

By Senator Montford

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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; providing an appropriation to the
21 Division of Emergency Management from the General
22 Revenue Fund to prepare an after-action report on the
23 shelter operations that took place during Hurricane
24 Michael, subject to certain requirements; requiring
25 that the report be submitted to the Legislature and
26 the Governor by a specified date; requiring that the
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;

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

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59 rules; requiring that the Department of Economic
60 Opportunity include a program to repair, renovate, or
61 replace single-family housing in certain action plans
62 submitted to a specified federal agency, under certain
63 circumstances; requiring that the Florida Building
64 Commission, in consultation with specified
65 stakeholders and other entities, review the effects of
66 Hurricane Michael and make recommendations to
67 strengthen and enhance the design, construction, and
68 lifesafety provisions of the Florida Building Code;
69 providing requirements for such recommendations;
70 requiring the commission to submit a certain report to
71 the Legislature by a specified date; providing for
72 future repeal of certain provisions; creating the
73 Public Facilities Hurricane Restoration Cash Flow Loan
74 Program for the purpose of assisting counties,
75 municipalities, and district school boards in making
76 timely payments in restoring certain facilities;
77 providing eligibility requirements for receiving a
78 cash flow loan; requiring that the Department of
79 Economic Opportunity administer the loan program and
80 distribute loan funds; requiring that the Division of
81 Emergency Management notify the Department of Economic
82 Opportunity when certain federal payments have been
83 distributed; providing an appropriation to the
84 Department of Economic Opportunity from the Budget
85 Stabilization Fund for a certain purpose; amending s.
86 570.82, F.S.; providing that trees grown for fiber are
87 an eligible crop for loans under the Agricultural

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88 Economic Development Program; requiring that
89 applicants applying for a loan related to the effects
90 of Hurricane Michael submit an application to the
91 Department of Agriculture and Consumer Services by a
92 specified date; providing an appropriation to the
93 Department of Agriculture and Consumer Services from
94 the General Revenue Fund for a certain purpose;
95 providing applicability; requiring that certain
96 assessment requirements for specified students be
97 waived; requiring specified schools to grant standard
98 high school diplomas to students who meet certain
99 requirements; requiring that certain assessment
100 requirements for a specified school year be waived;
101 providing that the promotion of grade 3 students be
102 based on measures determined by specified school
103 districts; requiring that school grades for a
104 specified school year be calculated and released for
105 certain purposes; providing that specified school
106 districts be held harmless from certain liability;
107 providing requirements for the measurement of school
108 grades for a specified school year; providing
109 legislative findings; amending s. 1008.33, F.S.;
110 effective on a specified date, requiring the
111 Department of Education to suspend its duties and
112 obligations under a specified provision for certain
113 school years for specified school districts; providing
114 a directive to the Division of Law Revision; providing
115 an effective date.
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117 Be It Enacted by the Legislature of the State of Florida:

118
119 Section 1. The Hurricane Michael Recovery Task Force, a
120 task force as defined in s. 20.03, Florida Statutes, is
121 established adjunct to the Division of Emergency Management to
122 make recommendations to the Legislature regarding additional
123 assistance needed in the response to, the recovery from, and the
124 mitigation of the effects of Hurricane Michael in the areas
125 designated in the federal disaster declaration DR-4399. The task
126 force shall review the local, state, and federal activities
127 conducted and the resources provided in such areas, the
128 effectiveness of such efforts, and any additional assistance
129 necessary.

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

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

134 (b) One member representing agricultural interests,
135 appointed by the Commissioner of the Department of Agriculture
136 and Consumer Services.

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

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

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

145 (2) Members shall serve at the pleasure of their appointing

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146 official. Any vacancy must be filled in the same manner as the
147 original appointment. A member of the Legislature or a
148 registered lobbyist may not be appointed to the task force.
149 Members shall serve without compensation, but are entitled to
150 reimbursement of travel and per diem expenses pursuant to
151 section 112.061, Florida Statutes, in the performance of their
152 duties and responsibilities under this section.

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

158 Section 2. For the 2019-2020 fiscal year, the sum of
159 \$85,000 in nonrecurring funds from the General Revenue Fund is
160 appropriated to the Division of Emergency Management to prepare
161 an after-action report on the shelter operations that took place
162 during Hurricane Michael. The division shall examine the latest
163 available Statewide Emergency Shelter Plan prepared pursuant to
164 ss. 252.385 and 1013.372, Florida Statutes, to determine, based
165 on the number of people who evacuated during Hurricane Michael,
166 whether there is sufficient capacity of general population
167 hurricane evacuation shelter space and of special needs
168 hurricane evacuation shelter space in the applicable regional
169 planning council regions. The report must include basic
170 information for each shelter activated during Hurricane Michael,
171 including the shelter type (general population, special needs,
172 or pet friendly), name, address, and maximum occupant capacity.
173 Additionally, the report must provide functional data for each
174 shelter, including the number of persons served at each shelter

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

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

195 Section 4. For the 2019-2020 fiscal year, the sum of
196 \$200,000 in nonrecurring funds from the General Revenue Fund is
197 appropriated to the Division of Emergency Management to
198 competitively procure a consultant to conduct a study of
199 facilities used as emergency operations centers. At a minimum,
200 the study must assess the availability, capacity, communications
201 capabilities, hurricane rating, and other safety conditions of
202 such centers. The study must also assess the need for a new
203 emergency operations center to serve one or more counties in a

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204 given region or for upgrades to existing centers. The study must
205 make recommendations as to how the state may best address
206 communities' needs for emergency operations centers, or access
207 to such centers, and necessary changes to existing centers to
208 ensure the best possible emergency response in a region. The
209 study may take into account the geographic locations of
210 emergency operations centers and may recommend joint agreements
211 for use of such centers for emergency response. A report of the
212 findings of the study must be completed by December 15, 2019,
213 and presented to the President of the Senate, the Speaker of the
214 House of Representatives, and the Governor.

215 Section 5. Section 420.57, Florida Statutes, is created to
216 read:

217 420.57 Hurricane recovery programs.—

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

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233 median income, except that at least 30 percent of program funds
234 must be reserved for households with incomes of up to 50 percent
235 of area median income and an additional 30 percent of program
236 funds must be reserved for households with incomes of up to 80
237 percent of area median income. Program funds must be used as
238 specified for each of the following purposes:

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

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

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

244 (b) Each participating local government shall submit to the
245 Florida Housing Finance Corporation an annual report on its use
246 of funds from the Hurricane Housing Recovery Program. The
247 corporation shall compile the reports and submit them to the
248 President of the Senate and the Speaker of the House of
249 Representatives.

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

259 (b) Each participating local government shall submit to the
260 Florida Housing Finance Corporation an annual report on its use
261 of funds from the Rental Recovery Loan Program. The corporation

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262 shall compile the reports and submit them to the President of
263 the Senate and the Speaker of the House of Representatives.

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

266 Section 6. The Department of Economic Opportunity shall
267 include a program to repair, renovate, or replace single-family
268 housing in any action plan submitted to the federal Department
269 of Housing and Urban Development for use of the grant funds
270 appropriated in response to Hurricane Michael, provided that
271 federal guidance for the use of the funds allows such a program.

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

280 (a) The revision of design wind speed maps of the
281 Panhandle, including county-specific design wind speed maps for
282 each building risk category.

283 (b) The effects of flood hazard designations and the flood
284 loads and the related effects of flood depth, of velocity, of
285 scour/erosion, and of wave/debris.

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

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

290 (2) The commission shall submit a final report including

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291 its recommendations to the President of the Senate and the
292 Speaker of the House of Representatives no later than September
293 1, 2019.

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

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

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

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

315 (c) Agree to repay, from funds received from insurance
316 claims, Federal Emergency Management Agency payments, or other
317 fund sources, the full amount of the funds received from the
318 cash flow loan program.

319 (d) Agree that if repayment is not made in a timely manner,

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320 the Department of Economic Opportunity must withhold future
321 distribution of public capital outlay funds, or other fixed
322 capital outlay funds, until repayment is received by the
323 department.

324 (2) The Department of Economic Opportunity shall provide
325 information and instructions for applying for a cash flow loan
326 and administer the loans in accordance with this act. The
327 department shall distribute loan funds based on the county or
328 municipal governing body's or district superintendent's
329 certification of the amount needed for payments that are due
330 within the following 30 days. All funds repaid shall be
331 deposited unallocated into the Budget Stabilization Fund within
332 30 days after receipt by the department.

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

340 Section 9. The sum of \$300 million is appropriated from
341 nonrecurring revenues in the Budget Stabilization Fund to the
342 Department of Economic Opportunity for the 2019-2020 fiscal year
343 for the sole purpose of funding the Public Facilities Hurricane
344 Restoration Cash Flow Loan Program for eligible counties,
345 municipalities, and district school boards in accordance with
346 this act.

347 Section 10. Paragraph (c) of subsection (2) and subsection
348 (4) of section 570.82, Florida Statutes, are amended to read:

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349 570.82 Agricultural Economic Development Program disaster
350 loans and grants and aid.—

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

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

354 (4) LOAN APPLICATION.—In order to qualify for a loan under
355 this section, an applicant must submit an application to the
356 department within 90 days after the date the natural disaster or
357 socioeconomic condition or event occurs or the crop damage
358 becomes apparent. However, for applicants applying for a loan
359 under this section related to the effects of Hurricane Michael
360 that occurred in 2018, an applicant must submit an application
361 to the department by December 1, 2019. An applicant must be a
362 citizen of the United States and a bona fide resident of the
363 state and must also demonstrate the need for economic assistance
364 and demonstrate that he or she has the ability to repay the
365 loan.

366 Section 11. The sum of \$15 million in nonrecurring funds
367 from the General Revenue Fund is appropriated to the Department
368 of Agriculture and Consumer Services for the purpose of funding
369 the loan program under section 570.82, Florida Statutes.

370 Section 12. (1) This section applies only to school
371 districts in Holmes, Washington, Bay, Jackson, Calhoun, Gulf,
372 Liberty, Gadsden, Franklin, Wakulla, Leon, and Taylor Counties.

373 (2) For the school districts specified within this section,
374 the statewide, standardized assessment requirements for a
375 standard high school diploma for grade 12 high school students
376 in their senior year during the 2018-2019 school year are
377 waived. Any grade 12 high school student who is in his or her

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378 senior year during the 2018-2019 school year and who has met the
379 18 or 24 credit and 2.0 GPA requirements as provided in s.
380 1003.4282, Florida Statutes, must be granted a standard high
381 school diploma by his or her respective school.

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

387 (4) For the school districts specified within this section,
388 school grades, as established in s. 1008.34, Florida Statutes,
389 for the 2018-2019 school year must be calculated and released
390 for informational purposes only. School districts shall be held
391 harmless from any liability for the release of grades for
392 informational purposes only. School grades for the 2018-2019
393 school year must be based on student enrollment for Surveys 2
394 and 3 match files.

395 (5) The Legislature finds that, because of the catastrophic
396 nature of Hurricane Michael, families in school districts under
397 this section are displaced, and the loss of housing has
398 drastically changed the mobility of students. The Legislature
399 also finds that, until students' housing arrangements stabilize,
400 no method exists to capture an accurate assessment of a school's
401 performance in the school districts. Further, the Legislature
402 finds that the enrollment of students for the survey request
403 files will be a small representation of school district
404 performance and not a true measurement of performance.

405 Section 13. Subsection (6) is added to section 1008.33,
406 Florida Statutes, to read:

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407 1008.33 Authority to enforce public school improvement.-

408 (6) Upon the effective date of this act, the department
409 shall suspend the administration of its duties and obligations
410 under subsection (3) for the remainder of the 2018-2019 school
411 year and for the 2019-2020 school year for school districts in
412 Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty,
413 Gadsden, Franklin, Wakulla, Leon, and Taylor Counties. This
414 subsection expires on July 1, 2020.

415 Section 14. The Division of Law Revision is directed to
416 replace the phrase "the effective date of this act" wherever it
417 occurs in this act with the date this act becomes a law.

418 Section 15. This act shall take effect upon becoming a law.