

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

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

**Amendment (with title 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 or other storm events within  
 14 communities with a per capita annual income that is less than  
 15 the state's per capita annual income as shown in the most recent  
 16 release from the United States Census Bureau of the United

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

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

22 194.032 Hearing purposes; timetable.-

23 (1)

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

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

40 197.3181 Refund of taxes for residential improvements  
41 rendered uninhabitable by hurricanes.-

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

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

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

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

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

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

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66 detached garage, bulkhead, fence, or swimming pool, and does not  
67 include land.

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

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

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

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

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

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

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

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

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

110 b. The number of days during 2022 that the residential  
111 improvement was uninhabitable.

112 c. The postdisaster just value of the residential parcel  
113 as determined by the property appraiser.

114 d. The percent change in value applicable to the  
115 residential parcel.

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

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

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

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

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

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

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

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

139 (7) The disaster relief refund is determined only for  
140 purposes of calculating tax refunds for 2022 under this section

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141 and does not determine a parcel's just value as of January 1,  
142 2023, or any subsequent year.

143 (8) This section does not affect the requirements of s.  
144 197.333.

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

147 Section 4. Section 197.3182, Florida Statutes, is created  
148 to read:

149 197.3182 Tax deadlines for real property destroyed or  
150 rendered uninhabitable by a hurricane.-

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

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

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

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

162 3. All dates or time periods and their associated  
163 provisions relative to the collection of, or administrative  
164 procedures regarding, delinquent taxes and non-ad valorem  
165 assessments, including, but not limited to, the sale of tax

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166 certificates, are extended based on the June 1, 2023,  
167 delinquency date, in accordance with s. 197.333.

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

172 1. Four percent in November 2022, December 2022, and  
173 January 2023.

174 2. Three percent in February 2023.

175 3. Two percent in March 2023.

176 4. One percent in April 2023.

177 5. Zero percent in May 2023.

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

182 (2) This section operates retroactively to January 1,  
183 2022, and expires January 1, 2024.

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

186 252.37 Financing.—

187 (5) Unless otherwise specified in the General  
188 Appropriations Act:

189 (c) Subject to appropriation, and notwithstanding  
190 paragraph (a), the Legislature intends to provide the entire



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

209 Section 6. Section 252.71, Florida Statutes, is created to  
210 read:

211 252.71 Florida Emergency Management Assistance  
212 Foundation.—

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

214 (a) "Foundation" means the Florida Emergency Management  
215 Assistance Foundation for the division.

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

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

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

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

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

238 (3) The foundation shall be governed by a board of  
239 directors.

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

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

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

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

261       (e) Members of the board of directors shall serve without  
262 compensation, but are entitled to receive reimbursement for per  
263 diem and travel expenses in accordance with s. 112.061, and  
264 shall be paid from funds managed by the foundation.

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

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

272 (a) Approval of the articles of incorporation and bylaws  
273 of the foundation by the director of the division.

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

280 (c) Reversion of moneys and property held by the  
281 foundation to the:

282 1. Division if the foundation is no longer approved to  
283 operate by the division;

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

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

288 4. State if the division ceases to exist.

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289 (d) Prominent disclosure of the distinction between the  
290 division and the foundation to donors, including such disclosure  
291 in all promotional and fundraising publications or activities.

292 (e) Approval by the board of directors of an annual  
293 operating budget for the foundation.

294 (f) Adoption of an ethics code as required by s. 112.3251.

295 (5) The division may permit the use of its property,  
296 facilities, and personal services by the foundation and shall  
297 set forth any requirements or conditions on such use in the  
298 contract between the division and the foundation, including  
299 provisions governing the use of such property, facilities, and  
300 personal services during a declared state of emergency for a  
301 natural emergency. However, the division may not permit the use  
302 of such property, facilities, or personal services by the  
303 foundation if it does not provide equal employment opportunities  
304 to all persons regardless of race, color, national origin,  
305 gender, age, or religion.

306 (6)(a) The fiscal year of the foundation shall begin on  
307 July 1 of each year and end on June 30 of the following year.

308 (b) By August 1 of each year, the foundation shall submit  
309 to the division its federal Internal Revenue Service Application  
310 for Recognition of Exemption form (Form 1023) and federal  
311 Internal Revenue Service Return of Organization Exempt from  
312 Income Tax form (Form 990).

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

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

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

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

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

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

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

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

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

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

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363 municipalities based on Federal Emergency Management Agency  
364 damage assessment data and population.

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

371 Section 10. Hurricane Restoration Reimbursement Grant  
372 Program.—

373 (1) There is hereby created within the Department of  
374 Environmental Protection the Hurricane Restoration Reimbursement  
375 Grant Program for the purpose of providing financial assistance  
376 to mitigate coastal beach erosion for coastal homeowners whose  
377 property was significantly impacted by a hurricane.

378 (2) The department may provide grants to property owners  
379 to mitigate for coastal beach erosion caused by a hurricane.  
380 Grant funding may only be used to reimburse a property owner for  
381 construction costs:

382 (a) Related to sand placement and temporary or permanent  
383 coastal armoring construction projects to mitigate coastal beach  
384 erosion and may not be used for the repair of residential  
385 structures.

386 (b) Incurred as a result of preparation for or damage  
387 sustained from a hurricane.

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388 (c) Related to a project that has been permitted, is  
389 exempt from permitting requirements, or is otherwise authorized  
390 by law.

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

393 (a) Residential property that meets the following  
394 requirements:

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

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

399 (b) Residential condominium, as defined in chapter 718,  
400 Florida Statutes; or

401 (c) Cooperative, as defined in chapter 719, Florida  
402 Statutes.

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

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412 1. Applications may be submitted beginning February 1,  
413 2023.

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

416 (b) If the department determines that an application meets  
417 the requirements of this section, the department shall enter  
418 into a cost-share grant agreement with the applicant consistent  
419 with this section.

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

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

426 2. All invoices and payment receipts for eligible  
427 projects.

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

430 (5) No later than January 31, 2023, the department shall  
431 adopt emergency rules prescribing the procedures,  
432 administration, and criteria for approving the applications for  
433 the Hurricane Restoration Reimbursement Grant Program. The  
434 department is authorized, and all conditions are deemed met, to  
435 adopt emergency rules under ss. 120.536(1) and 120.54(4),  
436 Florida Statutes, to implement this section. The Legislature

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437 finds that such emergency rulemaking authority is necessary to  
438 address critical shoreline erosion which may result in the loss  
439 of property by homeowners in those areas of the state that  
440 sustained damage due to a hurricane. Such rules shall remain  
441 effective for 6 months after the date of adoption.

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

443 Section 11. Hurricane Stormwater and Wastewater Assistance  
444 Grant Program.—

445 (1) There is hereby created within the Department of  
446 Environmental Protection the Hurricane Stormwater and Wastewater  
447 Assistance Grant Program for the purpose of providing financial  
448 assistance to local governments impacted by a hurricane.

449 (2) The department shall administer the Hurricane  
450 Stormwater and Wastewater Assistance Grant Program to remediate  
451 damage to stormwater and wastewater systems resulting from a  
452 hurricane.

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

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

459 (5) No later than January 31, 2023, the department must  
460 adopt emergency rules prescribing the procedure and application  
461 for the Hurricane Stormwater and Wastewater Assistance Grant

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462 Program. All conditions are deemed met to adopt such emergency  
463 rules under ss. 120.536(1) and 120.54(4), Florida Statutes, to  
464 implement this section. Such rules shall remain effective for 6  
465 months after the date of adoption.

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

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

470 (a) The applicant's stormwater or wastewater systems  
471 sustained damages as a result of a hurricane.

472 (b) The damage to the stormwater or wastewater system  
473 poses an immediate threat to the public health or the  
474 environment if not immediately addressed.

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

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

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

478 Section 12. For the 2022-2023 fiscal year, the sum of  
479 \$251.5 million in nonrecurring funds is appropriated from the  
480 General Revenue Fund to the Department of Environmental  
481 Protection as follows: \$250 million as Fixed Capital Outlay for  
482 damages related to a hurricane, including \$100 million for beach  
483 erosion projects as identified in s. 161.101(22), Florida  
484 Statutes; \$50 million for the Hurricane Restoration  
485 Reimbursement Grant Program; \$100 million for the Hurricane  
486 Stormwater and Wastewater Assistance Grant Program; and \$1.5

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487 million as administrative costs for the department to implement  
488 this section.

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

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492 -----

493 **T I T L E A M E N D M E N T**

494 Remove line 10 and insert:

495 uninhabitable by hurricanes; providing