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576-04452-19

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

1 A bill to be entitled
2 An act relating to emergency mitigation and response;
3 creating the Hurricane Michael Recovery Task Force
4 adjunct to the Division of Emergency Management of the
5 Executive Office of the Governor to make
6 recommendations to the Legislature regarding
7 additional assistance needed in the response to,
8 recovery from, and mitigation of the effects of
9 Hurricane Michael in certain areas; requiring the task
10 force to review the effectiveness of local, state, and
11 federal activities in those areas, as well as the
12 availability of resources and any additional
13 assistance needed; providing for the membership of the
14 task force; providing requirements for and
15 restrictions on membership; providing for certain
16 reimbursement; requiring the task force to report its
17 findings and to make specified recommendations to the
18 Legislature and the Governor by a specified date;
19 providing for dissolution of the task force by a
20 specified date; subject to the appropriation of funds,
21 requiring the Division of Emergency Management to
22 prepare an after-action report on the shelter
23 operations that took place during Hurricane Michael,
24 subject to certain requirements; requiring that the
25 report be submitted to the Legislature and the
26 Governor by a specified date; requiring that the



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27 Department of Economic Opportunity include a program
28 to retrofit or to repair hurricane evacuation shelters
29 in certain action plans under certain circumstances;
30 subject to the appropriation of funds, requiring the
31 division to competitively procure a consultant to
32 conduct a study of facilities used as emergency
33 operations centers; providing requirements for the
34 study; authorizing the study to take into account the
35 locations of emergency operations centers and to
36 recommend certain joint agreements for the use of such
37 centers; requiring that a report on the study be
38 submitted to the Legislature and the Governor by a
39 specified date; creating s. 420.57, F.S.; subject to
40 the appropriation of funds, creating the Hurricane
41 Housing Recovery Program to provide funds to local
42 governments for certain affordable housing recovery
43 efforts; requiring that the Florida Housing Finance
44 Corporation administer the program and allocate
45 resources to local governments that meet certain
46 criteria; specifying requirements for receiving and
47 using funds; requiring participating local governments
48 to submit a certain annual report to the corporation;
49 requiring the corporation to compile the reports and
50 submit them to the Legislature; subject to the
51 appropriation of funds, creating the Rental Recovery
52 Loan Program to provide funds to build additional
53 rental housing due to specified impacts; requiring the
54 corporation to administer the program; providing
55 intent for the program; requiring participating local



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56 governments to submit a certain annual report to the
57 corporation; requiring the corporation to compile the
58 reports and submit them to the Legislature;
59 authorizing the corporation to adopt rules; requiring
60 that the Department of Economic Opportunity include a
61 program to repair, renovate, or replace single-family
62 housing in certain action plans submitted to a
63 specified federal agency, under certain circumstances;
64 requiring that the Florida Building Commission, in
65 consultation with specified stakeholders and other
66 entities, review the effects of Hurricane Michael and
67 make recommendations to strengthen and enhance the
68 design, construction, and lifesafety provisions of the
69 Florida Building Code; providing requirements for such
70 recommendations; requiring the commission to submit a
71 certain report to the Legislature by a specified date;
72 providing for future repeal of certain provisions;
73 subject to the appropriation of funds, creating the
74 Public Facilities Hurricane Restoration Cash Flow Loan
75 Program for the purpose of assisting counties,
76 municipalities, and district school boards in making
77 timely payments in restoring certain facilities;
78 providing eligibility requirements for receiving a
79 cash flow loan; requiring that the Department of
80 Economic Opportunity administer the loan program and
81 distribute loan funds; requiring that the Division of
82 Emergency Management notify the Department of Economic
83 Opportunity when certain federal payments have been
84 distributed; amending s. 570.82, F.S.; providing that



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85 trees grown for fiber are an eligible crop for loans
86 under the Agricultural Economic Development Program;
87 requiring that applicants applying for a loan related
88 to the effects of Hurricane Michael submit an
89 application to the Department of Agriculture and
90 Consumer Services by a specified date; providing
91 applicability; requiring that certain assessment
92 requirements for specified students be waived;
93 requiring specified schools to grant standard high
94 school diplomas to students who meet certain
95 requirements; requiring that certain assessment
96 requirements for a specified school year be waived;
97 providing that the promotion of grade 3 students be
98 based on measures determined by specified school
99 districts; requiring that school grades for a
100 specified school year be calculated and released for
101 certain purposes; providing that specified school
102 districts be held harmless from certain liability;
103 providing requirements for the measurement of school
104 grades for a specified school year; providing
105 legislative findings; amending s. 1008.33, F.S.;
106 effective on a specified date, requiring the
107 Department of Education to suspend its duties and
108 obligations under a specified provision for certain
109 school years for specified school districts; providing
110 a directive to the Division of Law Revision; providing
111 an effective date.

112
113 Be It Enacted by the Legislature of the State of Florida:



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

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

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

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

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

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

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

(2) Members shall serve at the pleasure of their appointing official. Any vacancy must be filled in the same manner as the original appointment. A member of the Legislature or a



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143 registered lobbyist may not be appointed to the task force.
144 Members shall serve without compensation, but are entitled to
145 reimbursement of travel and per diem expenses pursuant to
146 section 112.061, Florida Statutes, in the performance of their
147 duties and responsibilities under this section.

148 (3) The task force shall report its findings and make
149 specific recommendations for further response, recovery, and
150 mitigation to the President of the Senate, the Speaker of the
151 House of Representatives, and the Governor by December 15, 2019.
152 The task force is dissolved not later than March 10, 2020.

153 Section 2. Subject to the appropriation of funds for that
154 purpose by the Legislature, the Division of Emergency Management
155 must prepare an after-action report on the shelter operations
156 that took place during Hurricane Michael. The division shall
157 examine the latest available Statewide Emergency Shelter Plan
158 prepared pursuant to ss. 252.385 and 1013.372, Florida Statutes,
159 to determine, based on the number of people who evacuated during
160 Hurricane Michael, whether there is sufficient capacity of
161 general population hurricane evacuation shelter space and of
162 special needs hurricane evacuation shelter space in the
163 applicable regional planning council regions. The report must
164 include basic information for each shelter activated during
165 Hurricane Michael, including the shelter type (general
166 population, special needs, or pet friendly), name, address, and
167 maximum occupant capacity. Additionally, the report must provide
168 functional data for each shelter, including the number of
169 persons served at each shelter throughout the event, the
170 timeline for opening and closing each shelter, and whether each
171 shelter had sufficient staff, security, transportation,



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172 equipment, lavatories, sanitation, feeding capabilities,
173 capacity, and standby or emergency power. The report also must
174 identify any unmet needs at each shelter and must indicate
175 whether each shelter met or exceeded the American Red Cross
176 Standards for Hurricane Evacuation Shelter Selection (ARC 4496).
177 Finally, the report must identify any shelter not activated for
178 Hurricane Michael and the basis for the determination not to
179 activate it, such as the inability of the shelter to withstand a
180 certain level hurricane impact. The report must be completed and
181 presented to the President of the Senate, the Speaker of the
182 House of Representatives, and the Governor by December 15, 2019.

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

189 Section 4. Subject to the appropriation of funds for that
190 purpose by the Legislature, the Division of Emergency Management
191 must competitively procure a consultant to conduct a study of
192 facilities used as emergency operations centers. At a minimum,
193 the study must assess the availability, capacity, communications
194 capabilities, hurricane rating, and other safety conditions of
195 such centers. The study must also assess the need for a new
196 emergency operations center to serve one or more counties in a
197 given region or for upgrades to existing centers. The study must
198 make recommendations as to how the state may best address
199 communities' needs for emergency operations centers, or access
200 to such centers, and necessary changes to existing centers to



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201 ensure the best possible emergency response in a region. The
202 study may take into account the geographic locations of
203 emergency operations centers and may recommend joint agreements
204 for use of such centers for emergency response. A report of the
205 findings of the study must be completed by December 15, 2019,
206 and presented to the President of the Senate, the Speaker of the
207 House of Representatives, and the Governor.

208 Section 5. Section 420.57, Florida Statutes, is created to
209 read:

210 420.57 Hurricane recovery programs.—

211 (1) (a) Subject to the appropriation of funds for that
212 purpose by the Legislature, the Hurricane Housing Recovery
213 Program is created to provide funds to local governments for
214 their affordable housing recovery efforts, similar to the State
215 Housing Initiatives Partnership Program as set forth in ss.
216 420.907-420.9079. The Florida Housing Finance Corporation shall
217 administer the Hurricane Housing Recovery Program.
218 Notwithstanding ss. 420.9072 and 420.9073, the Florida Housing
219 Finance Corporation shall allocate resources to local
220 governments according to a need-based formula that reflects
221 housing damage estimates and population effects resulting from
222 hurricanes. An eligible local government must submit a strategy
223 outlining proposed recovery actions, household income levels,
224 and the number of residential units to be served and an
225 associated funding request. Program funds must be used to serve
226 households with incomes of up to 120 percent of area median
227 income, except that at least 30 percent of program funds must be
228 reserved for households with incomes of up to 50 percent of area
229 median income and an additional 30 percent of program funds must



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230 be reserved for households with incomes of up to 80 percent of
231 area median income. Program funds must be used as specified for
232 each of the following purposes:

233 1. At least 65 percent must be used for homeownership.

234 2. Up to 15 percent may be used for administrative expenses
235 to ensure the expeditious use of funds.

236 3. Up to one-quarter of 1 percent may be used by the
237 Florida Housing Finance Corporation for compliance monitoring.

238 (b) Each participating local government shall submit to the
239 Florida Housing Finance Corporation an annual report on its use
240 of funds from the Hurricane Housing Recovery Program. The
241 corporation shall compile the reports and submit them to the
242 President of the Senate and the Speaker of the House of
243 Representatives.

244 (2) (a) Subject to the appropriation of funds by the
245 Legislature for that purpose, the Rental Recovery Loan Program
246 is created to provide funds to build additional rental housing
247 due to impacts to the affordable housing stock and changes to
248 the population resulting from hurricanes. The Florida Housing
249 Finance Corporation shall administer the program. The program is
250 intended to allow the state to leverage additional federal
251 rental financing similar to the State Apartment Incentive Loan
252 Program as described in s. 420.5087.

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

258 (3) The Florida Housing Finance Corporation may adopt rules



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259 to administer this section.

260 Section 6. The Department of Economic Opportunity shall
261 include a program to repair, renovate, or replace single-family
262 housing in any action plan submitted to the federal Department
263 of Housing and Urban Development for use of the grant funds
264 appropriated in response to Hurricane Michael, provided that
265 federal guidance for the use of the funds allows such a program.

266 Section 7. (1) The Florida Building Commission shall, in
267 consultation with the Building Officials Association of Florida,
268 the Florida Home Builders Association, and other stakeholders,
269 review the effects of Hurricane Michael and make recommendations
270 to strengthen and enhance the design, construction, and
271 lifesafety provisions of the Florida Building Code, especially
272 as they are applied in the Florida Panhandle. Recommendations
273 must address at least all of the following:

274 (a) The revision of design wind speed maps of the
275 Panhandle, including county-specific design wind speed maps for
276 each building risk category.

277 (b) The effects of flood hazard designations and the flood
278 loads and the related effects of flood depth, of velocity, of
279 scour/erosion, and of wave/debris.

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

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

284 (2) The commission shall submit a final report including
285 its recommendations to the President of the Senate and the
286 Speaker of the House of Representatives no later than September
287 1, 2019.



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

289 Section 8. (1) Subject to the appropriation of funds by the
290 Legislature for that purpose, there is established for the 2019-
291 2020 fiscal year a Public Facilities Hurricane Restoration Cash
292 Flow Loan Program. Counties, municipalities, and district school
293 boards that need assistance with cash flow in order to make
294 timely payments to contractors and suppliers in restoring their
295 county, municipal, or educational facilities damaged by a named
296 hurricane or tropical storm during the 2018 hurricane season may
297 apply to the Department of Economic Opportunity for a cash flow
298 loan. The amount of the loan may not exceed the amount the
299 county, municipality, or district school board needs to meet
300 timely payments to contractors and suppliers for the restoration
301 of damaged facilities. To be eligible for a cash flow loan, a
302 county, municipality, or district school board must meet all of
303 the following requirements:

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

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

310 (c) Agree to repay, from funds received from insurance
311 claims, Federal Emergency Management Agency payments, or other
312 fund sources, the full amount of the funds received from the
313 cash flow loan program.

314 (d) Agree that if repayment is not made in a timely manner,
315 the Department of Economic Opportunity must withhold future
316 distribution of public capital outlay funds, or other fixed



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317 capital outlay funds, until repayment is received by the
318 department.

319 (2) The Department of Economic Opportunity shall provide
320 information and instructions for applying for a cash flow loan
321 and administer the loans in accordance with this act. The
322 department shall distribute loan funds based on the county or
323 municipal governing body's or district superintendent's
324 certification of the amount needed for payments that are due
325 within the following 30 days. All funds repaid shall be
326 deposited unallocated into the Budget Stabilization Fund within
327 30 days after receipt by the department.

328 (3) The Division of Emergency Management shall notify the
329 Department of Economic Opportunity when payments from the
330 Federal Emergency Management Agency for a named hurricane or
331 tropical storm during the 2018 hurricane season have been
332 distributed to a county, municipality, or district school board
333 that has received a public facilities hurricane restoration cash
334 flow loan.

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

337 570.82 Agricultural Economic Development Program disaster
338 loans and grants and aid.—

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

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

342 (4) LOAN APPLICATION.—In order to qualify for a loan under
343 this section, an applicant must submit an application to the
344 department within 90 days after the date the natural disaster or
345 socioeconomic condition or event occurs or the crop damage



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346 becomes apparent. However, for applicants applying for a loan
347 under this section related to the effects of Hurricane Michael
348 that occurred in 2018, an applicant must submit an application
349 to the department by December 1, 2019. An applicant must be a
350 citizen of the United States and a bona fide resident of the
351 state and must also demonstrate the need for economic assistance
352 and demonstrate that he or she has the ability to repay the
353 loan.

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

357 (2) For the school districts specified within this section,
358 the statewide, standardized assessment requirements for a
359 standard high school diploma for grade 12 high school students
360 in their senior year during the 2018-2019 school year are
361 waived. Any grade 12 high school student who is in his or her
362 senior year during the 2018-2019 school year and who has met the
363 18 or 24 credit and 2.0 GPA requirements as provided in s.
364 1003.4282, Florida Statutes, must be granted a standard high
365 school diploma by his or her respective school.

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

371 (4) For the school districts specified within this section,
372 school grades, as established in s. 1008.34, Florida Statutes,
373 for the 2018-2019 school year must be calculated and released
374 for informational purposes only. School districts shall be held



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375 harmless from any liability for the release of grades for
376 informational purposes only. School grades for the 2018-2019
377 school year must be based on student enrollment for Surveys 2
378 and 3 match files.

379 (5) The Legislature finds that, because of the catastrophic
380 nature of Hurricane Michael, families in school districts under
381 this section are displaced, and the loss of housing has
382 drastically changed the mobility of students. The Legislature
383 also finds that, until students' housing arrangements stabilize,
384 no method exists to capture an accurate assessment of a school's
385 performance in the school districts. Further, the Legislature
386 finds that the enrollment of students for the survey request
387 files will be a small representation of school district
388 performance and not a true measurement of performance.

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

391 1008.33 Authority to enforce public school improvement.—

392 (6) Upon the effective date of this act, the department
393 shall suspend the administration of its duties and obligations
394 under subsection (3) for the remainder of the 2018-2019 school
395 year and for the 2019-2020 school year for school districts in
396 Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty,
397 Gadsden, Franklin, Wakulla, Leon, and Taylor Counties. This
398 subsection expires on July 1, 2020.

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

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