

Tab 1	SB 82 by Bradley; (Identical to H 00145) Vegetable Gardens
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Flores, Chair
Senator Farmer, Vice Chair

MEETING DATE: Tuesday, January 8, 2019
TIME: 4:30—6:00 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Flores, Chair; Senator Farmer, Vice Chair; Senators Broxson, Pizzo, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 82 Bradley (Identical H 145)	Vegetable Gardens; Prohibiting local governments from regulating vegetable gardens on residential properties except as otherwise provided by law; specifying that such regulations are void and unenforceable, etc. CA 01/08/2019 Favorable RC	Favorable Yeas 5 Nays 0
2	Presentation on the Florida Building Code by the Florida Building Commission		Discussed
3	Presentation by the Florida Housing Finance Corporation on Hurricane Michael Housing Response and Recovery Efforts		Discussed
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 82

INTRODUCER: Senator Bradley

SUBJECT: Vegetable Gardens

DATE: January 3, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peacock</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 82 prohibits a county, municipality, or other political subdivision of the state from regulating vegetable gardens on residential properties. Additionally, any such local ordinance or regulation regarding vegetable gardens on residential properties is void and unenforceable.

However, local governments may still adopt a local ordinance or regulation of a general nature which does not specifically regulate vegetable gardens, including, but not limited to, regulations and ordinances relating to water use during drought conditions, fertilizer use, or control of invasive species.

II. Present Situation:

Florida Constitution

The Florida Constitution establishes and describes the duties, powers, structure, and function of government in Florida, and establishes the basic law of the state.

Article I, section 2 of the Florida Constitution's Declaration of Rights provides that "All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, *and to acquire, possess and protect property...*"

Article I, section 23 of the Florida Constitution's Right to Privacy provides that "Every natural person has the right to be let alone and free from governmental intrusion into the person's private life..." The Florida Constitution's right to privacy is perceived to provide greater protection than the United States Constitution.¹

¹ Overton and Giddings, *The Right to Privacy in Florida in the Age of Technology and the Twenty-First Century: A Need for Protection from Private and Commercial Intrusion*, Florida State University Law Review, Volume 25, Issue 1, Article 3, (1997), available at <https://ir.law.fsu.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1394&context=lr>.

Home Rule and Preemption

Counties

A county without a charter has such power of self-government as provided by general² or special law, and may enact county ordinances not inconsistent with general law.³ Counties operating under county charters shall have all the powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors.⁴ General law authorizes counties “the power to carry on county government”⁵ and to “perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law.”⁶

Municipalities

Chapter 166, F.S., also known as the Municipal Home Rule Powers Act,⁷ acknowledges the constitutional grant to municipalities of governmental, corporate, and proprietary power necessary to conduct municipal government, functions, and services.⁸ Chapter 166, F.S., provides municipalities with broad home rule powers, respecting expressed limits on municipal powers established by the Florida Constitution, applicable laws, and county charters.⁹

Section 166.221, F.S., authorizes municipalities to levy reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter.

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature has preempted a particular subject area or (2) the local enactment conflicts with a state statute. Where state preemption applies it precludes a local government from exercising authority in that particular area.¹⁰ Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.¹¹ Express preemption of a field by the Legislature must be accomplished by clear

² Chapter 125, Part I, F.S.

³ FLA. CONST. art. VIII, s. 1(f).

⁴ FLA. CONST. art. VIII, s. 1(g).

⁵ Section 125.01(1), F.S.

⁶ Section 125.01(1)(w), F.S.

⁷ Section 166.011, F.S.

⁸ Florida House of Representatives, Publications, The Local Government Formation Manual 2017-2018, p. 16, available at <http://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=2911&Session=2017&DocumentType=General Publications&FileName=2017-2018 Local Government Formation Manual Final Pub.pdf>.

⁹ Section 166.021(4), F.S.

¹⁰ Wolf, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).

¹¹ See *City of Hollywood v. Mulligan*, 934 So.2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So.2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So.3d 309 (Fla. 2008).

language stating that intent.¹² In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.¹³

In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.¹⁴ Implied preemption is actually a decision by the courts to create preemption in the absence of an explicit legislative directive.¹⁵ Preemption of a local government enactment is implied only where the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and strong public policy reasons exist for finding preemption.¹⁶ Implied preemption is found where the local legislation would present the danger of conflict with the state's pervasive regulatory scheme.¹⁷

Village of Miami Shores Court Case

Residents of the Village of Miami Shores brought an action challenging the constitutionality of a zoning ordinance that prohibited the residents from growing vegetables in their front yard.¹⁸ Violators of the ordinance faced fines of \$50 per day. The residents claimed the ordinance violated their constitutional rights to acquire, possess, and protect property; and their right to privacy. In its opinion, the Court held that even constitutionally protected property rights are not absolute and are subject to the fair exercise of the State's powers including the power to promote the general welfare of the people through regulation. As a result, using a rational basis standard of review,¹⁹ the Court found that the ordinance was rationally related to the Village code's design standards and landscaping regulations. The ordinance was upheld, and the prohibition remains in place.

On February 9, 2018, the Florida Supreme Court denied the petition for review of the case.²⁰

III. Effect of Proposed Changes:

The bill provides that except as otherwise provided by law, a county, municipality, or other political subdivision may not regulate vegetable gardens on residential properties. Additionally, any such ordinance or regulation regarding vegetable gardens on residential properties is void and unenforceable.

However, the section does not preclude the adoption of a local ordinance or regulation of a general nature that does not specifically regulate vegetable gardens, including, but not limited to, regulations and ordinances relating to water use during drought conditions, fertilizer use, or control of invasive species.

¹² *Mulligan*, 934 So.2d at 1243.

¹³ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So.3d 880, 886 (Fla. 2010).

¹⁴ *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So.2d 504 (Fla. 3d DCA 2002).

¹⁵ *Phantom of Clearwater, Inc.*, 894 So.2d at 1019.

¹⁶ *Id.*

¹⁷ *Sarasota Alliance for Fair Elections, Inc.*, 28 So.3d at 886.

¹⁸ *Ricketts v. Village of Miami Shores*, 232 So. 3d 1095 (Fla. 3d DCA 2017).

¹⁹ The rational basis standard of review is a deferential standard that requires the reviewing court to uphold the enactment if it is "fairly debatable" whether the purpose of the law is legitimate and whether the methods adopted in the law serve that legitimate purpose. *Membreno & Florida Ass'n of Vendors, Inc. v. City of Hialeah*, 188 So. 3d 13, 25 (Fla. 3d DCA 2016).

²⁰ *Ricketts v. Village of Miami Shores*, 2018 WL 794717 (Fla. 2018).

The bill also provides that it is the Legislature's intent to encourage the development of sustainable cultivation of vegetables and fruits at all levels of production, including for personal consumption, as an important state interest.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Occupants of residential properties will be able to cultivate a vegetable garden without government intrusion.

C. Government Sector Impact:

Counties, municipalities, and other political subdivisions of the state are prohibited from regulating vegetable gardens on residential properties.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 604.71 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/8/19

Bill Number (if applicable) 82

Topic VEGETABLE GARDENS

Amendment Barcode (if applicable)

Name CHRISTIAN LAWREN

Job Title _____

Address PO Box 122

Phone 305 608 4320

Street YALAHUASSIE FL 32302

Email CHRISTIAN@LAURELCONSULTANTS

City _____ State _____ Zip _____

FL.COM

Speaking: For Against Information Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing POSITIVE FOR JUSTICE

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-8-19

5882

Meeting Date

Bill Number (if applicable)

Topic Vegetable Gardens

Amendment Barcode (if applicable)

Name Dr Sally Butzin

Job Title Volunteer, League of Women Voters

Address 1628 Woodgate Way

Phone 850-728-1097

Street Tallahassee City FL State 32308 Zip

Email sallybutzin@gmail.com

Speaking: For Against Information Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing League of Women Voters of Florida

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/8/19

Bill Number (if applicable) 82

Topic Vegetable Gardens

Amendment Barcode (if applicable)

Name Phillip Suderman

Job Title Policy Director

Address 200 West Orange Avenue, 113

Phone 850-866-6710

Street Tallahassee State FL Zip 32302

Email psuderman@ofpphd.org

Speaking: For Against Information Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Americans for Prosperity

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

✓ speaker

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date 1/6/19

Bill Number (if applicable) 82

Topic Vegetable Gardens

Amendment Barcode (if applicable)

Name David Cruz

Job Title Legislative Counsel

Address P.O. Box 1757

Phone 701-3676

Street Tallahassee State FL Zip 32301

Email

Speaking: For Against Information Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

By Senator Bradley

5-00379-19

201982__

1 A bill to be entitled
 2 An act relating to vegetable gardens; creating s.
 3 604.71, F.S.; providing legislative intent;
 4 prohibiting local governments from regulating
 5 vegetable gardens on residential properties except as
 6 otherwise provided by law; specifying that such
 7 regulations are void and unenforceable; specifying
 8 exceptions; providing applicability; providing an
 9 effective date.

10

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

12

13 Section 1. Section 604.71, Florida Statutes, is created to
 14 read:

15

604.71 Local regulation of vegetable gardens.-

16

(1) The Legislature intends to encourage the development of
 17 sustainable cultivation of vegetables and fruits at all levels
 18 of production, including for personal consumption, as an
 19 important interest of the state.

20

(2) Except as otherwise provided by law, a county,
 21 municipality, or other political subdivision of this state may
 22 not regulate vegetable gardens on residential properties. Any
 23 such local ordinance or regulation regulating vegetable gardens
 24 on residential properties is void and unenforceable.

25

(3) This section does not preclude the adoption of a local
 26 ordinance or regulation of a general nature that does not
 27 specifically regulate vegetable gardens, including, but not
 28 limited to, regulations and ordinances relating to water use
 29 during drought conditions, fertilizer use, or control of

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

5-00379-19

201982__

30 invasive species.

31

Section 2. This act shall take effect July 1, 2019.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 82
FINAL ACTION: Favorable
MEETING DATE: Tuesday, January 8, 2019
TIME: 4:30—6:00 p.m.
PLACE: 301 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Broxson						
X		Pizzo						
X		Simmons						
X		Farmer, VICE CHAIR						
X		Flores, CHAIR						
5	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting



Thomas Campbell, Executive Director
Florida Building Commission

The Florida Building Commission and Building Code

Senate Community Affairs
January 8, 2019

Florida Building Commission

- Composed of 27 members who are appointed by the Governor:

Architects	Engineers	Contractors
Fire Protection	Building Officials	Product Manufacturers
Insurance Industry Representatives	Public Education Representatives	Green Building Representatives

- Meets every six weeks across the state.
- The Commission's responsibilities include:
 - Adopt and update the Florida Building Code.
 - Issue interpretations of the Florida Building Code through declaratory statements.
 - Approve training courses.
 - Approve construction products for statewide use.

History of the Florida Building Code

- **Prior to 1992** – More than 400 local governments were responsible for building codes.
- **1992** – Hurricane Andrew revealed the deficiencies of the state's existing building codes.
- **1998** – The Florida Building Code Commission was created.
- **2002** – The 1st edition of the Florida Building Code went into effect, which created one unified code.
- **2017** – The 6th edition of the Florida Building Code went into effect on December 31, 2017.

7th Edition, Florida Building Code

- The triennial update for the Florida Building Code is a two-step process and is subject to the rulemaking requirements of Chapter 120, Florida Statutes.
 - The first step requires the Florida Building Commission to review all changes to certain model codes for possible inclusion in the next edition of the Florida Building Code. **(Completed October 2018)**
 - The second step allows members of the public to submit proposed code modifications for possible inclusion in the next edition of the Florida Building Code. **(Began November 2018)**
- Once these steps are complete, the Commission and its staff will develop a draft 7th Edition, Florida Building Code (2020) and complete the Chapter 120, F.S., rulemaking process.
- The tentative effective date for the 7th Edition, Florida Building Code (2020) is December 31, 2020.

Hurricane Specific Code Provisions and Local Amendments

- The Building Code contains minimum requirements for:
 - Water resistance of exterior walls.
 - Wind resistance requirements for windows, doors, roofs, and siding.
 - Flood protection including elevation requirements for certain buildings.
- Heightened requirements for debris impact in coastal and high-wind areas.
- Local jurisdictions are permitted to adopt amendments to the Florida Building Code, as long as the amendments are more stringent than the requirements contained in the Florida Building Code.

Hurricane Research Project

- An annual contract with the University of Florida is in place to perform a survey of buildings damaged by Category III, IV, or V hurricanes.
- The research team is made up of engineering/construction professors, scientists, and graduate students.
- The research team evaluates and categorizes residential buildings based on structure type, age groups, and amount of damage.

Interim Report

- The research team was deployed to investigate damage caused by Hurricane Michael and has submitted an interim report to the Department.
- The research team investigated damage in Marianna, Panama City, and Mexico Beach.
- Structures constructed after the implementation of the Florida Building Code typically fared better than those constructed before the Florida Building Code.
- The most devastating damage occurred where storm surge heights equaled or exceeded building elevation.
- During its December 2018 meeting, the Florida Building Commission approved phase two of the investigation.
- The final report is due to the Florida Building Commission by June 15, 2019.



www.myfloridalicense.com

Contact Information

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THE FLORIDA SENATE
APPEARANCE RECORD

Speaker

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

12/8/19
Meeting Date

Bill Number (if applicable)

Topic Florida Building Code

Amendment Barcode (if applicable)

Name Thomas Campbell

Job Title Executive Director, FL Building Commission

Address 2601 Blair Stone Road Phone (850) 487-4827

City Tallahassee State FL Zip 32399

Email thomas.campbell@myfloridacounty.com

Speaking: For Against Information Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Business and Professional Regulation

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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Hurricane Michael Response and Recovery Efforts by Florida Housing Finance Corporation

Florida Housing has been working with the Florida Division of Emergency Management (DEM) and FEMA on initial response actions. A major disaster declaration provides a wide range of federal assistance programs for individuals and public infrastructure, including funds for both emergency and permanent work.

Florida Housing staff participates in DEM's Disaster Recovery Housing Task Force and the regular Housing Recovery Support Function Conference calls with FEMA and HUD staff providing information during those calls about our response activities. We also have been in regular meetings with affected counties, and our staff is in regular contact with the three Homeless Assistance Continuum of Care (CoC) Lead Agencies that serve households in counties that have been impacted by Hurricane Michael to provide information regarding available rentals for homeless and displaced households and discuss permanent housing needs for homeless households and those at risk of being homeless. All three CoCs are currently working with their local communities and governments to develop disaster recovery plans that address the unmet needs of homeless and special needs households.

While Florida Housing is involved in shorter term response strategies outlined below, our primary capability in disaster recovery is long term housing provision, described at the end of this document.

SHORT-TERM RESPONSE STRATEGIES

Augmented Housing Locator Service

To respond to the housing shortage resulting from Hurricane Michael damage, Florida Housing signed a short-term disaster recovery services contract affiliated with our current www.FloridaHousingSearch.org affordable rental housing locator service. Through the disaster recovery services contract, the provider conducts extensive and frequent surveys with rental property owners in the impacted counties regarding available and suitable housing for households that cannot return to their homes. The survey also helps determine which landlords will execute short-term leases with displaced households and accept FEMA rental assistance vouchers. The property owners being surveyed include those in Florida Housing's portfolio, as well as other landlords that currently have private market properties and units registered with FloridaHousingSearch.org. As part of the disaster recovery efforts, the locator's call center is working with FEMA and local emergency management efforts to recruit and add more rental property owners to the locator's rental unit data base. Florida Housing provides DEM and FEMA weekly locator updates on available rental units in communities across the impacted areas.

The provider has extended its call center hours and has significantly increased the number of call center specialists, including bilingual staff, to adequately respond to households looking for rental housing and landlords that have available units. As of mid-December, the provider reported that newly available units in the impacted counties, as well as Escambia County, were quickly moving on and off the available list. In December, we stopped recruiting in the four adjacent out-of-state counties due to the extremely low availability of units and landlord interest. The weekly number of searches on the locator site has decreased from a high of 865 at the beginning of December, to 666 searches for units in the target counties in mid-

December. This month we will begin to evaluate use of the locator, estimate on-going need and determine next steps for this service. The table below shows the number of units available in target counties as of mid-December. It shows just how few units were available in the target counties.

Table 1. Rentals Available in Target Counties

County	Total Available Units	County	Total Available Units
Bay	8	Okaloosa	78
Gulf	1	Santa Rosa	16
Escambia	65	Jackson	0
Jefferson	2	Wakulla	0
Leon	403	Walton	5

As of December 2018

SHIP

Under Section 420.9073(5), Florida Statutes, Florida Housing is authorized to hold back up to \$5 million each fiscal year from the SHIP appropriation for recovery efforts for declared disasters. In previous years, recovery efforts include response to hurricanes, tornadoes, flooding and wildfires. While SHIP’s role is primarily in the long-term recovery through each eligible local government’s local housing assistance plan (LHAP), each SHIP local government has an adopted disaster strategy that allows for assistance in the immediate aftermath of a declared disaster. The disaster strategies include temporary relocation and rent assistance, debris removal and short-term repairs to prevent further damage to the structure or to allow for occupancy until further repairs are made.

Local governments are generally required to use their uncommitted SHIP funds for disaster recovery before they request SHIP disaster recovery funds.

SHIP funds are normally disbursed to local governments in the fall after collections are high enough to warrant disbursement to all eligible local governments. While initial collections after the hurricane were not high enough to do the first regular disbursement to all local governments, Florida Housing chose to disburse SHIP funds for 2018-2019 to those counties declared as eligible for Individual Assistance by FEMA for Hurricane Michael. The counties may choose to use these funds for disaster response.

Florida Housing has just announced the release of the SHIP disaster funding, based on FEMA disaster data and the relative level of damage in each SHIP-eligible local government. These funds may be used in the same way as listed above for SHIP. However, such activities must be used to assist eligible applicants affected by the disaster and must be described in their approved local plans.

The attached table shows the impacted counties, their currently available SHIP funds, what they initially indicated they would be using the funds for, and any SHIP disaster funding allocated to these areas.

Asset Management Actions

The U.S. Treasury revenue procedures provide relief from income and non-transient requirements in Sections 42 and 142 of the Internal Revenue Code through October 31, 2019. This allows all vacant units at properties financed through Multifamily Mortgage Revenue Bonds or Housing Credits to be rented at restricted rents to

individuals from areas that have a Presidentially declared disaster for individual assistance. Vacant units at properties financed through the State Apartment Incentive Loan program can be rented at restricted rents as long as the development maintains the statutory 20 percent set-aside for the units. Owners are authorized, but not required, to provide emergency housing relief to displacees, but no existing qualified household can be evicted solely to provide emergency housing for a displaced household.

Asset Management immediately conducted a damage assessment of the multifamily rental properties in Florida Housing's portfolio to gain a better understanding of the impact of the hurricane on the residents, and condition of the developments and units. Florida Housing has 68 developments comprised of 597 buildings with 6,134 units in its portfolio located in the twelve counties declared a major disaster due to Hurricane Michael.

From the damage assessments, nine developments reported damage extensive enough to require displacement of some or all households. In total, 652 households have been displaced due to direct damage, unhealthy moisture content and/or the discovery of mold in the housing units. An additional 15 properties reported moderate damage, 17 reported limited damage because of the hurricane. The above information on the condition of the housing stock was shared with DEM, FEMA, HUD and others.

The status of displaced households typically falls into one of four categories:

- Those that received FEMA rental assistance despite having to move 30 miles or more to find affordable housing. Many displaced from Bay County had to find housing in Destin, Fort Walton or as far west as Pensacola. FEMA was able to relocate many Jackson County families to Dothan, Alabama;
- Those that are staying with family or friends in the immediate area to be closer to jobs and schools;
- Those that were transferred to another property owned by the same landlord; and
- Those, especially in Bay County, that have permanently relocated due to loss of employment.

Florida Housing is monitoring the damaged properties for regular updates on reconstruction and damage mitigation efforts.

Multifamily Request for Applications (RFA) Actions

After the hurricane, Florida Housing modified its RFA timeline in response to the disaster to allow applicants in affected regions to be able to participate/compete for available resources to finance rental housing. RFA timelines and certain requirements were changed in four RFAs due in the fall.

LONG-TERM RECOVERY STRATEGIES

Florida Housing's most useful role in responding to disasters is long term housing recovery to provide additional housing to Florida communities by targeting funding based on where damage/destruction has occurred. Examples of strategies are provided below. The infrastructure used by Florida Housing through its existing programs is flexible enough that we have been able to adapt existing programs and program structures to meet the specific needs for each disaster.

SHIP

SHIP disaster funds primarily have been used for long-term recovery through Local Government LHAPs. This allows for each affected local government to address the specific needs of its community based on the types of units that were damaged (e.g., homeownership or rental). All strategies in the LHAP are eligible to be used for disaster recovery, but the most common are owner occupied rehabilitation and emergency repair on the homeownership side and the rehabilitation or construction of new units on the rental side. Depending on the

nature of the declared disaster, local governments may be given an adjusted timeframe in which funds are required to be expended. Technical assistance and training are also provided to local governments on how to best administer these funds.

Other Long-Term Recovery Funding

For long term recovery purposes, Florida Housing historically has evaluated FEMA damage information and incorporated special goals for long term recovery into its rental program Requests for Applications (RFAs). These resources include any regular or special federal resources, or regular or special state housing resources. On December 14th, Florida Housing's Board unanimously approved \$30 million in federal HOME Investment Partnership Program (HOME) rental funds with first priority for counties impacted by Hurricane Michael. That decision allows staff to proceed with the development of the RFA for HOME Program financing, with a telephonic workshop for interested parties scheduled for January 24th. The HOME program provides low interest loans to developers to build rental housing for low income families, and this RFA will focus on smaller rental properties.

Generators for Community Residential Homes

The 2017 Legislature appropriated \$10 million in grant funding for nonprofit organizations to develop supportive housing for persons with Intellectual/Developmental Disabilities, with specific proviso to Florida Housing to include funding for Community Residential Homes (CRHs). CRHs are small, licensed group homes that serve persons receiving Medicaid-waiver services through the Florida Agency for Persons with Disabilities. Florida Housing has allocated \$2 million of the appropriation to provide grants for the installation of standby or permanent generators in nearly 60 CRHs that were funded through previous Florida Housing RFAs.

Other Possibilities

In response to the four hurricanes that made landfall in Florida during 2004, the Governor and Legislature agreed to appropriate state funding for long-term housing recovery across several housing strategies based on formulas developed using FEMA damage data. Congress has also appropriated housing funds to address long-term recovery after natural disasters.

RESOURCE INFORMATION

Disaster Recovery Resources Page on Florida Housing's Website

Florida Housing continues to work with state and federal officials to provide information on short- and long-term housing solutions. The Corporation's website includes a page devoted to disaster relief resources and information. The page details Florida Housing's resources that are available throughout the state, as well as other federal, state and local resources. Visitors can access this information by clicking on "Disaster Resources Relief and Information" on our homepage at www.floridahousing.org.

Hurricane Michael SHIP Funds Disbursed to FEMA Individual Assistance-Eligible Counties and Local Planned Use of Funds, as of Jan 2019

Local Governments Eligible for SHIP Funds	2018-2019 Funds Disbursed by FHFC (100% of LG Allocation)	2017-2018 Funds Unencumbered	Total Regular SHIP Funds Available	FEMA Estimated Damage Total as % of Total Damage over all Counties	SHIP Disaster Recovery Allocation (Based on FEMA Damage)	Initial Expected Use of SHIP Funds for Disaster Recovery
Panama City	\$ 74,216	\$ -	\$ 74,216	34.99%	\$ 1,615,000	Intends to use its 2018/19 SHIP allocations along with any potential SHIP disaster funds for disaster relief and any balance of funds for long-term recovery efforts utilizing strategies such as Purchase Assistance, Rehab, Demolition/Construction, Disaster Mitigation Recovery, Emergency Assistance, Rental, Security and Utility Deposit Assistance as outlined in our Local Housing Assistance Plans.
Bay	\$ 284,664	\$ -	\$ 284,664	18.99%	\$ 892,375	Intends to use its 2018/19 SHIP allocations along with any potential SHIP disaster funds for disaster relief and any balance of funds for long-term recovery efforts utilizing strategies such as Purchase Assistance, Rehab, Demolition/Construction, Disaster Mitigation Recovery, Emergency Assistance, Rental, Security and Utility Deposit Assistance as outlined in Local Housing Assistance Plans.
Gulf	\$ 350,000	\$ -	\$ 350,000	16.93%	\$ 764,875	Has homes that still need rehab that have been pre-qualified before the storm. Some of them need more rehab because of roof damage and falling trees. Plan to use the regular SHIP funds for these homeowners. Also need 10 new homes for eligible SHIP applicants that have either lost their homes or have mobile homes beyond repair.
Jackson	\$ 350,000	\$ 334,382	\$ 684,382	11.74%	\$ 552,625	Plans to use all unencumbered funds, 2018/2019 and potential SHIP disaster funds for disaster relief and any balance of funds for long term recovery utilizing our strategies of Purchase Assistance with Rehab, Rehabilitation and Demolition and Reconstruction.
Calhoun	\$ 350,000	\$ 196,492	\$ 546,492	9.68%	\$ 425,125	SHIP funds (2018/2019) will be used first as disaster funds if they have insurance, otherwise will use the SHIP funds we have left (2017/2018) on rehabilitation or emergency repair for those who do not have insurance. Temporary housing for renters and homeowners is our largest concern.
Gadsden	\$ 350,000	\$ 290,500	\$ 640,500	1.93%	\$ 201,500	Plans to use unencumbered funds, 2018/2019 funding and potential SHIP disaster funds for emergency repairs, disaster relief and housing rehabilitation. Remaining funds balances will be used for Purchase Assistance.
Washington	\$ 350,000	\$ 329,799	\$ 679,799	1.46%	\$ 156,925	Undetermined how these funds will be used, as the need will probably shift with time. Current plan is to help as many people as possible through the Disaster strategy and Rehab strategy. There is a great chance that some of our disaster clients will also be needing rehab in the future. Concern about the other homeowners that have been patiently waiting to get assistance before the storm happened via the Rehab Strategy.
Wakulla	\$ 350,000	\$ 317,467	\$ 667,467	1.38%	\$ 149,500	Will most likely use all remaining funds on Rehab and Demolition Replacement.
Franklin	\$ 350,000	\$ 264,568	\$ 614,568	1.37%	\$ 142,075	Will be using the 2018-2019 SHIP funds for our regular LHAP strategies as we currently have a waiting list. If we receive disaster funds we will either use our existing disaster strategy or amend it depending on what the county decides.
Liberty	\$ 350,000	\$ 315,000	\$ 665,000	0.92%	\$ 100,000	SHIP Funds will be used for purchase of emergency supplies for eligible households to weatherproof damaged homes; interim repairs to avoid further damage; tree and debris removal required to make the individual housing unit habitable; construction of wells or repair of existing wells where public water is not available; payment of insurance deductibles for rehabilitation of homes covered under homeowners' insurance policies; security deposit for eligible recipients that have been displaced from their homes due to disaster; rental assistance for eligible recipients that have been displaced from their homes due to disaster.
Leon	\$ 167,323	\$ 212,499	\$ 379,822	0.34%	\$ -	Has not determined the best use of 2018/19 funds. So far, have received very few inquiries from low-income homeowners impacted by the storm. County will probably use funds for home repair, home replacement, and down payment assistance as described in the LHAP. If we can identify eligible hurricane-impacted households we will provide repairs and debris removal. The County had prepared to use SHIP funds for major repairs and replacement of homes damaged by the storm, but the demand has not materialized.
Tallahassee	\$ 322,928	\$ 426,281	\$ 749,209		\$ -	Has not determined how would spend the funds, but would likely use it in accordance with our current LHAP so as not to trigger a substantial amendment or delay the use until we get our new LHAP approved next year. Our regular SHIP funds will be used according to the strategies in our current LHAP.
Holmes	\$ 350,000	\$ 331,751	\$ 681,751	0.15%	\$ -	Undetermined how these funds will be used as the need will probably shift with time. Our current plan is to help as many people as possible through the Disaster strategy and Rehab strategy. There is a great chance that some of our disaster clients will also be needing rehab in the future. Concern about the other homeowners that have been patiently waiting to get assistance before the storm happened via the Rehab Strategy.
Taylor	\$ 350,000	\$ 90,200	\$ 440,200	0.12%	\$ -	Taylor may not even have any applicants – very little damage that we can tell.
Total	\$ 4,349,131	\$ 3,108,938	\$ 7,458,069	100.00%	\$ 5,000,000	

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/18/18

Meeting Date

Bill Number (if applicable)

Speaker

Topic Basist - American Michael

Amendment Barcode (if applicable)

Name Tray Price

Job Title Executive Director

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Speaking: For Against Information Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Florida Housing Finance Corporation

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

Caption: Senate Community Affairs Committee Judge:

Started: 1/8/2019 4:30:50 PM

Ends: 1/8/2019 5:09:17 PM Length: 00:38:28

4:30:57 PM Call to Order
4:31:01 PM Roll Call
4:31:09 PM Quorum is Present
4:31:21 PM Introduction by Chair Flores
4:32:37 PM Tab 1 SB 82
4:32:45 PM Senator Bradley Introduces SB 82
4:34:20 PM Question from Senator Pizzo
4:35:12 PM Response from Senator Bradley
4:35:30 PM Question from Senator Farmer
4:35:53 PM Response from Senator Bradley
4:36:11 PM David Cruz representing the Florida League of Cities Speaks Against SB 82
4:38:47 PM Question from Senator Simmons for David Cruz
4:40:49 PM Response from David Cruz
4:41:10 PM Phillip Sunderman representing Americans for Prosperity waives in support of SB 82
4:41:18 PM Dr. Sally Butzin representing the League of Women Voters of Florida Waives Against SB 82
4:41:25 PM Christian Camara representing the Institute for Justice Waives in Support of SB 82
4:41:39 PM Senator Broxson in Debate
4:41:58 PM Senator Bradley Closes on SB 82
4:44:31 PM Roll Call
4:44:40 PM SB 82 is reported favorably
4:45:00 PM Thomas Campbell from the Florida Building Commission presents on the Florida Building Code
4:51:29 PM Question from Chair Flores
4:51:37 PM Response from Thomas Campbell
4:52:31 PM Question from Senator Simmons
4:53:24 PM Response from Thomas Campbell
4:54:10 PM Follow-up Question from Senator Simmons
4:55:17 PM Comment from Chair Flores
4:56:29 PM Question from Chair Flores
4:56:48 PM Response from Thomas Campbell
4:57:08 PM Back and forth between Chair Flores and Thomas Campbell
4:58:01 PM Question from Senator Simmons
4:58:56 PM Response from Thomas Campbell
4:59:23 PM Comments from Chair Flores
5:00:49 PM Presentation Introduction by Chair Flores
5:00:56 PM Presentation by Trey Price, Florida Housing Finance Corp, on Housing following Hurricane Michael
5:07:48 PM Question from Senator Pizzo
5:07:59 PM Response from Trey Price
5:08:57 PM Comments from Chair Flores
5:09:07 PM Senator Farmer moves to adjourn with no objections