon the issuance of a federal disaster declaration,
188 the department shall provide notice of application requirements
189 and the total amount of funds available and shall make loan
190 information available to eligible local governments. Based upon
191 the amount of funds in the Economic Development Trust Fund

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192 available to be loaned and anticipated balances, the department
193 may make funds available in an amount reasonably related to the
194 anticipated need, based upon the impacts of the federal
195 disaster, up to the total amount available ~~The department may~~
196 ~~approve loans in the 2022-2023 fiscal year or the 2023-2024~~
197 ~~fiscal year up to the total amount appropriated.~~

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

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

208 ~~(8)(7)~~ RULES.—The department may adopt rules to implement
209 this section.

210 ~~(9)(8)~~ EXPIRATION.—This section expires July 1, 2038 ~~June~~
211 ~~30, 2027~~. A loan may not be awarded after June 30, 2038. Upon
212 expiration, all unencumbered funds and loan repayments made on
213 or after July 1, 2038, must be transferred ~~revert~~ to the General
214 Revenue Fund.

215 Section 10. Section 366.98, Florida Statutes, is created
216 to read:

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217 366.98 Public utility liability arising out of emergencies
218 and disasters.--

219 (1) A public utility is not liable for damages based in
220 whole or in part on changes in the reliability, continuity, or
221 quality of utility services which arise in any way out of an
222 emergency or disaster, including but not limited to a state of
223 emergency declared pursuant to s. 252.36. Consistent with the
224 commission's jurisdiction over public utility rates and service,
225 issues relating to the sufficiency of a public utility's
226 disaster preparedness and response shall be resolved by the
227 commission.

228 (2) This section does not create a new cause of action. In
229 the event that there is a conflict between this section and any
230 other section of the Florida Statutes, this section shall
231 control.

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

234 489.117 Registration; specialty contractors.-

235 (5) Notwithstanding paragraph (1)(b), a registered
236 contractor may engage in contracting only for work covered by
237 the registration within an area for which a state of emergency
238 is declared pursuant to s. 252.36 for a natural emergency. This
239 authorization terminates 24 months after the expiration of the
240 declared state of emergency. The local jurisdiction that
241 licenses the registered contractor may discipline the registered

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242 contractor for violations occurring outside the licensing
243 jurisdiction which occur during the period such work is
244 authorized under this subsection.

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

247 553.7922 Local government-expedited approval of certain
248 permits.—Following a state of emergency declared pursuant to s.
249 252.36 for a natural emergency, local governments impacted by
250 the emergency shall approve special processing procedures to
251 expedite permit issuance for permits that do not require
252 technical review, including, but not limited to, roof repairs,
253 reroofing, electrical repairs, service changes, or the
254 replacement of one window or one door. Local governments may
255 waive application and inspection fees for permits expedited
256 under this section.

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

261 553.80 Enforcement.—

262 (8) Effective January 1, 2023, local governments located
263 in areas designated in the Federal Emergency Management Agency
264 disaster declarations for Hurricane Ian or Hurricane Nicole may
265 not raise building inspection fees, as authorized by s.
266 125.56(2) or s. 166.222 and this section, before October 1,

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267 2024. This subsection expires June 30, 2025.

268 Section 14. (1) A county or municipality located entirely
269 or partially within 100 miles of where either Hurricane Ian or
270 Hurricane Nicole made landfall shall not propose or adopt any
271 moratorium on construction, reconstruction, or redevelopment of
272 any property damaged by Hurricane Ian or Nicole, or propose or
273 adopt more restrictive or burdensome amendments to its
274 comprehensive plan or land development regulations, nor propose
275 or adopt more restrictive or burdensome procedures concerning
276 review, approval, or issuance of a site plan, development
277 permit, or development order, to the extent that those terms are
278 defined by s. 163.3164, Florida Statutes, before October 1,
279 2024, and any such moratorium or restrictive or burdensome
280 comprehensive plan amendment, land development regulation, or
281 procedure shall be null and void ab initio. This subsection
282 applies retroactively to September 28, 2022.

284 -----
285 **T I T L E A M E N D M E N T**

286 Remove lines 22-55 and insert:

287 occur; requiring retroactivity; creating s. 252.391,
288 F.S.; defining the term "local governmental entity";
289 encouraging local governmental entities to develop an
290 emergency financial plan for major disasters; providing
291 the contents of the emergency financial plan;

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292 recommending annual review of the emergency financial
293 plan; amending s. 252.40, F.S.; authorizing local
294 governments to create inspection teams for the review
295 and approval of certain expedited permits; encouraging
296 local governments to establish certain interlocal
297 agreements; encouraging local governments to develop
298 plans related to temporary accommodations of certain
299 individuals; amending s. 287.055, F.S.; revising the
300 definition of the term "continuing contract"; providing
301 for the future expiration and reversion of specified
302 statutory text; amending s. 288.066, F.S.; creating the
303 Local Government Emergency Revolving Bridge Loan Program
304 within the Department of Economic Opportunity to provide
305 certain financial assistance to local governments
306 impacted by federally declared disasters; conforming
307 provisions to changes made by the act; providing
308 construction; authorizing the department to provide
309 interest-free loans to eligible local governments
310 through specified means; requiring the department to
311 prescribe a loan application; requiring the department
312 to determine the loan amount based on certain factors;
313 authorizing the department to deny a loan application
314 and providing specified reasons for such denial;
315 requiring the department to provide certain notice and
316 make loan information available to eligible local

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317 governments; requiring loan repayments to be returned to
318 the loan fund; providing that funds appropriated for the
319 program are not subject to reversion; providing for
320 expiration; creating s. 366.98, F.S.; providing
321 liability protection for public utilities;