



STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT



Ron DeSantis, Governor

Kevin Guthrie, Executive Director

TO: All political subdivisions of the State of Florida
FROM: Stephanie Houpp, General Counsel and Deputy Executive Director
 Florida Division of Emergency Management
DATE: October 4, 2024
SUBJECT: Temporary Shelters in Impacted Counties and Municipalities

Stephanie Houpp

Digitally signed by
Stephanie Houpp
Date: 2024.10.04
17:14:27 -0400

The purpose of this memorandum is to convey and establish the State of Florida Division of Emergency Management's ("Division" or "FDEM") understanding as it relates to temporary sheltering across all counties, cities, and municipalities impacted by Hurricane Helene.

BACKGROUND

Hurricane Helene was a major hurricane that significantly impacted several counties across the State of Florida. On September 23, 2024, Governor Ron DeSantis issued Executive Order 24-208, declaring a state of emergency, as amended by Executive Order 24-209 on September 24, 2024.

FDEM is a direct reporting entity to the Florida Executive Office of the Governor. The Division plans for and responds to both natural and man-made emergencies or disasters. FDEM is the State's liaison with Federal and local agencies on all emergencies and maintains the statewide comprehensive emergency plan to ensure that Florida is prepared to respond to, recover from, and mitigate against the impacts of emergencies and minor, major, and catastrophic disasters.

On June 28, 2023, the Florida Governor Ron DeSantis signed into law Senate Bill 250 (Chapter 2023-304, Laws of Florida), which made various amendments throughout the Florida Statutes regarding the preparation and response activities of state and local governments when natural emergencies impact the state. The underlying goal of this legislation was to help Florida to better recover from Hurricanes Ian and Nicole and be better prepared for future natural emergencies like Hurricane Helene.

ANALYSIS

Sections 125.023 and 166.0335, Florida Statutes, which were created by Senate Bill 250, provide that following a declaration of a state of emergency for a natural emergency as defined in section 252.34(8), Florida Statutes, local governments may not prohibit the placement of one (1) temporary shelter on the residential property for up to thirty-six (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, where a permanent residential structure is left uninhabitable if certain criteria is met. The statutes define "temporary shelter" to include a recreational vehicle, trailer, or similar structure placed on a residential property.

Pursuant to section 252.35, Florida Statutes, the Division is responsible for coordinating efforts with other State departments and local entities to manage emergencies and disasters. All counties and municipalities must adhere to the letter of the aforementioned Florida Law.