

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; providing effective
 84 | dates.

85 |

86 | Be It Enacted by the Legislature of the State of Florida:

87 |

88 | Section 1. Section 125.023, Florida Statutes, is created
 89 | to read:

90 | 125.023 Temporary shelter prohibition.—

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

95 | (2) Notwithstanding any other law, ordinance, or
 96 | regulation to the contrary, following the declaration of a state
 97 | of emergency issued by the Governor for a natural emergency as
 98 | defined in s. 252.34(8) during which a permanent residential
 99 | structure was damaged and rendered uninhabitable, a county may
 100 | not prohibit the placement of one temporary shelter on the

101 residential property for up to 36 months after the date of the
 102 declaration or until a certificate of occupancy is issued on the
 103 permanent residential structure on the property, whichever
 104 occurs first, if all of the following circumstances apply:

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

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

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

113 Section 2. Section 166.0335, Florida Statutes, is created
 114 to read:

115 166.0335 Temporary shelter prohibition.-

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

120 (2) Notwithstanding any other law, ordinance, or
 121 regulation to the contrary, following the declaration of a state
 122 of emergency issued by the Governor for a natural emergency as
 123 defined in s. 252.34(8) during which a permanent residential
 124 structure was damaged and rendered uninhabitable, a municipality
 125 may not prohibit the placement of one temporary shelter on the

126 residential property for up to 36 months after the date of the
 127 declaration or until a certificate of occupancy is issued on the
 128 permanent residential structure on the property, whichever
 129 occurs first, if all of the following circumstances apply:

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

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

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

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

142 252.35 Emergency management powers; Division of Emergency
 143 Management.—

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

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

151 contract must be annually updated and posted to the website no
 152 later than June 1.

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

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

160 Section 4. Paragraph (a) of subsection (1) of section
 161 252.363, Florida Statutes, is amended to read:

162 252.363 Tolling and extension of permits and other
 163 authorizations.—

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

175 1. The expiration of a development order issued by a local

176 government.

177 2. The expiration of a building permit.

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

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

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

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

194 Section 5. Section 252.391, Florida Statutes, is created
 195 to read:

196 252.391 Emergency financial plans.-

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

199 (2) Each local governmental entity is encouraged to
 200 develop an emergency financial plan for major natural disasters

201 that may impact its jurisdiction. Disasters include, but are not
 202 limited to, hurricanes, tornadoes, floods, and wildfires.

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

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

216 Section 6. Subsections (3) and (4) are added to section
 217 252.40, Florida Statutes, to read:

218 252.40 Mutual aid arrangements.—

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

225 (4) Municipalities and counties are encouraged to develop

226 and adopt plans to provide temporary accommodations for
 227 contractors, utility workers, first responders, and others
 228 dispatched to aid in hurricane recovery efforts. Public areas,
 229 including, but not limited to, fairgrounds and parking lots, may
 230 be used for tents and trailers for such temporary
 231 accommodations.

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

235 287.055 Acquisition of professional architectural,
 236 engineering, landscape architectural, or surveying and mapping
 237 services; definitions; procedures; contingent fees prohibited;
 238 penalties.—

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

240 (g) A "continuing contract" is a contract for professional
 241 services entered into in accordance with all the procedures of
 242 this act between an agency and a firm whereby the firm provides
 243 professional services to the agency for projects in which the
 244 estimated construction cost of each individual project under the
 245 contract does not exceed \$4 million, for study activity if the
 246 fee for professional services for each individual study under
 247 the contract does not exceed \$500,000, or for work of a
 248 specified nature as outlined in the contract required by the
 249 agency, with the contract being for a fixed term or with no time
 250 limitation except that the contract must provide a termination

251 clause. Firms providing professional services under continuing
 252 contracts shall not be required to bid against one another. The
 253 term "continuing contract" includes contracts executed through
 254 December 31, 2023, for professional services to the agency for
 255 projects related to repairs and remediation to a specific site
 256 due to damage caused by Hurricane Ian in which the estimated
 257 construction cost for each individual project does not exceed
 258 \$15 million.

259 Section 8. The amendments made by this act to s.
 260 287.055(2)(g), Florida Statutes, expire on January 1, 2024, and
 261 the text of that paragraph shall revert to that in existence on
 262 the day before the date that this act became a law, except that
 263 any amendments to such text enacted other than by this act shall
 264 be preserved and continue to operate to the extent that such
 265 amendments are not dependent upon the portions of the text which
 266 expire pursuant to this section.

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

270 288.066 Local Government Emergency Revolving Bridge Loan
 271 Program.—

272 (1) CREATION.—The Local Government Emergency Revolving
 273 Bridge Loan Program is created, ~~subject to appropriation,~~ within
 274 the department to provide financial assistance to local
 275 governments impacted by federally declared disasters ~~Hurricane~~

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

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

295 (3) LOAN TERMS.—

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

300 (b) The amount of each loan must be based upon

301 demonstrated need ~~and must be disbursed to the local government~~
 302 ~~in a lump sum.~~

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

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

325 (5)-(4) USE OF LOAN FUNDS.—A local government may use loan

326 funds only to continue local governmental operations or to
 327 expand or modify such operations to meet disaster-related needs.
 328 The funds may not be used to finance or supplant funding for
 329 capital improvements or to repair or restore damaged public
 330 facilities or infrastructure.

331 (6)~~(5)~~ LOAN REPAYMENT.—

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

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

338 (7)~~(6)~~ ADMINISTRATION.—

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

350 (b) The department must coordinate with the Division of

351 Emergency Management or other applicable state agencies to
 352 assess whether such loans would affect reimbursement under
 353 federal programs for disaster-related expenses.

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

360 ~~(8)(7)~~ RULES.—The department may adopt rules to implement
 361 this section.

362 ~~(9)(8)~~ EXPIRATION.—This section expires July 1, 2038 ~~June~~
 363 ~~30, 2027~~. A loan may not be awarded after June 30, 2038. Upon
 364 expiration, all unencumbered funds and loan repayments made on
 365 or after July 1, 2038, must be transferred ~~revert~~ to the General
 366 Revenue Fund.

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

369 489.117 Registration; specialty contractors.—

370 (5) Notwithstanding paragraph (1)(b), a registered
 371 contractor may engage in contracting only for work covered by
 372 the registration within an area for which a state of emergency
 373 is declared pursuant to s. 252.36 for a natural emergency. This
 374 authorization terminates 24 months after the expiration of the
 375 declared state of emergency. The local jurisdiction that

376 licenses the registered contractor may discipline the registered
 377 contractor for violations occurring outside the licensing
 378 jurisdiction which occur during the period such work is
 379 authorized under this subsection.

380 Section 11. Section 553.7922, Florida Statutes, is created
 381 to read:

382 553.7922 Local government-expedited approval of certain
 383 permits.—Following a state of emergency declared pursuant to s.
 384 252.36 for a natural emergency, local governments impacted by
 385 the emergency shall approve special processing procedures to
 386 expedite permit issuance for permits that do not require
 387 technical review, including, but not limited to, roof repairs,
 388 reroofing, electrical repairs, service changes, or the
 389 replacement of one window or one door. Local governments may
 390 waive application and inspection fees for permits expedited
 391 under this section.

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

396 553.80 Enforcement.—

397 (8) Effective January 1, 2023, local governments located
 398 in areas designated in the Federal Emergency Management Agency
 399 disaster declarations for Hurricane Ian or Hurricane Nicole may
 400 not raise building inspection fees, as authorized by s.

401 125.56(2) or s. 166.222 and this section, before October 1,
402 2024. This subsection expires June 30, 2025.

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

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

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

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

425 (3) This section shall take effect upon becoming a law and

426 expires June 30, 2025.

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

429 823.11 Derelict vessels; relocation or removal; penalty.—
 430 (2)

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

443 Section 15. For the 2023-2024 fiscal year, the sums of \$1
 444 million in nonrecurring funds from the General Revenue Fund and
 445 \$10 million in nonrecurring funds from the Federal Grants Trust
 446 Fund are appropriated to the Division of Emergency Management to
 447 fund the Safeguarding Tomorrow Through Ongoing Risk Mitigation
 448 Act Revolving Loan Program. These funds shall be placed in
 449 reserve. The division is authorized to submit a budget amendment
 450 for release of the funds held in reserve for approval by the

451 Legislative Budget Commission pursuant to chapter 216, Florida
 452 Statutes. Release is contingent upon documentation of an award
 453 or other approval by the Federal Emergency Management Agency and
 454 the division's approved intended use plan for the funds.

455 Section 16. (1) For the 2023-2024 fiscal year, the sum of
 456 \$50 million in nonrecurring funds is appropriated from the
 457 General Revenue Fund to the Economic Development Trust Fund of
 458 the Department of Economic Opportunity to fund the Local
 459 Government Emergency Revolving Bridge Loan Program.

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

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

474 Section 17. Except as otherwise expressly provided in this
 475 act and except for this section, which shall take effect upon

PCB COM 23-03

2023

476 | becoming a law, this act shall take effect July 1, 2023. |