

Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Ways & Means Committee
 2 Representative Valdés offered the following:

Amendment

5 Remove everything after the enacting clause and insert:
 6 Section 1. Subsection (22) of section 161.101, Florida
 7 Statutes, is amended to read:

8 161.101 State and local participation in authorized
 9 projects and studies relating to beach management and erosion
 10 control.—

11 (22) Notwithstanding subsections (1), (15), and (16), and
 12 for the 2022-2023 ~~2021-2022~~ fiscal year, for in the event that
 13 ~~beaches are~~ impacted by hurricanes after January 1, 2012 ~~or~~
 14 ~~other storm events within communities with a per capita annual~~
 15 ~~income that is less than the state's per capita annual income as~~
 16 ~~shown in the most recent release from the United States Census~~

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17 ~~Bureau of the United States Department of Commerce which~~
18 ~~includes both measurements,~~ the department may waive or reduce
19 the match requirements for local governments. This subsection
20 expires July 1, ~~2023~~ 2022.

21 Section 2. Paragraph (b) of subsection (1) of section
22 194.032, Florida Statutes, is amended to read:

23 194.032 Hearing purposes; timetable.—

24 (1)

25 (b) Notwithstanding the provisions of paragraph (a), the
26 value adjustment board may meet prior to the approval of the
27 assessment rolls by the Department of Revenue, but not earlier
28 than July 1, to hear appeals pertaining to the denial by the
29 property appraiser of exemptions, tax abatements under s.
30 197.3195, tax refunds under ss. 197.3181 and 197.319 ~~s. 197.319~~,
31 agricultural and high-water recharge classifications,
32 classifications as historic property used for commercial or
33 certain nonprofit purposes, and deferrals under subparagraphs
34 (a)2., 3., and 4. In such event, however, the board may not
35 certify any assessments under s. 193.122 until the Department of
36 Revenue has approved the assessments in accordance with s.
37 193.1142 and all hearings have been held with respect to the
38 particular parcel under appeal.

39 Section 3. Section 197.3181, Florida Statutes, is created
40 to read:

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41 197.3181 Refund of taxes for residential improvements
42 rendered uninhabitable by hurricanes.-

43 (1) As used in this section, the term:

44 (a) "Damage differential" means the product arrived at by
45 multiplying the percent change in value by a ratio, the
46 numerator of which is the number of days the residential
47 improvement was rendered uninhabitable in 2022, and the
48 denominator of which is 365.

49 (b) "Disaster relief refund" means the product arrived at
50 by multiplying the damage differential by the amount of timely
51 paid taxes initially levied in 2022.

52 (c) "Percent change in value" means the difference between
53 the just value of a residential parcel as of January 1, 2022,
54 and its postdisaster just value, expressed as a percentage of
55 the just value of the parcel as of January 1, 2022.

56 (d) "Postdisaster just value" means the just value of the
57 residential parcel on January 1, 2022, adjusted by subtracting
58 the just value of the residential improvement on January 1,
59 2022.

60 (e) "Residential improvement" means a residential dwelling
61 or house on real estate used and owned as a homestead as defined
62 in s. 196.012(13) or used as nonhomestead residential property
63 as defined in s. 193.1554(1). A residential improvement does not
64 include a structure that is not essential to the use and
65 occupancy of the residential dwelling or house, including, but

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66 not limited to, a detached utility building, detached carport,
67 detached garage, bulkhead, fence, or swimming pool, and does not
68 include land.

69 (f) "Uninhabitable" means the loss of use and occupancy of
70 a residential improvement for the purpose for which it was
71 constructed resulting from damage to or destruction of, or from
72 a condition that compromises the structural integrity of, the
73 residential improvement which was caused by a hurricane after
74 January 1, 2012.

75 (2) If a residential improvement is rendered uninhabitable
76 for at least 30 days, taxes originally levied and paid for 2022
77 may be refunded in the following manner:

78 (a) The property owner must file an application for refund
79 with the property appraiser on a form prescribed by the
80 department and furnished by the property appraiser, no sooner
81 than January 1, 2023, and no later than April 1, 2023. The
82 property appraiser may allow applications to be filed
83 electronically.

84 (b) The application for refund must identify the
85 residential parcel upon which the residential improvement was
86 rendered uninhabitable and the number of days that the
87 residential improvement was uninhabitable during 2022. For
88 purposes of determining uninhabitability, the application must
89 be accompanied by supporting documentation, including, but not
90 limited to, utility bills, insurance information, contractors'

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91 statements, building permit applications, or building inspection
92 certificates of occupancy.

93 (c) The application for refund must be verified under oath
94 and is subject to penalty of perjury.

95 (d) The property appraiser shall review the application
96 and determine if the applicant is entitled to a refund of taxes.
97 No later than June 1, 2023, the property appraiser must:

98 1. Notify the applicant if the property appraiser
99 determines that the applicant is not entitled to receive a
100 refund. If the property appraiser determines that the applicant
101 is not entitled to a refund, the applicant may file a petition
102 with the value adjustment board, pursuant to s. 194.011(3),
103 requesting that the refund be granted. The petition must be
104 filed with the value adjustment board on or before the 30th day
105 following the issuance of the notice by the property appraiser.

106 2. Issue an official written statement to the tax
107 collector and the applicant if the property appraiser determines
108 that the applicant is entitled to a refund. The statement must
109 provide:

110 a. The just value of the residential improvement as
111 determined by the property appraiser on January 1, 2022.

112 b. The number of days during 2022 that the residential
113 improvement was uninhabitable.

114 c. The postdisaster just value of the residential parcel
115 as determined by the property appraiser.

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116 d. The percent change in value applicable to the
117 residential parcel.

118 (3) Upon receipt of the written statement from the
119 property appraiser, the tax collector shall calculate the damage
120 differential pursuant to this section.

121 (a) If the property taxes for 2022 have been paid, the tax
122 collector must process a refund in an amount equal to the
123 disaster relief refund.

124 (b) If, at the time of receipt of the written statement
125 from the property appraiser under this subsection, the property
126 taxes have not yet been paid pursuant to s. 197.3182, the tax
127 collector must process a refund in an amount equal to the
128 disaster relief refund upon receipt of timely payment of the
129 property taxes for 2022 in accordance with s. 197.3182.

130 (4) A property owner who fails to file an application by
131 April 1, 2023, waives a claim for a refund of taxes under this
132 section.

133 (5) By September 1, 2023, the tax collector shall notify:

134 (a) The department of the total reduction in taxes for all
135 properties that qualified for a refund pursuant to this section.

136 (b) The governing board of each affected local government
137 of the reduction in such local government's taxes which occurred
138 pursuant to this section.

139 (6) For purposes of this section, a residential
140 improvement that is uninhabitable has no value.

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141 (7) The disaster relief refund is determined only for
142 purposes of calculating tax refunds for 2022 under this section
143 and does not determine a parcel's just value as of January 1,
144 2023, or any subsequent year.

145 (8) This section does not affect the requirements of s.
146 197.333.

147 (9) This section applies retroactively to January 1, 2022,
148 and expires January 1, 2024.

149 Section 4. Section 197.3182, Florida Statutes, is created
150 to read:

151 197.3182 Tax deadlines for real property destroyed or
152 rendered uninhabitable by a hurricane.—

153 (1) Notwithstanding any other law, for ad valorem taxes
154 and non-ad valorem assessments levied in 2022, for all real
155 property that has been completely destroyed or otherwise
156 rendered uninhabitable due to damage or destruction caused by a
157 hurricane after January 1, 2012:

158 (a) The deadlines set forth in s. 197.333 are suspended
159 and extended as follows:

160 1. Ad valorem taxes and non-ad valorem assessments levied
161 in 2022, shall be due and payable on January 1, 2023.

162 2. Ad valorem taxes and non-ad valorem assessments shall
163 become delinquent on June 1, 2023.

164 3. All dates or time periods and their associated
165 provisions relative to the collection of, or administrative

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166 procedures regarding, delinquent taxes and non-ad valorem
167 assessments, including, but not limited to, the sale of tax
168 certificates, are extended based on the June 1, 2023,
169 delinquency date, in accordance with s. 197.333.

170 (b) The deadlines set forth in s. 197.162 governing
171 discounts for payments of all taxes assessed on the county tax
172 rolls and collected by the county tax collector before the
173 delinquency date are extended as follows:

174 1. Four percent in November 2022, December 2022, and
175 January 2023.

176 2. Three percent in February 2023.

177 3. Two percent in March 2023.

178 4. One percent in April 2023.

179 5. Zero percent in May 2023.

180 (c) The deadlines set forth in s. 197.222(1)(c) and (d)
181 governing ad valorem taxes prepaid in installments and the
182 discounts applied to those payments are suspended and extended
183 for 60 days.

184 (2) This section operates retroactively to January 1,
185 2022, and expires January 1, 2024.

186 Section 5. Paragraph (c) is added to subsection (5) of
187 section 252.37, Florida Statutes, to read:

188 252.37 Financing.—

189 (5) Unless otherwise specified in the General
190 Appropriations Act:

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191 (c) Subject to appropriation, and notwithstanding
192 paragraph (a), the Legislature intends to provide the entire
193 match requirement for Public Assistance Program grants to local
194 governments within a county designated in the Federal Emergency
195 Management Agency disaster declarations for any hurricane after
196 January 1, 2012. Local governments named in such Federal
197 Emergency Management Agency disaster declarations must enter
198 into agreements with the division to have their portions of the
199 match requirements waived and must agree to use an equal amount
200 of funds toward further disaster recovery or mitigation. Funds
201 shall be allocated on a first-come, first-served basis.
202 Notwithstanding paragraph (a), a local government in an
203 agreement with the division under this paragraph is not required
204 to provide one-half of the required match prior to receipt of
205 Public Assistance Program financial assistance. The division
206 shall report quarterly to the Executive Office of the Governor
207 and the chair of each legislative appropriations committee on
208 the amount of match requirements waived, agreements entered into
209 with local governments, and the amount of remaining appropriated
210 funds. This paragraph expires June 30, 2027.

211 Section 6. Section 252.71, Florida Statutes, is created to
212 read:

213 252.71 Florida Emergency Management Assistance
214 Foundation.—

215 (1) As used in this section, the term:

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216 (a) "Foundation" means the Florida Emergency Management
217 Assistance Foundation for the division.

218 (b) "Personal services" includes full-time or part-time
219 personnel of the division.

220 (2) The foundation is hereby created as a direct-support
221 organization of the division to provide assistance, funding, and
222 support to the division in its disaster response, recovery, and
223 relief efforts for natural emergencies.

224 (a) The foundation must be an organization that is a
225 Florida nonprofit corporation incorporated under chapter 617,
226 approved by the Department of State, and recognized under s.
227 501(c)(3) of the Internal Revenue Code. The foundation is exempt
228 from paying fees under s. 617.0122.

229 (b) The foundation is organized and operated exclusively
230 to obtain funds; request and receive grants, gifts, and bequests
231 of moneys or other items; acquire, receive, hold, invest, and
232 administer in its own name securities, funds, or property; and
233 make expenditures to or for the direct or indirect benefit of
234 the division, political subdivisions of this state, and
235 individuals adversely impacted by a natural emergency occurring
236 within this state.

237 (c) The division must determine that the foundation is
238 operating in a manner consistent with the goals of the division
239 and in the best interest of the state.

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240 (3) The foundation shall be governed by a board of
241 directors.

242 (a) The board of directors shall consist of five members
243 appointed by the director of the division. A majority of the
244 members must be knowledgeable about emergency management
245 activities and programs. The importance of geographic
246 representation shall be considered in appointing members.
247 Members must be residents of this state at the time of
248 appointment and throughout their terms.

249 (b) The term of office of the appointed members of the
250 board of directors shall be 3 years, except that the initial
251 terms of appointment shall be two members for 1 year, two
252 members for 2 years, and one member for 3 years. A member may be
253 reappointed when his or her term expires and may continue to
254 serve in such capacity upon expiration of his or her term until
255 an appointment is made to fill the vacancy. However, a member
256 may not serve more than two consecutive terms.

257 (c) Upon a finding based on a majority vote of the board
258 of directors, the director of the division may remove any member
259 of the board for cause.

260 (d) Any vacancy that occurs shall be filled in the same
261 manner as the original appointment for the unexpired term of
262 that seat.

263 (e) Members of the board of directors shall serve without
264 compensation, but are entitled to receive reimbursement for per

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265 diem and travel expenses in accordance with s. 112.061, and
266 shall be paid from funds managed by the foundation.

267 (f) Moneys of the foundation must be held in a separate
268 depository account in the name of the foundation, subject to the
269 provisions of the contract with the division, and shall be used
270 in a manner consistent with the goals of the foundation.

271 (4) The foundation shall operate under a written contract
272 with the division. The written contract must, at a minimum,
273 provide for:

274 (a) Approval of the articles of incorporation and bylaws
275 of the foundation by the director of the division.

276 (b) Certification by the division that the foundation is
277 complying with the terms of the contract and is doing so
278 consistent with the goals and purposes of the division and in
279 the best interests of the state. The division must make this
280 certification annually and it must be reported in the official
281 minutes of a meeting of the foundation.

282 (c) Reversion of moneys and property held by the
283 foundation to the:

284 1. Division if the foundation is no longer approved to
285 operate by the division;

286 2. Division if the foundation fails to maintain its tax-
287 exempt status pursuant to s. 501(c)(3) of the Internal Revenue
288 Code;

289 3. Division if the foundation ceases to exist; or

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- 290 4. State if the division ceases to exist.
- 291 (d) Prominent disclosure of the distinction between the
292 division and the foundation to donors, including such disclosure
293 in all promotional and fundraising publications or activities.
- 294 (e) Approval by the board of directors of an annual
295 operating budget for the foundation.
- 296 (f) Adoption of an ethics code as required by s. 112.3251.
- 297 (5) The division may permit the use of its property,
298 facilities, and personal services by the foundation and shall
299 set forth any requirements or conditions on such use in the
300 contract between the division and the foundation, including
301 provisions governing the use of such property, facilities, and
302 personal services during a declared state of emergency for a
303 natural emergency. However, the division may not permit the use
304 of such property, facilities, or personal services by the
305 foundation if it does not provide equal employment opportunities
306 to all persons regardless of race, color, national origin,
307 gender, age, or religion.
- 308 (6)(a) The fiscal year of the foundation shall begin on
309 July 1 of each year and end on June 30 of the following year.
- 310 (b) By August 1 of each year, the foundation shall submit
311 to the division its federal Internal Revenue Service Application
312 for Recognition of Exemption form (Form 1023) and federal
313 Internal Revenue Service Return of Organization Exempt from
314 Income Tax form (Form 990).

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315 (c) By September 30 of each year, the foundation shall
316 submit the budget and a report of contributions and expenditures
317 to the division in a manner prescribed by the division.

318 (7) The foundation shall provide for an annual financial
319 audit in accordance with s. 215.981.

320 (8) This section is repealed December 31, 2024, unless
321 reviewed and saved from repeal by the Legislature.

322 Section 7. The Department of Revenue may, and all
323 conditions are deemed met to, adopt emergency rules pursuant to
324 s. 120.54(4), Florida Statutes, to administer the creation of
325 ss. 197.3181 and 197.3182, Florida Statutes, and the amendment
326 made to s. 194.032, Florida Statutes, by this act.

327 Notwithstanding any other law, emergency rules adopted pursuant
328 to this section are effective for 6 months after adoption and
329 may be renewed during the pendency of procedures to adopt
330 permanent rules addressing the subject of the emergency rules.
331 This section expires July 1, 2024.

332 Section 8. For the 2022-2023 fiscal year, the nonrecurring
333 sum of \$350,000,000 from the General Revenue Fund is
334 appropriated to the Division of Emergency Management within the
335 Executive Office of the Governor to provide the match
336 requirement for Public Assistance Program grants pursuant to s.
337 252.37(5)(c), Florida Statutes, as created by this act.

338 Appropriated funds may only be used to meet federal match
339 requirements as provided in s. 252.37(5)(c), Florida Statutes,

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340 as created by this act. Notwithstanding s. 216.301, Florida
341 Statutes, and pursuant to s. 216.351, Florida Statutes, the
342 balance of this appropriation which is not disbursed by June 30,
343 2023, may be carried forward for up to 5 years after the
344 effective date of this act.

345 Section 9. For the 2022-2023 fiscal year, the nonrecurring
346 sum of \$150,000,000 from the General Revenue Fund is
347 appropriated in the Affordable Housing for Hurricane Recovery
348 appropriation category to the Florida Housing Finance
349 Corporation.

350 (1) From these funds, \$60,000,000 shall be used to fund
351 the Hurricane Housing Recovery Program for eligible counties and
352 municipalities based on Federal Emergency Management Agency
353 damage assessment data for a hurricane after January 1, 2012,
354 and population. Hurricane recovery purposes may include, but are
355 not limited to, repair and replacement of housing; repair,
356 replacement, and relocation assistance for manufactured homes;
357 acquisition of building materials for home repair and
358 construction; or housing reentry assistance, such as security
359 deposits, utility deposits, and temporary storage of household
360 furnishings. Of this amount for the Hurricane Housing Recovery
361 Program, up to \$25,000,000 may be used to provide assistance to
362 homeowners to pay insurance deductibles.

363 (2) From these funds, \$90,000,000 shall be used to fund
364 the Rental Recovery Loan Program for eligible counties and

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365 municipalities based on Federal Emergency Management Agency
366 damage assessment data for any hurricane after January 1, 2012,
367 and population.

368 (3) The Florida Housing Finance Corporation shall
369 coordinate with the Executive Office of the Governor's Division
370 of Emergency Management and the Department of Economic
371 Opportunity to prevent duplication of benefits related to other
372 state or federal programs for recipients of funds appropriated
373 under this section.

374 Section 10. Hurricane Restoration Reimbursement Grant
375 Program.—

376 (1) There is hereby created within the Department of
377 Environmental Protection the Hurricane Restoration Reimbursement
378 Grant Program for the purpose of providing financial assistance
379 to mitigate coastal beach erosion for coastal homeowners whose
380 property was significantly impacted by a hurricane after January
381 1, 2012.

382 (2) The department may provide grants to property owners
383 to mitigate for coastal beach erosion caused by a hurricane
384 after January 1, 2012. Grant funding may only be used to
385 reimburse a property owner for construction costs:

386 (a) Related to sand placement and temporary or permanent
387 coastal armoring construction projects to mitigate coastal beach
388 erosion and may not be used for the repair of residential
389 structures.

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390 (b) Incurred as a result of preparation for or damage
391 sustained from a hurricane after January 1, 2012.

392 (c) Related to a project that has been permitted, is
393 exempt from permitting requirements, or is otherwise authorized
394 by law.

395 (3) Financial assistance grants may only be provided to
396 mitigate damage to property that is a:

397 (a) Residential property that meets the following
398 requirements:

399 1. The parcel must be a single-family, site-built,
400 residential property; and

401 2. The homeowner must have been granted a homestead
402 exemption on the home under chapter 196, Florida Statutes;

403 (b) Residential condominium, as defined in chapter 718,
404 Florida Statutes; or

405 (c) Cooperative, as defined in chapter 719, Florida
406 Statutes.

407 (4) (a) The department shall cost-share with \$1 provided by
408 the property owner for every \$1 provided by the state with a
409 maximum of \$150,000 in state funding toward the actual cost of
410 an eligible project. The department shall prioritize applicants
411 who are low-income or moderate-income persons, as defined in s.
412 420.0004, Florida Statutes. Grants will be awarded to property
413 owners for eligible projects following the receipt of a

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414 completed application on a first-come, first-served basis until
415 funding is exhausted.

416 1. Applications may be submitted beginning February 1,
417 2023.

418 2. Applicants must include evidence that the project meets
419 the criteria in subsections (2) and (3).

420 (b) If the department determines that an application meets
421 the requirements of this section, the department shall enter
422 into a cost-share grant agreement with the applicant consistent
423 with this section.

424 (c) The department shall disburse grant funds on a
425 reimbursement basis. In order to receive reimbursement, property
426 owners must submit, at a minimum:

427 1. If applicable, the permit issued under chapter 161,
428 Florida Statutes, or applicable statute, and evidence that the
429 project complies with all permitting requirements.

430 2. All invoices and payment receipts for eligible
431 projects.

432 3. If applicable, documentation that the eligible project
433 was completed by a licensed professional or contractor.

434 (5) No later than January 31, 2023, the department shall
435 adopt emergency rules prescribing the procedures,
436 administration, and criteria for approving the applications for
437 the Hurricane Restoration Reimbursement Grant Program. The
438 department is authorized, and all conditions are deemed met, to

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439 adopt emergency rules under ss. 120.536(1) and 120.54(4),
440 Florida Statutes, to implement this section. The Legislature
441 finds that such emergency rulemaking authority is necessary to
442 address critical shoreline erosion which may result in the loss
443 of property by homeowners in those areas of the state that
444 sustained damage due to a hurricane. Such rules shall remain
445 effective for 6 months after the date of adoption.

446 (6) This section expires July 1, 2023.

447 Section 11. Hurricane Stormwater and Wastewater Assistance
448 Grant Program.—

449 (1) There is hereby created within the Department of
450 Environmental Protection the Hurricane Stormwater and Wastewater
451 Assistance Grant Program for the purpose of providing financial
452 assistance to local governments impacted by a hurricane after
453 January 1, 2012.

454 (2) The department shall administer the Hurricane
455 Stormwater and Wastewater Assistance Grant Program to remediate
456 damage to stormwater and wastewater systems resulting from a
457 hurricane after January 1, 2012.

458 (3) Eligible recipients of such grants include counties,
459 municipalities, and special taxing districts that operate a
460 stormwater or wastewater management system.

461 (4) All information pertaining to the grant application
462 process must be provided on the department's website no later
463 than February 1, 2023.

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464 (5) No later than January 31, 2023, the department must
465 adopt emergency rules prescribing the procedure and application
466 for the Hurricane Stormwater and Wastewater Assistance Grant
467 Program. All conditions are deemed met to adopt such emergency
468 rules under ss. 120.536(1) and 120.54(4), Florida Statutes, to
469 implement this section. Such rules shall remain effective for 6
470 months after the date of adoption.

471 (6) Grant applications must be submitted to the department
472 on or before March 31, 2023.

473 (7) To be eligible for the program, the applicant must
474 provide proof that:

475 (a) The applicant's stormwater or wastewater systems
476 sustained damages as a result of a hurricane after January 1,
477 2012.

478 (b) The damage to the stormwater or wastewater system
479 poses an immediate threat to the public health or the
480 environment if not immediately addressed.

481 (8) Grants may not exceed \$10 million per project.

482 (9) Grants must be awarded by May 1, 2023.

483 (10) This section expires July 1, 2023.

484 Section 12. For the 2022-2023 fiscal year, the sum of
485 \$251.5 million in nonrecurring funds is appropriated from the
486 General Revenue Fund to the Department of Environmental
487 Protection as follows: \$250 million as Fixed Capital Outlay for
488 damages related to a hurricane after January 1, 2012, including

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489 \$100 million for beach erosion projects as identified in s.
490 161.101(22), Florida Statutes; \$50 million for the Hurricane
491 Restoration Reimbursement Grant Program; \$100 million for the
492 Hurricane Stormwater and Wastewater Assistance Grant Program;
493 and \$1.5 million as administrative costs for the department to
494 implement this section.

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