

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

51 provide certain notice and make loan information
52 available to eligible local governments; requiring
53 loan repayments to be returned to the loan fund;
54 providing that funds appropriated for the program are
55 not subject to reversion; providing for expiration;
56 amending s. 489.117, F.S.; authorizing a registered
57 contractor to engage in contracting under certain
58 circumstances; providing an expiration timeframe for
59 such authorization; authorizing the local jurisdiction
60 to discipline the registered contractor under certain
61 circumstances; creating s. 553.7922, F.S.; requiring
62 local governments impacted by certain emergencies to
63 approve special processing procedures to expedite
64 certain permits; amending s. 553.80, F.S.; prohibiting
65 certain local governments from raising building
66 inspection fees during a certain timeframe; providing
67 for future expiration; prohibiting counties and
68 municipalities located within a certain area from
69 adopting or amending certain amendments or procedures
70 for a specified period; declaring that such amendments
71 or procedures are null and void; providing for
72 retroactive application; providing that certain
73 comprehensive plan amendments, land development
74 regulations, site plans, and development permits or
75 orders may be enforced; providing for expiration;

76 amending s. 823.11, F.S.; authorizing certain persons
 77 to engage in a process relating to the removal and
 78 destruction of derelict vessels; providing
 79 appropriations; providing for the transfer of certain
 80 appropriated funds to the Economic Development Trust
 81 Fund of the Department of Economic Opportunity;
 82 requiring that loan repayments be repaid to the
 83 Economic Development Trust Fund; authorizing certain
 84 independent special fire control districts to file a
 85 specified report on an alternative schedule; providing
 86 effective dates.

87

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

89

90 Section 1. Section 125.023, Florida Statutes, is created
 91 to read:

92 125.023 Temporary shelter prohibition.—

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

97 (2) Notwithstanding any other law, ordinance, or
 98 regulation to the contrary, following the declaration of a state
 99 of emergency issued by the Governor for a natural emergency as
 100 defined in s. 252.34(8) during which a permanent residential

101 structure was damaged and rendered uninhabitable, a county may
102 not prohibit the placement of one temporary shelter on the
103 residential property for up to 36 months after the date of the
104 declaration or until a certificate of occupancy is issued on the
105 permanent residential structure on the property, whichever
106 occurs first, if all of the following circumstances apply:

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

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

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

115 Section 2. Section 166.0335, Florida Statutes, is created
116 to read:

117 166.0335 Temporary shelter prohibition.-

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

122 (2) Notwithstanding any other law, ordinance, or
123 regulation to the contrary, following the declaration of a state
124 of emergency issued by the Governor for a natural emergency as
125 defined in s. 252.34(8) during which a permanent residential

HB 7057

2023

126 structure was damaged and rendered uninhabitable, a municipality
127 may not prohibit the placement of one temporary shelter on the
128 residential property for up to 36 months after the date of the
129 declaration or until a certificate of occupancy is issued on the
130 permanent residential structure on the property, whichever
131 occurs first, if all of the following circumstances apply:

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

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

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

141 Section 3. Effective upon becoming a law, paragraphs (bb),
142 (cc), and (dd) are added to subsection (2) of section 252.35,
143 Florida Statutes, to read:

144 252.35 Emergency management powers; Division of Emergency
145 Management.—

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

149 (bb) Post on its website a model of a local government
150 contract for debris removal to be used by political

151 subdivisions. The initial model contract must be posted to the
 152 website no later than June 1, 2023, and, thereafter, the model
 153 contract must be annually updated and posted to the website no
 154 later than June 1.

155 (cc) Prioritize technical assistance and training to
 156 fiscally constrained counties as defined in s. 218.67(1) on
 157 aspects of safety measures, preparedness, prevention, response,
 158 recovery, and mitigation relating to natural disasters and
 159 emergencies.

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

162 Section 4. Paragraph (a) of subsection (1) of section
 163 252.363, Florida Statutes, is amended to read:

164 252.363 Tolling and extension of permits and other
 165 authorizations.—

166 (1) (a) The declaration of a state of emergency issued by
 167 the Governor for a natural emergency tolls the period remaining
 168 to exercise the rights under a permit or other authorization for
 169 the duration of the emergency declaration. Further, the
 170 emergency declaration extends the period remaining to exercise
 171 the rights under a permit or other authorization for 24 ~~6~~ months
 172 in addition to the tolled period. The extended period to
 173 exercise the rights under a permit or other authorization may
 174 not exceed 48 months in total in the event of multiple natural
 175 emergencies for which the Governor declares a state of

176 emergency. This paragraph applies to the following:

177 1. The expiration of a development order issued by a local
178 government.

179 2. The expiration of a building permit.

180 3. The expiration of a permit issued by the Department of
181 Environmental Protection or a water management district pursuant
182 to part IV of chapter 373.

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

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

191 6. The expiration of a development permit or development
192 agreement authorized by Florida Statutes, including those
193 authorized under the Florida Local Government Development
194 Agreement Act, or issued by a local government or other
195 governmental agency.

196 Section 5. Section 252.391, Florida Statutes, is created
197 to read:

198 252.391 Emergency financial plans.-

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

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

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

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

218 Section 6. Subsections (3) and (4) are added to section
 219 252.40, Florida Statutes, to read:

220 252.40 Mutual aid arrangements.—

221 (3) Local governments may create inspection teams to
 222 review and approve expedited permits for temporary housing
 223 solutions, repairs, and renovations after a natural disaster.
 224 Local governments are encouraged to establish interlocal
 225 agreements with other jurisdictions to provide additional

226 inspection services during a state of emergency.

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

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

237 287.055 Acquisition of professional architectural,
 238 engineering, landscape architectural, or surveying and mapping
 239 services; definitions; procedures; contingent fees prohibited;
 240 penalties.—

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

242 (g) A "continuing contract" is a contract for professional
 243 services entered into in accordance with all the procedures of
 244 this act between an agency and a firm whereby the firm provides
 245 professional services to the agency for projects in which the
 246 estimated construction cost of each individual project under the
 247 contract does not exceed \$4 million, for study activity if the
 248 fee for professional services for each individual study under
 249 the contract does not exceed \$500,000, or for work of a
 250 specified nature as outlined in the contract required by the

HB 7057

2023

251 agency, with the contract being for a fixed term or with no time
252 limitation except that the contract must provide a termination
253 clause. Firms providing professional services under continuing
254 contracts shall not be required to bid against one another. The
255 term "continuing contract" includes contracts executed through
256 December 31, 2023, for professional services to the agency for
257 projects related to repairs and remediation to a specific site
258 due to damage caused by Hurricane Ian in which the estimated
259 construction cost for each individual project does not exceed
260 \$15 million.

261 Section 8. The amendments made by this act to s.
262 287.055(2)(g), Florida Statutes, expire on January 1, 2024, and
263 the text of that paragraph shall revert to that in existence on
264 the day before the date that this act became a law, except that
265 any amendments to such text enacted other than by this act shall
266 be preserved and continue to operate to the extent that such
267 amendments are not dependent upon the portions of the text which
268 expire pursuant to this section.

269 Section 9. Section 288.066, Florida Statutes, as created
270 by section 1 of chapter 2023-1, Laws of Florida, is amended to
271 read:

272 288.066 Local Government Emergency Revolving Bridge Loan
273 Program.—

274 (1) CREATION.—The Local Government Emergency Revolving
275 Bridge Loan Program is created, ~~subject to appropriation,~~ within

HB 7057

2023

276 the department to provide financial assistance to local
277 governments impacted by federally declared disasters ~~Hurricane~~
278 ~~Ian or Hurricane Nicole~~. The purpose of the loan program is to
279 assist these local governments in maintaining government
280 operations by bridging the gap between the time that the
281 declared disaster occurred and the time that additional funding
282 sources or revenues are secured to provide them with financial
283 assistance.

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

297 (3) LOAN TERMS.—

298 (a) The department may provide interest-free loans to
299 eligible local governments through a promissory note or other
300 form of written agreement evidencing an obligation to repay the

HB 7057

2023

301 borrowed funds to the department.

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

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

309 (4) APPLICATION.—The department shall prescribe a loan
310 application and may request any other information determined
311 necessary by the department to review and evaluate the
312 application. The eligible local government must submit a loan
313 application within the 12 months after the date that the federal
314 disaster was declared. Upon receipt of an application, the
315 department shall review the application and may request
316 additional information as necessary to complete the review and
317 evaluation. If the loan application is approved, the department
318 shall determine the amount to be loaned, which may be a lower
319 amount than requested, based on the information provided and the
320 total amount of funds available to be loaned and in relation to
321 demonstrated need from other eligible applicants. If the loan
322 application is denied, reasons for the denial may include, but
323 are not limited to, the loan risk, an incomplete application,
324 failure to demonstrate need, or the fact that receiving a loan
325 may negatively affect the local government's eligibility for

326 | other federal programs.

327 | ~~(5)~~~~(4)~~ USE OF LOAN FUNDS.—A local government may use loan
 328 | funds only to continue local governmental operations or to
 329 | expand or modify such operations to meet disaster-related needs.
 330 | The funds may not be used to finance or supplant funding for
 331 | capital improvements or to repair or restore damaged public
 332 | facilities or infrastructure.

333 | ~~(6)~~~~(5)~~ LOAN REPAYMENT.—

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

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

340 | ~~(7)~~~~(6)~~ ADMINISTRATION.—

341 | (a) Upon the issuance of a federal disaster declaration,
 342 | the department shall provide notice of application requirements
 343 | and the total amount of funds available and shall make loan
 344 | information available to eligible local governments. Based upon
 345 | the amount of funds in the Economic Development Trust Fund
 346 | available to be loaned and anticipated balances, the department
 347 | may make funds available in an amount reasonably related to the
 348 | anticipated need, based upon the impacts of the federal
 349 | disaster, up to the total amount available ~~The department may~~
 350 | ~~approve loans in the 2022-2023 fiscal year or the 2023-2024~~

HB 7057

2023

351 ~~fiscal year up to the total amount appropriated.~~

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

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

362 ~~(8)(7)~~ RULES.—The department may adopt rules to implement
363 this section.

364 ~~(9)(8)~~ EXPIRATION.—This section expires July 1, 2038 ~~June~~
365 ~~30, 2027~~. A loan may not be awarded after June 30, 2038. Upon
366 expiration, all unencumbered funds and loan repayments made on
367 or after July 1, 2038, must be transferred ~~revert~~ to the General
368 Revenue Fund.

369 Section 10. Effective upon becoming a law, subsection (5)
370 is added to section 489.117, Florida Statutes, to read:

371 489.117 Registration; specialty contractors.—

372 (5) Notwithstanding paragraph (1)(b), a registered
373 contractor may engage in contracting only for work covered by
374 the registration within an area for which a state of emergency
375 is declared pursuant to s. 252.36 for a natural emergency. This

HB 7057

2023

376 authorization terminates 24 months after the expiration of the
377 declared state of emergency. The local jurisdiction that
378 licenses the registered contractor may discipline the registered
379 contractor for violations occurring outside the licensing
380 jurisdiction which occur during the period such work is
381 authorized under this subsection.

382 Section 11. Section 553.7922, Florida Statutes, is created
383 to read:

384 553.7922 Local government-expedited approval of certain
385 permits.—Following a state of emergency declared pursuant to s.
386 252.36 for a natural emergency, local governments impacted by
387 the emergency shall approve special processing procedures to
388 expedite permit issuance for permits that do not require
389 technical review, including, but not limited to, roof repairs,
390 reroofing, electrical repairs, service changes, or the
391 replacement of one window or one door. Local governments may
392 waive application and inspection fees for permits expedited
393 under this section.

394 Section 12. Effective upon becoming a law, present
395 subsections (8) and (9) of section 553.80, Florida Statutes, are
396 redesignated as subsections (9) and (10), respectively, and a
397 new subsection (8) is added to that section, to read:

398 553.80 Enforcement.—

399 (8) Effective January 1, 2023, local governments located
400 in areas designated in the Federal Emergency Management Agency

401 disaster declarations for Hurricane Ian or Hurricane Nicole may
402 not raise building inspection fees, as authorized by s.
403 125.56(2) or s. 166.222 and this section, before October 1,
404 2024. This subsection expires June 30, 2025.

405 Section 13. (1) A county or municipality located entirely
406 or partially within 100 miles of where either Hurricane Ian or
407 Hurricane Nicole made landfall shall not propose or adopt more
408 restrictive or burdensome amendments to its comprehensive plan
409 or land development regulations, nor propose or adopt more
410 restrictive or burdensome procedures concerning review,
411 approval, or issuance of a site plan, development permit, or
412 development order, to the extent that those terms are defined by
413 s. 163.3164, Florida Statutes, before October 1, 2024, and any
414 such restrictive or burdensome comprehensive plan amendment,
415 land development regulation, or procedure shall be null and void
416 ab initio. This subsection applies retroactively to September
417 28, 2022.

418 (2) Notwithstanding subsection (1), any comprehensive plan
419 amendment, land development regulation amendment, site plan,
420 development permit, or development order approved or adopted by
421 a county or municipality before or after the effective date of
422 this section may be enforced if:

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

425 (b) The property that is the subject of the application is

426 owned by the initiating private party.

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

429 Section 14. Paragraph (d) is added to subsection (2) of
 430 section 823.11, Florida Statutes, to read:

431 823.11 Derelict vessels; relocation or removal; penalty.-

432 (2)

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

445 Section 15. For the 2023-2024 fiscal year, the sums of \$1
 446 million in nonrecurring funds from the General Revenue Fund and
 447 \$10 million in nonrecurring funds from the Federal Grants Trust
 448 Fund are appropriated to the Division of Emergency Management to
 449 fund the Safeguarding Tomorrow Through Ongoing Risk Mitigation
 450 Act Revolving Loan Program. These funds shall be placed in

451 reserve. The division is authorized to submit a budget amendment
452 for release of the funds held in reserve for approval by the
453 Legislative Budget Commission pursuant to chapter 216, Florida
454 Statutes. Release is contingent upon documentation of an award
455 or other approval by the Federal Emergency Management Agency and
456 the division's approved intended use plan for the funds.

457 Section 16. (1) For the 2023-2024 fiscal year, the sum of
458 \$50 million in nonrecurring funds is appropriated from the
459 General Revenue Fund to the Economic Development Trust Fund of
460 the Department of Economic Opportunity to fund the Local
461 Government Emergency Revolving Bridge Loan Program.

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

470 (3) Notwithstanding sections 1 and 3 of chapter 2023-1,
471 Laws of Florida, all loan repayments for loans made under the
472 Local Government Emergency Bridge Loan Program shall be repaid
473 into the Economic Development Trust Fund and be made available
474 for loans under the Local Government Emergency Revolving Bridge
475 Loan Program.

HB 7057

2023

476 Section 17. Notwithstanding the timeframe specified in s.
477 189.0695 (2) (c) and (d), Florida Statutes, an independent
478 special fire control district located entirely or partially
479 within 50 miles of where Hurricane Ian made landfall that was
480 required to submit its final report of the performance review by
481 July 1, 2023, may file such report no later than January 1,
482 2024.

483 Section 18. Except as otherwise expressly provided in this
484 act and except for this section, which shall take effect upon
485 becoming a law, this act shall take effect July 1, 2023.