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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. The Hurricane Michael Recovery Task Force, a task force as defined in s. 20.03, Florida Statutes, is established adjunct to the Division of Emergency Management to make recommendations to the Legislature regarding additional assistance needed in the response to, the recovery from, and the mitigation of the effects of Hurricane Michael in the areas



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11 designated in the federal disaster declaration DR-4399. The task
12 force shall review the local, state, and federal activities
13 conducted and the resources provided in such areas, the
14 effectiveness of such efforts, and any additional assistance
15 necessary.

16 (1) The task force must consist of the following five
17 members:

18 (a) One member representing the business community, who
19 shall serve as chair, appointed by the Governor.

20 (b) One member representing agricultural interests,
21 appointed by the Commissioner of Agriculture.

22 (c) One member representing the fishing industry, appointed
23 by the Fish and Wildlife Conservation Commission.

24 (d) One member representing emergency response, appointed
25 by the executive director of the Division of Emergency
26 Management.

27 (e) One member representing housing interests, appointed by
28 the executive director of the Department of Economic
29 Opportunity.

30 (2) Members shall serve at the pleasure of their appointing
31 official. Any vacancy must be filled in the same manner as the
32 original appointment. A member of the Legislature or a
33 registered lobbyist may not be appointed to the task force.
34 Members shall serve without compensation, but are entitled to
35 reimbursement of travel and per diem expenses pursuant to
36 section 112.061, Florida Statutes, in the performance of their
37 duties and responsibilities under this section.

38 (3) The task force shall report its findings and make
39 specific recommendations for further response, recovery, and



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40 mitigation to the President of the Senate, the Speaker of the
41 House of Representatives, and the Governor by December 15, 2019.
42 The task force is dissolved not later than March 10, 2020.

43 Section 2. Subject to the appropriation of funds for that
44 purpose by the Legislature, the Division of Emergency Management
45 must prepare an after-action report on the shelter operations
46 that took place during Hurricane Michael. The division shall
47 examine the latest available Statewide Emergency Shelter Plan
48 prepared pursuant to ss. 252.385 and 1013.372, Florida Statutes,
49 to determine, based on the number of people who evacuated during
50 Hurricane Michael, whether there is sufficient capacity of
51 general population hurricane evacuation shelter space and of
52 special needs hurricane evacuation shelter space in the
53 applicable regional planning council regions. The report must
54 include basic information for each shelter activated during
55 Hurricane Michael, including the shelter type (general
56 population, special needs, or pet friendly), name, address, and
57 maximum occupant capacity. Additionally, the report must provide
58 functional data for each shelter, including the number of
59 persons served at each shelter throughout the event, the
60 timeline for opening and closing each shelter, and whether each
61 shelter had sufficient staff, security, transportation,
62 equipment, lavatories, sanitation, feeding capabilities,
63 capacity, and standby or emergency power. The report also must
64 identify any unmet needs at each shelter and must indicate
65 whether each shelter met or exceeded the American Red Cross
66 Standards for Hurricane Evacuation Shelter Selection (ARC 4496).
67 Finally, the report must identify any shelter not activated for
68 Hurricane Michael and the basis for the determination not to



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69 activate it, such as the inability of the shelter to withstand a
70 certain level hurricane impact. The report must be completed and
71 presented to the President of the Senate, the Speaker of the
72 House of Representatives, and the Governor by December 15, 2019.

73 Section 3. The Department of Economic Opportunity shall
74 include a program to retrofit or to repair hurricane evacuation
75 shelters in any action plan submitted to the federal Department
76 of Housing and Urban Development for use of the funds made
77 available under Grant Number B-18-DP-12-0002, provided that
78 federal guidance for use of the funds allows such a program.

79 Section 4. Subject to the appropriation of funds for that
80 purpose by the Legislature, the Division of Emergency Management
81 must competitively procure a consultant to conduct a study of
82 facilities used as emergency operations centers. At a minimum,
83 the study must assess the availability, capacity, communications
84 capabilities, hurricane rating, and other safety conditions of
85 such centers. The study must also assess the need for a new
86 emergency operations center to serve one or more counties in a
87 given region or for upgrades to existing centers. The study must
88 make recommendations as to how the state may best address
89 communities' needs for emergency operations centers, or access
90 to such centers, and necessary changes to existing centers to
91 ensure the best possible emergency response in a region. The
92 study may take into account the geographic locations of
93 emergency operations centers and may recommend joint agreements
94 for use of such centers for emergency response. A report of the
95 findings of the study must be completed by December 15, 2019,
96 and presented to the President of the Senate, the Speaker of the
97 House of Representatives, and the Governor.



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98 Section 5. Section 420.57, Florida Statutes, is created to
99 read:

100 420.57 Hurricane recovery programs.—

101 (1)(a) Subject to the appropriation of funds for that
102 purpose by the Legislature, the Hurricane Housing Recovery
103 Program is created to provide funds to local governments for
104 their affordable housing recovery efforts, similar to the State
105 Housing Initiatives Partnership Program as set forth in ss.
106 420.907-420.9079. The Florida Housing Finance Corporation shall
107 administer the Hurricane Housing Recovery Program.
108 Notwithstanding ss. 420.9072 and 420.9073, the Florida Housing
109 Finance Corporation shall allocate resources to local
110 governments according to a need-based formula that reflects
111 housing damage estimates and population effects resulting from
112 hurricanes. An eligible local government must submit a strategy
113 outlining proposed recovery actions, household income levels,
114 and the number of residential units to be served and an
115 associated funding request. Program funds must be used to serve
116 households with incomes of up to 120 percent of area median
117 income, except that at least 30 percent of program funds must be
118 reserved for households with incomes of up to 50 percent of area
119 median income and an additional 30 percent of program funds must
120 be reserved for households with incomes of up to 80 percent of
121 area median income. Program funds must be used as specified for
122 each of the following purposes:

- 123 1. At least 65 percent must be used for homeownership.
124 2. Up to 15 percent may be used for administrative expenses
125 to ensure the expeditious use of funds.
126 3. Up to one-quarter of 1 percent may be used by the



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127 Florida Housing Finance Corporation for compliance monitoring.
128 (b) Each participating local government shall submit to the
129 Florida Housing Finance Corporation an annual report on its use
130 of funds from the Hurricane Housing Recovery Program. The
131 corporation shall compile the reports and submit them to the
132 President of the Senate and the Speaker of the House of
133 Representatives.

134 (2) (a) Subject to the appropriation of funds by the
135 Legislature for that purpose, the Rental Recovery Loan Program
136 is created to provide funds to build additional rental housing
137 due to impacts to the affordable housing stock and changes to
138 the population resulting from hurricanes. The Florida Housing
139 Finance Corporation shall administer the program. The program is
140 intended to allow the state to leverage additional federal
141 rental financing similar to the State Apartment Incentive Loan
142 Program as described in s. 420.5087.

143 (b) Each participating local government shall submit to the
144 Florida Housing Finance Corporation an annual report on its use
145 of funds from the Rental Recovery Loan Program. The corporation
146 shall compile the reports and submit them to the President of
147 the Senate and the Speaker of the House of Representatives.

148 (3) The Florida Housing Finance Corporation may adopt rules
149 to administer this section.

150 Section 6. The Department of Economic Opportunity shall
151 include a program to repair, renovate, or replace single-family
152 housing in any action plan submitted to the federal Department
153 of Housing and Urban Development for use of the grant funds
154 appropriated in response to Hurricane Michael, provided that
155 federal guidance for the use of the funds allows such a program.



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156 Section 7. (1) The Florida Building Commission shall, in
157 consultation with the Building Officials Association of Florida,
158 the Florida Home Builders Association, and other stakeholders,
159 review the effects of Hurricane Michael and make recommendations
160 to strengthen and enhance the design, construction, and
161 lifesafety provisions of the Florida Building Code, especially
162 as they are applied in the Florida Panhandle. Recommendations
163 must address at least all of the following:

164 (a) The revision of design wind speed maps of the
165 Panhandle, including county-specific design wind speed maps for
166 each building risk category.

167 (b) The effects of flood hazard designations and the flood
168 loads and the related effects of flood depth, of velocity, of
169 scour/erosion, and of wave/debris.

170 (c) Storm-induced damage to power-generating stations and
171 other public utility facilities.

172 (d) Service disruption and building envelope breach
173 potential for critical facilities, such as hospitals.

174 (2) The commission shall submit a final report including
175 its recommendations to the President of the Senate and the
176 Speaker of the House of Representatives no later than September
177 1, 2019.

178 (3) This section expires December 31, 2019.

179 Section 8. (1) Subject to the appropriation of funds by the
180 Legislature for that purpose, there is established for the 2019-
181 2020 fiscal year a Public Facilities Hurricane Restoration Cash
182 Flow Loan Program. Counties, municipalities, and district school
183 boards that need assistance with cash flow in order to make
184 timely payments to contractors and suppliers in restoring their



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185 county, municipal, or educational facilities damaged by a named
186 hurricane or tropical storm during the 2018 hurricane season may
187 apply to the Department of Economic Opportunity for a cash flow
188 loan. The amount of the loan may not exceed the amount the
189 county, municipality, or district school board needs to meet
190 timely payments to contractors and suppliers for the restoration
191 of damaged facilities. To be eligible for a cash flow loan, a
192 county, municipality, or district school board must meet all of
193 the following requirements:

194 (a) Have one or more county, municipal, or educational
195 facilities damaged or destroyed by a named hurricane or tropical
196 storm during the 2018 hurricane season.

197 (b) Have an agreement to pay contractors or suppliers for
198 the restoration of the damaged facilities, but have insufficient
199 cash flow to make timely payments.

200 (c) Agree to repay, from funds received from insurance
201 claims, Federal Emergency Management Agency payments, or other
202 fund sources, the full amount of the funds received from the
203 cash flow loan program.

204 (d) Agree that if repayment is not made in a timely manner,
205 the Department of Economic Opportunity must withhold future
206 distribution of public capital outlay funds, or other fixed
207 capital outlay funds, until repayment is received by the
208 department.

209 (2) The Department of Economic Opportunity shall provide
210 information and instructions for applying for a cash flow loan
211 and administer the loans in accordance with this act. The
212 department shall distribute loan funds based on the county or
213 municipal governing body's or district superintendent's



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214 certification of the amount needed for payments that are due
215 within the following 30 days. All funds repaid shall be
216 deposited unallocated into the Budget Stabilization Fund within
217 30 days after receipt by the department.

218 (3) The Division of Emergency Management shall notify the
219 Department of Economic Opportunity when payments from the
220 Federal Emergency Management Agency for a named hurricane or
221 tropical storm during the 2018 hurricane season have been
222 distributed to a county, municipality, or district school board
223 that has received a public facilities hurricane restoration cash
224 flow loan.

225 Section 9. Paragraph (c) of subsection (2) and subsection
226 (4) of section 570.82, Florida Statutes, are amended to read:

227 570.82 Agricultural Economic Development Program disaster
228 loans and grants and aid.—

229 (2) ELIGIBLE CROPS.—Crops eligible for the emergency loan
230 program include:

231 (c) Crops grown for fiber, ~~except for trees.~~

232 (4) LOAN APPLICATION.—In order to qualify for a loan under
233 this section, an applicant must submit an application to the
234 department within 90 days after the date the natural disaster or
235 socioeconomic condition or event occurs or the crop damage
236 becomes apparent. However, for applicants applying for a loan
237 under this section related to the effects of Hurricane Michael
238 that occurred in 2018, an applicant must submit an application
239 to the department by December 1, 2019. An applicant must be a
240 citizen of the United States and a bona fide resident of the
241 state and must also demonstrate the need for economic assistance
242 and demonstrate that he or she has the ability to repay the



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243 loan.

244 Section 10. (1) This section applies only to school
245 districts in Holmes, Washington, Bay, Jackson, Calhoun, Gulf,
246 Liberty, Gadsden, Franklin, Wakulla, Leon, and Taylor Counties.

247 (2) For the school districts specified within this section,
248 the statewide, standardized assessment requirements for a
249 standard high school diploma for grade 12 high school students
250 in their senior year during the 2018-2019 school year are
251 waived. Any grade 12 high school student who is in his or her
252 senior year during the 2018-2019 school year and who has met the
253 18 or 24 credit and 2.0 GPA requirements as provided in s.
254 1003.4282, Florida Statutes, must be granted a standard high
255 school diploma by his or her respective school.

256 (3) For the school districts specified within this section,
257 the statewide, standardized assessment for grade 3 promotion for
258 the 2018-2019 school year is waived. The promotion of grade 3
259 students must be based on the preponderance of the evidence
260 through measures determined by each school district.

261 (4) For the school districts specified within this section,
262 school grades, as established in s. 1008.34, Florida Statutes,
263 for the 2018-2019 school year must be calculated and released
264 for informational purposes only. School districts shall be held
265 harmless from any liability for the release of grades for
266 informational purposes only. School grades for the 2018-2019
267 school year must be based on student enrollment for Surveys 2
268 and 3 match files.

269 (5) The Legislature finds that, because of the catastrophic
270 nature of Hurricane Michael, families in school districts under
271 this section are displaced, and the loss of housing has



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272 drastically changed the mobility of students. The Legislature
273 also finds that, until students' housing arrangements stabilize,
274 no method exists to capture an accurate assessment of a school's
275 performance in the school districts. Further, the Legislature
276 finds that the enrollment of students for the survey request
277 files will be a small representation of school district
278 performance and not a true measurement of performance.

279 Section 11. Subsection (6) is added to section 1008.33,
280 Florida Statutes, to read:

281 1008.33 Authority to enforce public school improvement.—

282 (6) Upon the effective date of this act, the department
283 shall suspend the administration of its duties and obligations
284 under subsection (3) for the remainder of the 2018-2019 school
285 year and for the 2019-2020 school year for school districts in
286 Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty,
287 Gadsden, Franklin, Wakulla, Leon, and Taylor Counties. This
288 subsection expires on July 1, 2020.

289 Section 12. The Division of Law Revision is directed to
290 replace the phrase "the effective date of this act" wherever it
291 occurs in this act with the date this act becomes a law.

292 Section 13. This act shall take effect upon becoming a law.
293

294 ===== T I T L E A M E N D M E N T =====

295 And the title is amended as follows:

296 Delete everything before the enacting clause
297 and insert:

298 A bill to be entitled
299 An act relating to emergency mitigation and response;
300 creating the Hurricane Michael Recovery Task Force



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301 adjunct to the Division of Emergency Management of the
302 Executive Office of the Governor to make
303 recommendations to the Legislature regarding
304 additional assistance needed in the response to,
305 recovery from, and mitigation of the effects of
306 Hurricane Michael in certain areas; requiring the task
307 force to review the effectiveness of local, state, and
308 federal activities in those areas, as well as the
309 availability of resources and any additional
310 assistance needed; providing for the membership of the
311 task force; providing requirements for and
312 restrictions on membership; providing for certain
313 reimbursement; requiring the task force to report its
314 findings and to make specified recommendations to the
315 Legislature and the Governor by a specified date;
316 providing for dissolution of the task force by a
317 specified date; subject to the appropriation of funds,
318 requiring the Division of Emergency Management to
319 prepare an after-action report on the shelter
320 operations that took place during Hurricane Michael,
321 subject to certain requirements; requiring that the
322 report be submitted to the Legislature and the
323 Governor by a specified date; requiring that the
324 Department of Economic Opportunity include a program
325 to retrofit or to repair hurricane evacuation shelters
326 in certain action plans under certain circumstances;
327 subject to the appropriation of funds, requiring the
328 division to competitively procure a consultant to
329 conduct a study of facilities used as emergency



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330 operations centers; providing requirements for the
331 study; authorizing the study to take into account the
332 locations of emergency operations centers and to
333 recommend certain joint agreements for the use of such
334 centers; requiring that a report on the study be
335 submitted to the Legislature and the Governor by a
336 specified date; creating s. 420.57, F.S.; subject to
337 the appropriation of funds, creating the Hurricane
338 Housing Recovery Program to provide funds to local
339 governments for certain affordable housing recovery
340 efforts; requiring that the Florida Housing Finance
341 Corporation administer the program and allocate
342 resources to local governments that meet certain
343 criteria; specifying requirements for receiving and
344 using funds; requiring participating local governments
345 to submit a certain annual report to the corporation;
346 requiring the corporation to compile the reports and
347 submit them to the Legislature; subject to the
348 appropriation of funds, creating the Rental Recovery
349 Loan Program to provide funds to build additional
350 rental housing due to specified impacts; requiring the
351 corporation to administer the program; providing
352 intent for the program; requiring participating local
353 governments to submit a certain annual report to the
354 corporation; requiring the corporation to compile the
355 reports and submit them to the Legislature;
356 authorizing the corporation to adopt rules; requiring
357 that the Department of Economic Opportunity include a
358 program to repair, renovate, or replace single-family



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359 housing in certain action plans submitted to a
360 specified federal agency, under certain circumstances;
361 requiring that the Florida Building Commission, in
362 consultation with specified stakeholders and other
363 entities, review the effects of Hurricane Michael and
364 make recommendations to strengthen and enhance the
365 design, construction, and lifesafety provisions of the
366 Florida Building Code; providing requirements for such
367 recommendations; requiring the commission to submit a
368 certain report to the Legislature by a specified date;
369 providing for future repeal of certain provisions;
370 subject to the appropriation of funds, creating the
371 Public Facilities Hurricane Restoration Cash Flow Loan
372 Program for the purpose of assisting counties,
373 municipalities, and district school boards in making
374 timely payments in restoring certain facilities;
375 providing eligibility requirements for receiving a
376 cash flow loan; requiring that the Department of
377 Economic Opportunity administer the loan program and
378 distribute loan funds; requiring that the Division of
379 Emergency Management notify the Department of Economic
380 Opportunity when certain federal payments have been
381 distributed; amending s. 570.82, F.S.; providing that
382 trees grown for fiber are an eligible crop for loans
383 under the Agricultural Economic Development Program;
384 requiring that applicants applying for a loan related
385 to the effects of Hurricane Michael submit an
386 application to the Department of Agriculture and
387 Consumer Services by a specified date; providing



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388 applicability; requiring that certain assessment
389 requirements for specified students be waived;
390 requiring specified schools to grant standard high
391 school diplomas to students who meet certain
392 requirements; requiring that certain assessment
393 requirements for a specified school year be waived;
394 providing that the promotion of grade 3 students be
395 based on measures determined by specified school
396 districts; requiring that school grades for a
397 specified school year be calculated and released for
398 certain purposes; providing that specified school
399 districts be held harmless from certain liability;
400 providing requirements for the measurement of school
401 grades for a specified school year; providing
402 legislative findings; amending s. 1008.33, F.S.;
403 effective on a specified date, requiring the
404 Department of Education to suspend its duties and
405 obligations under a specified provision for certain
406 school years for specified school districts; providing
407 a directive to the Division of Law Revision; providing
408 an effective date.