ENROLLED 2023 Legislature

CS for CS for SB 250, 2nd Engrossed

2023250er 1 2 An act relating to natural emergencies; creating ss. 3 125.023 and 166.0335, F.S.; defining the term "temporary shelter"; prohibiting counties and 4 municipalities, respectively, from prohibiting 5 6 temporary shelters on residential property for a 7 specified timeframe under certain circumstances; 8 amending s. 252.35, F.S.; requiring the Division of 9 Emergency Management to post a model contract for 10 debris removal on its website by a specified date; requiring the model contract to be annually updated by 11 12 a specified date; requiring the division to prioritize technical assistance and training relating to natural 13 disasters and emergencies to fiscally constrained 14 15 counties; requiring the division to administer a 16 revolving loan fund for certain local government 17 projects; amending s. 252.363, F.S.; increasing the timeframe to exercise rights under a permit or other 18 19 authorization; limiting the timeframe to exercise rights under a permit or other authorization to a 20 21 certain timeframe when multiple natural emergencies 22 occur; providing for retroactive application; creating 23 s. 252.391, F.S.; defining the term "local 2.4 governmental entity"; encouraging local governmental 25 entities to develop an emergency financial plan for major disasters; providing the contents of the 26 27 emergency financial plan; recommending annual review 28 of the emergency financial plan; amending s. 252.40, 29 F.S.; authorizing local governments to create

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

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2023250er 59 circumstances; authorizing the Florida Public Service 60 Commission to resolve certain issues; providing 61 applicability; amending s. 489.117, F.S.; authorizing a registered contractor to engage in contracting under 62 63 certain circumstances; providing an expiration timeframe for such authorization; authorizing the 64 65 local jurisdiction to discipline the registered 66 contractor under certain circumstances; creating s. 67 553.7922, F.S.; requiring local governments impacted 68 by certain emergencies to approve special processing procedures to expedite certain permits; amending s. 69 70 553.80, F.S.; prohibiting certain local governments 71 from raising building inspection fees during a certain timeframe; providing for future expiration; 72 73 prohibiting counties and municipalities located within 74 a certain area from adopting or amending certain 75 moratoriums, amendments, or procedures for a specified 76 period; declaring that such moratoriums, amendments, 77 or procedures are null and void; providing for 78 retroactive application; providing that certain 79 comprehensive plan amendments, land development regulations, site plans, and development permits or 80 orders may be enforced; providing for expiration; 81 82 amending s. 823.11, F.S.; authorizing certain persons 83 to engage in a process relating to the removal and destruction of derelict vessels; providing 84 85 appropriations; providing for the transfer of certain 86 appropriated funds to the Economic Development Trust 87 Fund of the Department of Economic Opportunity;

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88	requiring that loan repayments be repaid to the
89	Economic Development Trust Fund; authorizing certain
90	independent special fire control districts to file a
91	specified report on an alternative schedule; providing
92	effective dates.
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94	Be It Enacted by the Legislature of the State of Florida:
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96	Section 1. Section 125.023, Florida Statutes, is created to
97	read:
98	125.023 Temporary shelter prohibition
99	(1) For the purposes of this section, the term "temporary
100	shelter" includes, but is not limited to, a recreational
101	vehicle, trailer, or similar structure placed on a residential
102	property.
103	(2) Notwithstanding any other law, ordinance, or regulation
104	to the contrary, following the declaration of a state of
105	emergency issued by the Governor for a natural emergency as
106	defined in s. 252.34(8) during which a permanent residential
107	structure was damaged and rendered uninhabitable, a county may
108	not prohibit the placement of one temporary shelter on the
109	residential property for up to 36 months after the date of the
110	declaration or until a certificate of occupancy is issued on the
111	permanent residential structure on the property, whichever
112	occurs first, if all of the following circumstances apply:
113	(a) The resident makes a good faith effort to rebuild or
114	renovate the damaged permanent residential structure, including,
115	but not limited to, applying for a building permit, submitting a
116	plan or design to the county, or obtaining a construction loan.

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117	(b) The temporary shelter is connected to water and
118	electric utilities and does not present a threat to health and
119	human safety.
120	(c) The resident lives in the temporary structure.
121	Section 2. Section 166.0335, Florida Statutes, is created
122	to read:
123	166.0335 Temporary shelter prohibition
124	(1) For the purposes of this section, the term "temporary
125	shelter" includes, but is not limited to, a recreational
126	vehicle, trailer, or similar structure placed on a residential
127	property.
128	(2) Notwithstanding any other law, ordinance, or regulation
129	to the contrary, following the declaration of a state of
130	emergency issued by the Governor for a natural emergency as
131	defined in s. 252.34(8) during which a permanent residential
132	structure was damaged and rendered uninhabitable, a municipality
133	may not prohibit the placement of one temporary shelter on the
134	residential property for up to 36 months after the date of the
135	declaration or until a certificate of occupancy is issued on the
136	permanent residential structure on the property, whichever
137	occurs first, if all of the following circumstances apply:
138	(a) The resident makes a good faith effort to rebuild or
139	renovate the damaged permanent residential structure, including,
140	but not limited to, applying for a building permit, submitting a
141	plan or design to the municipality, or obtaining a construction
142	loan.
143	(b) The temporary shelter is connected to water and
144	electric utilities and does not present a threat to health and
145	human safety.
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146	(c) The resident lives in the temporary structure.
147	Section 3. Effective upon becoming a law, paragraphs (bb),
148	(cc), and (dd) are added to subsection (2) of section 252.35,
149	Florida Statutes, to read:
150	252.35 Emergency management powers; Division of Emergency
151	Management
152	(2) The division is responsible for carrying out the
153	provisions of ss. 252.31-252.90. In performing its duties, the
154	division shall:
155	(bb) Post on its website a model of a local government
156	contract for debris removal to be used by political
157	subdivisions. The initial model contract must be posted to the
158	website no later than June 1, 2023, and, thereafter, the model
159	contract must be annually updated and posted to the website no
160	later than June 1.
161	(cc) Prioritize technical assistance and training to
162	fiscally constrained counties as defined in s. 218.67(1) on
163	aspects of safety measures, preparedness, prevention, response,
164	recovery, and mitigation relating to natural disasters and
165	emergencies.
166	(dd) Administer a revolving loan program for local
167	government hazard mitigation projects.
168	Section 4. Paragraph (a) of subsection (1) of section
169	252.363, Florida Statutes, is amended to read:
170	252.363 Tolling and extension of permits and other
171	authorizations
172	(1)(a) The declaration of a state of emergency issued by
173	the Governor for a natural emergency tolls the period remaining
174	to exercise the rights under a permit or other authorization for

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

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

187

2. The expiration of a building permit.

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

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.

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

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

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2023250er 204 Section 5. Section 252.391, Florida Statutes, is created to 205 read: 206 252.391 Emergency financial plans.-207 (1) As used in this section, the term "local governmental 208 entity" means a county, municipality, or district school board. 209 (2) Each local governmental entity is encouraged to develop 210 an emergency financial plan for major natural disasters that may 211 impact its jurisdiction. Disasters include, but are not limited 212 to, hurricanes, tornadoes, floods, and wildfires. 213 (3) Each emergency financial plan should be based on the likely frequency of the disaster's occurrence. The financial 214 215 plan should include a calculation of the costs for the natural 216 disaster event and a determination of the financial resources 217 available to the local governmental entity. If insufficient funds are available to address the disaster event, the emergency 218 219 financial plan should identify strategies to close the gap 220 between the disaster event costs and the local governmental 221 entity's financial capacity. Such strategies may include rainy 222 day funds, reprioritizing its annual budget, and borrowing. 223 (4) Local governmental entities should annually review 224 their emergency financial plans to address changes in 225 conditions. 226 Section 6. Subsections (3) and (4) are added to section 227 252.40, Florida Statutes, to read: 228 252.40 Mutual aid arrangements.-229 (3) Local governments may create inspection teams to review 230 and approve expedited permits for temporary housing solutions, 231 repairs, and renovations after a natural disaster. Local 232 governments are encouraged to establish interlocal agreements

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2023250er 233 with other jurisdictions to provide additional inspection 234 services during a state of emergency. 235 (4) Municipalities and counties are encouraged to develop 236 and adopt plans to provide temporary accommodations for 237 contractors, utility workers, first responders, and others 238 dispatched to aid in hurricane recovery efforts. Public areas, 239 including, but not limited to, fairgrounds and parking lots, may 240 be used for tents and trailers for such temporary 241 accommodations. 242 Section 7. Effective upon becoming a law, paragraph (g) of 243 subsection (2) of section 287.055, Florida Statutes, is amended 244 to read: 287.055 Acquisition of professional architectural, 245 engineering, landscape architectural, or surveying and mapping 246 247 services; definitions; procedures; contingent fees prohibited; 248 penalties.-249 (2) DEFINITIONS.-For purposes of this section: 250 (g) A "continuing contract" is a contract for professional 251 services entered into in accordance with all the procedures of 252 this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the 253 254 estimated construction cost of each individual project under the 255 contract does not exceed \$4 million, for study activity if the 256 fee for professional services for each individual study under the contract does not exceed \$500,000, or for work of a 257 258 specified nature as outlined in the contract required by the 259 agency, with the contract being for a fixed term or with no time 260 limitation except that the contract must provide a termination 261 clause. Firms providing professional services under continuing

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2023250er 262 contracts shall not be required to bid against one another. The 263 term "continuing contract" includes contracts executed through 264 December 31, 2023, for professional services to the agency for 265 projects related to repairs and remediation to a specific site 266 due to damage caused by Hurricane Ian in which the estimated 267 construction cost for each individual project does not exceed 268 \$15 million. 269 Section 8. The amendments made by this act to s. 270 287.055(2)(g), Florida Statutes, expire on January 1, 2024, and 271 the text of that paragraph shall revert to that in existence on the day before the date that this act became a law, except that 272 273 any amendments to such text enacted other than by this act shall 274 be preserved and continue to operate to the extent that such 275 amendments are not dependent upon the portions of the text which 276 expire pursuant to this section. Section 9. Section 288.066, Florida Statutes, as created by 277 section 1 of chapter 2023-1, Laws of Florida, is amended to 278 279 read: 280 288.066 Local Government Emergency Revolving Bridge Loan 281 Program.-(1) CREATION.-The Local Government Emergency Revolving 282 283 Bridge Loan Program is created, subject to appropriation, within 284 the department to provide financial assistance to local 285 governments impacted by federally declared disasters Hurricane 286 Ian or Hurricane Nicole. The purpose of the loan program is to 287 assist these local governments in maintaining government 288 operations by bridging the gap between the time that the 289 declared disaster occurred and the time that additional funding 290 sources or revenues are secured to provide them with financial

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291 assistance. 292 (2) ELIGIBILITY.-To be eligible for a loan under the 293 program, a local government must be a county or a municipality 294 located in an area designated in a the Federal Emergency Management Agency disaster declaration declarations for 295 296 Hurricane Ian or Hurricane Nicole. The local government must 297 show that it may suffer or has suffered substantial loss of its 298 tax or other revenues as a result of the disaster hurricane and 299 demonstrate a need for financial assistance to enable it to 300 continue to perform its governmental operations. Access to and eligibility for the loan program supersedes any local government 301 charter or borrowing limitations that would otherwise 302 303 financially constrain the local government's ability to recover 304 from a disaster. 305 (3) LOAN TERMS.-306 (a) The department may provide interest-free loans to 307 eligible local governments through a promissory note or other 308 form of written agreement evidencing an obligation to repay the 309 borrowed funds to the department. 310 (b) The amount of each loan must be based upon demonstrated need and must be disbursed to the local government in a lump 311 312 sum. 313 (c) The term of the loan is up to 24 months 1 year, unless 314 otherwise extended by the department. However, the department 315 may extend loan terms for up to 6 months based on the local 316 government's financial condition. 317 (4) APPLICATION.-The department shall prescribe a loan 318 application and may request any other information determined 319 necessary by the department to review and evaluate the

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2023250er 320 application. The eligible local government must submit a loan 321 application within the 12 months after the date that the federal 322 disaster was declared. Upon receipt of an application, the 323 department shall review the application and may request additional information as necessary to complete the review and 324 325 evaluation. If the loan application is approved, the department shall determine the amount to be loaned, which may be a lower 326 327 amount than requested, based on the information provided and the 328 total amount of funds available to be loaned and in relation to 329 demonstrated need from other eligible applicants. If the loan application is denied, reasons for the denial may include, but 330 331 are not limited to, the loan risk, an incomplete application, 332 failure to demonstrate need, or the fact that receiving a loan 333 may negatively affect the local government's eligibility for 334 other federal programs.

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

341

(6) (5) LOAN REPAYMENT.-

(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 theterms of the agreement.

348 (7)

(7) (6) ADMINISTRATION.-

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349 (a) Upon the issuance of a federal disaster declaration, 350 the department shall provide notice of application requirements 351 and the total amount of funds available and shall make loan 352 information available to eligible local governments. Based upon the amount of funds in the Economic Development Trust Fund 353 354 available to be loaned and anticipated balances, the department 355 may make funds available in an amount reasonably related to the 356 anticipated need, based upon the impacts of the federal 357 disaster, up to the total amount available The department may 358 approve loans in the 2022-2023 fiscal year or the 2023-2024 359 fiscal year up to the total amount appropriated. 360

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

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

370 <u>(8) (7)</u> RULES.—The department may adopt rules to implement 371 this section.

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

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

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378	read:
379	366.98 Public utility liability arising out of emergencies
380	and disasters
381	(1) A public utility is not liable for damages based in
382	whole or in part on changes in the reliability, continuity, or
383	quality of utility services which arise in any way out of an
384	emergency or disaster, including, but not limited to, a state of
385	emergency declared under s. 252.36. Consistent with the
386	commission's jurisdiction over public utility rates and service,
387	issues relating to the sufficiency of a public utility's
388	disaster preparedness and response shall be resolved by the
389	commission.
390	(2) This section does not create a new cause of action. In
391	the event that there is a conflict between this section and any
392	other section of the Florida Statutes, this section shall
393	control.
394	Section 11. Effective upon becoming a law, subsection (5)
395	is added to section 489.117, Florida Statutes, to read:
396	489.117 Registration; specialty contractors
397	(5) Notwithstanding paragraph (1)(b), a registered
398	contractor may engage in contracting only for work covered by
399	the registration within an area for which a state of emergency
400	is declared pursuant to s. 252.36 for a natural emergency. This
401	authorization terminates 24 months after the expiration of the
402	declared state of emergency. The local jurisdiction that
403	licenses the registered contractor may discipline the registered
404	contractor for violations occurring outside the licensing
405	jurisdiction which occur during the period such work is
406	authorized under this subsection.
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407	Section 12. Section 553.7922, Florida Statutes, is created
408	to read:
409	553.7922 Local government-expedited approval of certain
410	permitsFollowing a state of emergency declared pursuant to s.
411	252.36 for a natural emergency, local governments impacted by
412	the emergency shall approve special processing procedures to
413	expedite permit issuance for permits that do not require
414	technical review, including, but not limited to, roof repairs,
415	reroofing, electrical repairs, service changes, or the
416	replacement of one window or one door. Local governments may
417	waive application and inspection fees for permits expedited
418	under this section.
419	Section 13. Effective upon becoming a law, present
420	subsections (8) and (9) of section 553.80, Florida Statutes, are
421	redesignated as subsections (9) and (10), respectively, and a
422	new subsection (8) is added to that section, to read:
423	553.80 Enforcement
424	(8) Effective January 1, 2023, local governments located in
425	areas designated in the Federal Emergency Management Agency
426	disaster declarations for Hurricane Ian or Hurricane Nicole may
427	not raise building inspection fees, as authorized by s.
428	125.56(2) or s. 166.222 and this section, before October 1,
429	2024. This subsection expires June 30, 2025.
430	Section 14. (1) A county or municipality located entirely
431	or partially within 100 miles of where either Hurricane Ian or
432	Hurricane Nicole made landfall shall not propose or adopt any
433	moratorium on construction, reconstruction, or redevelopment of
434	any property damaged by Hurricane Ian or Hurricane Nicole;
435	propose or adopt more restrictive or burdensome amendments to

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436	its comprehensive plan or land development regulations; or
437	propose or adopt more restrictive or burdensome procedures
438	concerning review, approval, or issuance of a site plan,
439	development permit, or development order, to the extent that
440	those terms are defined by s. 163.3164, Florida Statutes, before
441	October 1, 2024, and any such moratorium or restrictive or
442	burdensome comprehensive plan amendment, land development
443	regulation, or procedure shall be null and void ab initio. This
444	subsection applies retroactively to September 28, 2022.
445	(2) Notwithstanding subsection (1), any comprehensive plan
446	amendment, land development regulation amendment, site plan,
447	development permit, or development order approved or adopted by
448	a county or municipality before or after the effective date of
449	this section may be enforced if:
450	(a) The associated application is initiated by a private
451	party other than the county or municipality.
452	(b) The property that is the subject of the application is
453	owned by the initiating private party.
454	(3) This section shall take effect upon becoming a law and
455	expire June 30, 2025.
456	Section 15. Paragraph (d) is added to subsection (2) of
457	section 823.11, Florida Statutes, to read:
458	823.11 Derelict vessels; relocation or removal; penalty
459	(2)
460	(d) Notwithstanding the additional 45 days provided in sub-
461	subparagraph (b)2.b. during which an owner or a responsible
462	party may not be charged for a violation of this section, the
463	commission, an officer of the commission, a law enforcement
464	agency or officer specified in s. 327.70, or, during a state of

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2023250er 465 emergency declared by the Governor, the Division of Emergency 466 Management or its designee, may immediately begin the process 467 set forth in s. 705.103(2)(a) and, once that process has been 468 completed and the 45 days provided herein have passed, any 469 vessel that has not been removed or repaired such that it is no 470 longer derelict upon the waters of this state may be removed and 471 destroyed as provided therein. Section 16. For the 2023-2024 fiscal year, the sums of \$1 472 473 million in nonrecurring funds from the General Revenue Fund and 474 \$10 million in nonrecurring funds from the Federal Grants Trust 475 Fund are appropriated to the Division of Emergency Management to 476 fund the Safeguarding Tomorrow Through Ongoing Risk Mitigation 477 Act Revolving Loan Program. These funds shall be placed in 478 reserve. The division is authorized to submit a budget amendment 479 for release of the funds held in reserve for approval by the 480 Legislative Budget Commission pursuant to chapter 216, Florida 481 Statutes. Release is contingent upon documentation of an award 482 or other approval by the Federal Emergency Management Agency and 483 the division's approved intended use plan for the funds. 484 Section 17. (1) For the 2023-2024 fiscal year, the sum of 485 \$50 million in nonrecurring funds is appropriated from the 486 General Revenue Fund to the Economic Development Trust Fund of 487 the Department of Economic Opportunity to fund the Local 488 Government Emergency Revolving Bridge Loan Program. 489 (2) Funds appropriated in section 3 of chapter 2023-1, Laws 490 of Florida, for the Local Government Emergency Bridge Loan 491 Program which have not been loaned to a local government 492 pursuant to a loan agreement as of July 1, 2023, shall be 493 transferred by nonoperating budget authority to the Economic

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494	Development Trust Fund of the Department of Economic Opportunity
495	to be used for the Local Government Emergency Revolving Bridge
496	Loan Program.
497	(3) Notwithstanding sections 1 and 3 of chapter 2023-1,
498	Laws of Florida, all loan repayments for loans made under the
499	Local Government Emergency Bridge Loan Program shall be repaid
500	into the Economic Development Trust Fund and be made available
501	for loans under the Local Government Emergency Revolving Bridge
502	Loan Program.
503	Section 18. Notwithstanding the timeframe specified in s.
504	189.0695 (2)(c) and (d), Florida Statutes, an independent
505	special fire control district located entirely or partially
506	within 50 miles of where Hurricane Ian made landfall that was
507	required to submit its final report of the performance review by
508	July 1, 2023, may file such report no later than January 1,
509	2024.
510	Section 19. Except as otherwise expressly provided in this
511	act and except for this section, which shall take effect upon
512	becoming a law, this act shall take effect July 1, 2023.

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