

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.