

CHAPTER 2023-304

Committee Substitute for Committee Substitute for Senate Bill No. 250

An act relating to natural emergencies; creating ss. 125.023 and 166.0335, F.S.; defining the term “temporary shelter”; prohibiting counties and municipalities, respectively, from prohibiting temporary shelters on residential property for a specified timeframe under certain circumstances; amending s. 252.35, F.S.; requiring the Division of Emergency Management to post a model contract for debris removal on its website by a specified date; requiring the model contract to be annually updated by a specified date; requiring the division to prioritize technical assistance and training relating to natural disasters and emergencies to fiscally constrained counties; requiring the division to administer a revolving loan fund for certain local government projects; amending s. 252.363, F.S.; increasing the timeframe to exercise rights under a permit or other authorization; limiting the timeframe to exercise rights under a permit or other authorization to a certain timeframe when multiple natural emergencies occur; providing for retroactive application; creating s. 252.391, F.S.; defining the term “local governmental entity”; encouraging local governmental entities to develop an emergency financial plan for major disasters; providing the contents of the emergency financial plan; recommending annual review of the emergency financial plan; amending s. 252.40, F.S.; authorizing local governments to create inspection teams for the review and approval of certain expedited permits; encouraging local governments to establish certain interlocal agreements; encouraging local governments to develop plans related to temporary accommodations of certain individuals; amending s. 287.055, F.S.; revising the definition of the term “continuing contract”; providing for the future expiration and reversion of specified statutory text; amending s. 288.066, F.S.; creating the Local Government Emergency Revolving Bridge Loan Program within the Department of Economic Opportunity to provide certain financial assistance to local governments impacted by federally declared disasters; conforming provisions to changes made by the act; providing construction; authorizing the department to provide interest-free loans to eligible local governments through specified means; requiring the department to prescribe a loan application; requiring the department to determine the loan amount based on certain factors; authorizing the department to deny a loan application and providing specified reasons for such denial; requiring the department to provide certain notice and make loan information available to eligible local governments; requiring loan repayments to be returned to the loan fund; providing that funds appropriated for the program are not subject to reversion; providing for expiration; creating s. 366.98, F.S.; providing liability protection for public utilities in certain circumstances; authorizing the Florida Public Service Commission to resolve certain issues; providing applicability; amending s. 489.117, F.S.; authorizing a registered contractor to engage in contracting

under certain circumstances; providing an expiration timeframe for such authorization; authorizing the local jurisdiction to discipline the registered contractor under certain circumstances; creating s. 553.7922, F.S.; requiring local governments impacted by certain emergencies to approve special processing procedures to expedite certain permits; amending s. 553.80, F.S.; prohibiting certain local governments from raising building inspection fees during a certain timeframe; providing for future expiration; prohibiting counties and municipalities located within a certain area from adopting or amending certain moratoriums, amendments, or procedures for a specified period; declaring that such moratoriums, amendments, or procedures are null and void; providing for retroactive application; providing that certain comprehensive plan amendments, land development regulations, site plans, and development permits or orders may be enforced; providing for expiration; amending s. 823.11, F.S.; authorizing certain persons to engage in a process relating to the removal and destruction of derelict vessels; providing appropriations; providing for the transfer of certain appropriated funds to the Economic Development Trust Fund of the Department of Economic Opportunity; requiring that loan repayments be repaid to the Economic Development Trust Fund; authorizing certain independent special fire control districts to file a specified report on an alternative schedule; providing effective dates.

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

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

125.023 Temporary shelter prohibition.—

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

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

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

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

(c) The resident lives in the temporary structure.

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

166.0335 Temporary shelter prohibition.—

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

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

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

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

(c) The resident lives in the temporary structure.

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

252.35 Emergency management powers; Division of Emergency Management.—

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

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

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

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

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

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 24 6 months in addition to the tolled period. The extended period to exercise the rights under a permit or other authorization may not exceed 48 months in total in the event of multiple natural emergencies for which the Governor declares a state of emergency. The tolling and extension of permits and other authorizations under this paragraph shall apply retroactively to September 28, 2022. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.
2. The expiration of a building permit.
3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.
4. Permits issued by the Department of Environmental Protection or a water management district pursuant to part II of chapter 373 for land subject to a development agreement under ss. 163.3220-163.3243 in which the permittee and the developer are the same or a related entity.
5. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c).
6. The expiration of a development permit or development agreement authorized by Florida Statutes, including those authorized under the Florida Local Government Development Agreement Act, or issued by a local government or other governmental agency.

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

252.391 Emergency financial plans.—

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

(2) Each local governmental entity is encouraged to develop an emergency financial plan for major natural disasters that may impact its

jurisdiction. Disasters include, but are not limited to, hurricanes, tornadoes, floods, and wildfires.

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

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

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

252.40 Mutual aid arrangements.—

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

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

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

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

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

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

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

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

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

288.066 Local Government Emergency Revolving Bridge Loan Program.

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

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

(3) LOAN TERMS.—

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

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

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

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

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

(6)(5) LOAN REPAYMENT.—

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

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

(7)(6) ADMINISTRATION.—

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

(b) The department must coordinate with the Division of Emergency Management or other applicable state agencies to assess whether such loans

would affect reimbursement under federal programs for disaster-related expenses.

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

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

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

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

366.98 Public utility liability arising out of emergencies and disasters.

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

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

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

489.117 Registration; specialty contractors.—

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

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

553.7922 Local government-expedited approval of certain permits.—Following a state of emergency declared pursuant to s. 252.36 for a natural

emergency, local governments impacted by the emergency shall approve special processing procedures to expedite permit issuance for permits that do not require technical review, including, but not limited to, roof repairs, reroofing, electrical repairs, service changes, or the replacement of one window or one door. Local governments may waive application and inspection fees for permits expedited under this section.

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

553.80 Enforcement.—

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

Section 14. (1) A county or municipality located entirely or partially within 100 miles of where either Hurricane Ian or Hurricane Nicole made landfall shall not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by Hurricane Ian or Hurricane Nicole; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2024, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to September 28, 2022.

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

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

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

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

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

823.11 Derelict vessels; relocation or removal; penalty.—

(2)

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

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

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

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

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

Section 18. Notwithstanding the timeframe specified in s. 189.0695 (2)(c) and (d), Florida Statutes, an independent special fire control district located entirely or partially within 50 miles of where Hurricane Ian made landfall

that was required to submit its final report of the performance review by July 1, 2023, may file such report no later than January 1, 2024.

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

Approved by the Governor June 28, 2023.

Filed in Office Secretary of State June 28, 2023.