

1                   A bill to be entitled  
2           An act relating to Hurricane Michael funding;  
3           requiring that specified sales and use taxes be  
4           transferred to a specified trust fund for specified  
5           years; specifying the methodology to be used to  
6           determine the amount to be transferred and how  
7           adjustments are to made; authorizing the Governor to  
8           transfer funds to certain entities for specified  
9           purposes subject to notification to the Legislature;  
10          requiring the Governor to certify that certain  
11          criteria are met before such funds are transferred;  
12          specifying authorized uses of transferred funds;  
13          specifying limits on the state's contribution of  
14          certain projects and activities; requiring the  
15          Governor by a specified date to review and make  
16          recommendations for funding certain relief and  
17          recovery activities through the appropriations  
18          process; specifying unauthorized uses for transferred  
19          funds; specifying uses for transferred funds;  
20          authorizing the Auditor General to audit any entity  
21          receiving funds; specifying procedures to be used if  
22          funds are improperly spent; providing that unobligated  
23          balances in the trust fund revert to the Grants and  
24          Donations Trust Fund after a specified date; providing  
25          an effective date.

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

Section 1. For fiscal years 2019-2020 through 2023-2024, the Comptroller is directed to transfer the sales tax accruing to the General Revenue Fund as a result of Hurricane Michael from the General Revenue Fund to the Grants and Donations Trust Fund within the Division of Emergency Management in the Executive Office of the Governor. Transfers to the trust fund shall be made monthly based on the latest official estimates as determined by the Revenue Estimating Conference for sales tax accruing to the benefit of the General Revenue Fund.

Section 2. Subject to compliance with the provisions of this act, the Governor is authorized to transfer funds for Hurricane Michael relief and recovery activities from the Grants and Donations Trust Fund to fund requests from Bay, Calhoun, Gadsden, Gulf, Jackson, Liberty, and Washington Counties, political subdivisions therein, state agencies, and the judicial branch in accordance with this act and the procedure for processing budget amendments established by s. 216.181, Florida Statutes, and after notice to and consultation with the Legislature as required therein. The Governor may authorize such transfer upon his certification:

(1) That funding requested by the local government, state agency, or judicial branch is necessary to maintain services or

51 infrastructure essential to support health, safety, and welfare  
52 functions, and to reimburse the local government, state agency,  
53 or judicial branch for unanticipated expenses related thereto  
54 incurred in responding to Hurricane Michael or for loss of  
55 revenues related thereto due to the impact of Hurricane Michael,  
56 until such time as the Legislature can act.

57 (2) That should sufficient funds become available to meet  
58 the need of the original budget amendment:

59 (a) The local government has agreed to reimburse the state  
60 in the amount of such funds subsequently received; or

61 (b) The state agency or judicial branch may not obligate  
62 such subsequently received funds and will notify the Governor  
63 and the Legislature of their availability.

64 (3) That funding requested by a state agency for services  
65 provided by nongovernmental entities are limited to nonprofit  
66 organizations that are exempt from federal income tax under s.  
67 501(c)(3) of the Internal Revenue Code and that are in good  
68 financial standing.

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70 Transfers authorized by the Governor after his certification  
71 that the criteria specified in subsections (1), (2), and (3)  
72 have been met may include transfers for hazard mitigation;  
73 infrastructure and housing repairs and replacement; flood  
74 elevation repairs for residential structures required to be  
75 elevated to the base flood elevation by flood plain management

76 regulations adopted under federal law and local ordinances  
77 enacted in compliance with federal law, except that in no event  
78 shall the state's contribution be more than 25 percent of the  
79 cost of any structural elevation project; operating deficits;  
80 public health, environmental, and business assistance programs;  
81 social and rehabilitative service delivery systems; economic  
82 development programs; and housing assistance programs.

83 Section 3. By February 1, 2020, the Governor shall examine  
84 all other requests for funding relief and recovery activities  
85 related to Hurricane Michael and requests made pursuant to  
86 section 2 that do not result in the transfer of funds, and shall  
87 make his recommendations for fiscal years 2019-2020 and 2023-  
88 2024 to the Legislature. Such recommendations may include issues  
89 relating to education, health, public safety, social and  
90 rehabilitative service delivery systems, assistance to minority  
91 business enterprises, cultural affairs, historic preservation,  
92 the environment, natural resources, housing, and economic  
93 development.

94 Section 4. Funds transferred pursuant to this act may not  
95 be expended for property lost due to criminal activity or for  
96 lost wages incurred by a person other than a public employee.

97 Section 5. An entity receiving funds as provided in this  
98 act may use those funds only for purposes directly associated  
99 with relief, recovery, or rebuilding resulting from Hurricane  
100 Michael or as otherwise authorized by this act. All entities

101 receiving funds as provided in this act are subject to audit by  
102 the Auditor General upon reasonable notice. If the Auditor  
103 General finds that any of the funds were not spent in accordance  
104 with this act, the Comptroller shall offset any future  
105 disbursements due until the improperly expended funds are fully  
106 reimbursed. If funds are not available to offset improper  
107 expenditures, the Governor or Attorney General may bring an  
108 action to recover improperly expended funds. Jurisdiction for  
109 such action is in the circuit court.

110 Section 6. Any unobligated balance from the original  
111 transfer remaining within the Grants and Donations Trust Fund on  
112 June 30, 2025, shall be transferred to unallocated general  
113 revenue.

114 Section 7. This act shall take effect July 1, 2019.