

By Senator Smith

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A bill to be entitled

An act relating to construction disruption assistance; creating part XIII of ch. 288, F.S., to be entitled the "Construction Disruption Assistance Act"; creating s. 288.9991, F.S.; providing a short title; creating s. 288.9992, F.S.; providing legislative findings and purpose; creating s. 288.9993, F.S.; defining terms; creating s. 288.9994, F.S.; establishing rulemaking authority; creating s. 288.9995, F.S.; establishing the Construction Impact Relief Revolving Loan Program within the Department of Commerce; authorizing the Legislature to fund the program; requiring the department to provide specified financial assistance to eligible small businesses within construction zones; requiring the department to develop a public awareness and marketing campaign to promote the program in partnership with specified entities; providing requirements for the campaign; requiring applicants to submit specified information with their applications; requiring an applicant to agree to accept consultation from the Florida Small Business Development Center Network as a condition to participate in the program; prohibiting an applicant from participating in the program under certain circumstances; creating s. 288.9996, F.S.; directing the department to maintain and publish certain information about the program on its website, to update such information as changes occur, and to ensure that the website is accessible to certain

17-00052-26

2026612__

persons with disabilities; creating s. 288.9997, F.S.; providing that the department or any of its officers, employees, agents, or contractors are not liable in any civil action arising out of or relating to specified duties of the program; requiring an applicant to acknowledge that submitting an application does not guarantee funding; providing that the department is not liable for any damages resulting from the department denying an applicant a loan or delaying loan disbursement or from certain activities; providing construction; providing that certain determinations, prioritizations, and decisions made are deemed final agency action and not subject to further judicial review; providing an exception; authorizing the department to adopt rules; creating s. 288.9998, F.S.; requiring the department, by a specified date, to submit an annual report containing certain information to the Governor and the Legislature; providing an effective date.

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

Section 1. Part XIII of chapter 288, Florida Statutes, consisting of ss. 288.9991-288.9998, Florida Statutes, is created and entitled "Construction Disruption Assistance Act."

Section 2. Section 288.9991, Florida Statutes, is created to read:

288.9991 Short title.—This part shall be known and may be cited as the "Construction Disruption Assistance Act."

17-00052-26

2026612__

Section 3. Section 288.9992, Florida Statutes, is created to read:

288.9992 Legislative findings; purpose.—The Legislature finds and declares that:

(1) Prolonged state and local government construction projects that directly block access to small businesses cause significant financial and operational hardships that negatively impact local economies and threaten the livelihoods of business owners and employees.

(2) It is the purpose of this act to establish a program to provide financial relief, promotional support, and loss coverage to small businesses adversely impacted by state and local government construction projects, ensuring the resilience and viability of affected businesses during essential infrastructure improvements.

Section 4. Section 288.9993, Florida Statutes, is created to read:

288.9993 Definitions.—As used in this part, the term:

(1) "Construction zone" means the immediate area where construction activities directly restrict physical or visual access to a small business, including partial or complete obstruction of entryways, parking, or signage visibility.

(2) "Demonstrable loss" means a verifiable reduction in revenue, increased operating costs, or property damage directly attributed to state or local government construction activities.

(3) "Department" means the Department of Commerce.

(4) "Eligible small business" means a business with 50 or fewer employees whose primary access points are obstructed by state or local government construction activities directly

17-00052-26

2026612__

adjacent to or in front of the business, as determined by the department.

(5) "Program" means the Construction Impact Relief Revolving Loan Program established in s. 288.9995.

Section 5. Section 288.9994, Florida Statutes, is created to read:

288.9994 Rulemaking authority.—By October 1, 2026, the department shall adopt rules to implement this part, including, but not limited to, developing guidelines for the award of loans under the program and creating application forms for the program.

Section 6. Section 288.9995, Florida Statutes, is created to read:

288.9995 Construction Impact Relief Revolving Loan Program.—

(1) The Construction Impact Relief Revolving Loan Program is created within the department. The program may be funded by the Legislature. Under the program, the department shall:

(a) Provide financial assistance to eligible small businesses within construction zones, including low-interest loans of up to \$100,000, with interest not to exceed the federal funds rate at the time the loan is issued, for the operating costs of eligible small businesses during construction disruptions.

(b) Develop a public awareness and marketing campaign to promote the program in partnership with local chambers of commerce and other business organizations and to encourage customer support for small businesses adversely impacted by state and local government construction activities. Such

17-00052-26

2026612__

marketing campaign efforts must include, but are not limited to,
all of the following:

1. Digital advertising campaigns.

2. Signage and outreach.

(2) An applicant seeking to obtain financial assistance under paragraph (1)(a) must submit an application to the department. The application must require documentation of demonstrable loss and a plan for the use of funds. Proof of demonstrable loss must include, but is not limited to, all of the following:

(a) Documentation of reduction in revenue from the start date of the state or local government construction activities to the week before an application is submitted to the department. Such proof may be made by comparing the applicant's average weekly or monthly revenue of the year before the state or local government construction activities began and the applicant's current weekly or monthly revenue.

(b) Photo or video evidence of the obstruction to the applicant due to the construction zone. Such obstruction may include, but is not limited to, any of the following:

1. Restricting parking or primary entry access to the eligible small business.

2. Blocking visibility of the applicant's premises from all directions of traffic flow along the road and adjoining sidewalks where the applicant is located, during each phase of construction.

(3) An applicant must agree to accept consultation from the Florida Small Business Development Center Network created in s. 288.001 as a condition to participate in the program. If an

17-00052-26

2026612__

applicant is enrolled in any other loan program, the business is not eligible to participate in the program.

Section 7. Section 288.9996, Florida Statutes, is created to read:

288.9996 Publication on department website; accessibility.-

(1) The department shall maintain and publish detailed information about the program on its website. The information must include, but is not limited to, all of the following:

(a) A clear description of the application process.

(b) Detailed eligibility criteria for applicants.

(c) The timeline and procedures for review, approval, and disbursement of funds.

(d) Contact information, including e-mail addresses and telephone numbers, applicants or interested parties may use to obtain additional information or assistance.

(2) The department shall update the information as changes occur and shall ensure that the website is accessible to all potential applicants or interested parties, including those with disabilities, in accordance with applicable state and federal accessibility laws.

Section 8. Section 288.9997, Florida Statutes, is created to read:

288.9997 Liability.-

(1) The department or any of its officers, employees, agents, or contractors may not be held liable in any civil action arising out of or relating to the administration, processing, approval, denial, or disbursement of funds under the program.

(2) An applicant must acknowledge that, as a condition of

17-00052-26

2026612__

175 applying to the program, submitting an application does not
176 guarantee funding and that the department is not liable for any
177 damages, including, but not limited to, lost profits or business
178 interruptions resulting from the department denying a loan or
179 delaying disbursement of a loan, or from government construction
180 activities.

181 (3) This part may not be construed to create a private
182 right of action against the department or any of its officers,
183 employees, agents, or contractors. Eligibility determinations,
184 prioritization of applications, and loan award decisions made in
185 accordance with applicable program rules and guidelines are
186 considered final agency action and are not subject to further
187 judicial review except as provided in s. 120.68.

188 (4) The department may adopt rules establishing clear
189 application procedures, evaluation criteria, and dispute
190 resolution processes to ensure consistency and transparency in
191 program administration.

192 Section 9. Section 288.9998, Florida Statutes, is created
193 to read:

194 288.9998 Annual reporting requirement.—The department
195 shall, by November 1 of each year, submit an annual report to
196 the Governor, the President of the Senate, and the Speaker of
197 the House of Representatives which summarizes the performance of
198 the program, including the total number of small businesses and
199 residents served, the total funds disbursed, and the outcomes of
200 the program.

201 Section 10. This act shall take effect July 1, 2026.