

CHAPTER 2023-349

Committee Substitute for House Bill No. 1-C

An act relating to disaster relief; creating s. 193.4518, F.S.; defining terms; providing a tangible personal property assessment limitation, during a certain timeframe and in certain counties, for certain agricultural equipment rendered unable to be used due to Hurricane Idalia; specifying conditions for applying for and receiving the assessment limitation; providing procedures for petitioning the value adjustment board if an application is denied; providing applicability; providing a sales tax exemption for the purchase, within a certain timeframe and in certain counties, of certain fencing materials used to replace or repair fences damaged by Hurricane Idalia on agricultural lands; specifying that the exemption is available only through a refund by the Department of Revenue of previously paid taxes; specifying requirements for applying for the refund; providing criminal penalties for furnishing a false affidavit; providing construction and retroactive applicability; authorizing the department to adopt emergency rules; providing a sales tax exemption for the purchase, within a certain timeframe and in certain counties, of building materials used to replace or repair nonresidential farm buildings damaged by Hurricane Idalia; specifying that the exemption is available only through a refund by the department of previously paid taxes; defining the terms “building materials” and “nonresidential farm building”; specifying requirements for applying for the refund; providing criminal penalties for furnishing a false affidavit; providing construction and retroactive applicability; authorizing the department to adopt emergency rules; providing an exemption from certain fuel taxes for fuel purchased, within a certain timeframe, for use for agricultural shipment or hurricane debris removal after Hurricane Idalia; specifying that the exemption is available only through a refund by the department; defining terms; specifying requirements for applying for the refund; providing criminal penalties for furnishing a false affidavit; providing applicability and construction; providing for retroactive operation; authorizing the department to adopt emergency rules; amending s. 215.5586, F.S.; revising legislative intent; specifying a requirement for the Department of Financial Services in implementing the My Safe Florida Home Program; authorizing the department to accept applications for the program up to the amount of available funds; providing an appropriation for certain applications for the program; prohibiting the department from continuing to accept certain applications or creating a waiting list in anticipation of additional funding in the absence of express authority from the Legislature to do so; providing an appropriation for administration of the My Safe Florida Home program; amending s. 252.37, F.S.; providing legislative intent; requiring the Division of Emergency Management and local governments to enter into certain agreements to receive specified funds; providing requirements for such agreements; providing for allocation of funds; requiring the division to report progress on a certain timetable to

specified parties; providing for expiration; providing an appropriation for the Public Assistance Program; providing requirements for appropriated funds; authorizing the undisbursed appropriation to carry forward to a certain date; amending s. 252.71, F.S.; extending the date for future review and repeal of provisions related to the Florida Emergency Management Assistance Foundation; amending s. 288.066, F.S.; revising the maximum length of a loan term under the Local Government Emergency Revolving Bridge Loan Program; authorizing the Department of Commerce to amend certain previously executed loan agreements under certain circumstances; providing an appropriation for the Hurricane Housing Recovery Program; requiring such appropriations to be used for specified purposes; requiring the Florida Housing Finance Corporation to coordinate with the division and the Department of Commerce for a specified purpose; providing an appropriation for hurricane repair and recovery projects within counties with a certain Federal Emergency Management Agency disaster designation; authorizing certain entities to apply for such appropriated funds; requiring such entities requesting funding for certain purposes to secure certain matching funds by the time of making the application; requiring certain certifications for applications for appropriated funds; authorizing the division to request budget amendments up to a specified amount to fund gaps in certain projects; requiring the division and certain entities to coordinate for a specified purpose; specifying criteria for providing appropriated funds as grants or loans; requiring reimbursed funds to be deposited into the General Revenue Fund; providing for appropriations for the Small County Outreach Program for certain counties; amending chapter 2023-304, Laws of Florida; revising a prohibition on counties and municipalities proposing or adopting certain amendments to specified regulations; revising the expiration date of such prohibition; providing an appropriation for certain planning and design grants; authorizing certain fiscally constrained counties to apply for appropriated funds; requiring the division to prioritize certain applications; requiring the division to conduct a certain assessment and consider certain information; amending s. 288.0655, F.S.; authorizing the Department of Commerce to award certain grants to certain fiscally constrained counties; providing a purpose and eligible uses for such grants; providing for expiration; providing an appropriation for the grants; repealing s. 570.82, F.S., relating to Agricultural Economic Development Program disaster loans and grants and aid; creating s. 570.822, F.S.; defining terms; establishing the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program within the Department of Agriculture and Consumer Services; providing the purpose of the program; establishing the authorized use of the loans; requiring that structures or buildings constructed with loan funds meet certain standards; requiring the department to adopt such standards by rule; requiring that the loans be low-interest or interest-free; providing loan limits; establishing eligibility requirements for loans; establishing application periods; setting the terms of repayment; providing for a reduction in the principal balance by a certain amount each year; restricting the amount the department may use for deferred loans; requiring repayment

upon the sale of the property within a certain timeframe; specifying requirements for the department in administering the program; requiring the department to create and maintain a separate account in the General Inspection Trust Fund for the program; requiring that loan payments be returned to the loan program; providing that appropriated funds are not subject to reversion; requiring the department, or a specified third-party administrator, to manage the loan fund; requiring the department to coordinate with certain entities; requiring the department to adopt rules; requiring the department to provide an annual report to the Legislature by a specified date; specifying requirements for the report; providing for the expiration of the program on a specified date, unless reviewed and saved from repeal by the Legislature; amending s. 201.25, F.S.; exempting loans made by the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program from certain taxes; requiring the department to adopt emergency rules to implement the program; providing for the expiration of such authority; requiring the transfer of specified amounts from the General Revenue Fund to the General Inspection Trust Fund within the department within a specified timeframe; providing appropriations for specified programs; providing requirements for grant administration under such programs; specifying the amount the department may use to administer the programs; authorizing the department to adopt emergency rules to implement the cost-sharing grant program; requiring the department to coordinate with certain entities; providing an effective date.

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

Section 1. Section 193.4518, Florida Statutes, is created to read:

193.4518 Assessment of agricultural equipment rendered unable to be used due to Hurricane Idalia.—

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

(a) “Farm” has the same meaning as provided in s. 823.14(3).

(b) “Farm operation” has the same meaning as provided in s. 823.14(3).

(c) “Unable to be used” means the tangible personal property was damaged, or the farm, farm operation, or agricultural processing facility was affected, to such a degree that the tangible personal property could not be used for its intended purpose.

(2) For purposes of ad valorem taxation and applying to the 2024 tax roll only, tangible personal property owned and operated by a farm, a farm operation, or an agriculture processing facility located in Charlotte, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Jefferson, Lafayette, Levy, Madison, Manatee, Pasco, Pinellas, Sarasota, Suwannee, or Taylor County is deemed to have a market value no greater than its value for salvage if the

tangible personal property was unable to be used for at least 60 days due to the effects of Hurricane Idalia.

(3) The deadline for an applicant to file an application with the property appraiser for assessment pursuant to this section is March 1, 2024.

(4) If the property appraiser denies an application, the applicant may file, pursuant to s. 194.011(3), a petition with the value adjustment board which requests that the tangible personal property be assessed pursuant to this section. Such petition must be filed on or before the 25th day after the mailing by the property appraiser during the 2024 calendar year of the notice required under s. 194.011(1).

(5) This section applies to tax rolls beginning January 1, 2024.

Section 2. Fencing materials purchased for use on agricultural lands due to Hurricane Idalia damage.—

(1) The purchase of fencing materials used to replace or repair farm fences on land classified as agricultural under s. 193.461, Florida Statutes, is exempt from the tax imposed under chapter 212, Florida Statutes, during the period from August 30, 2023, through June 30, 2024, if the fencing materials will be or were used to replace or repair fences located in Charlotte, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Jefferson, Lafayette, Levy, Madison, Manatee, Pasco, Pinellas, Sarasota, Suwannee, or Taylor County that were damaged as a direct result of the impact of Hurricane Idalia. The exemption provided by this section is available only through a refund from the Department of Revenue of previously paid taxes.

(2) To receive a refund pursuant to this section, the owner of the fencing materials or the real property into which the fencing materials were incorporated must apply to the Department of Revenue by December 31, 2024. The refund application must include the following information:

(a) The name and address of the person claiming the refund.

(b) The address and assessment roll parcel number of the agricultural land on which the fencing materials were or will be used.

(c) The sales invoice or other proof of purchase of the fencing materials which shows the amount of sales tax paid, the date of purchase, and the name and address of the dealer from whom the materials were purchased.

(d) An affidavit executed by the owner of the fencing materials or the real property into which the fencing materials were or will be incorporated, including a statement that the fencing materials were or will be used to replace or repair fencing damaged as a direct result of the impact of Hurricane Idalia.

(3) A person furnishing a false affidavit to the Department of Revenue pursuant to subsection (2) is subject to the penalties set forth in s. 212.085, Florida Statutes, and as otherwise authorized by law.

(4) This section is deemed a revenue law for the purposes of ss. 213.05 and 213.06, Florida Statutes, and s. 72.011, Florida Statutes, applies to this section.

(5) This section operates retroactively to August 30, 2023.

(6) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective until December 31, 2024, and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 3. Building materials used to replace or repair nonresidential farm buildings damaged by Hurricane Idalia.—

(1) Building materials used to replace or repair a nonresidential farm building located in Charlotte, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Jefferson, Lafayette, Levy, Madison, Manatee, Pasco, Pinellas, Sarasota, Suwannee, or Taylor County that was damaged as a direct result of the impact of Hurricane Idalia and purchased during the period from August 30, 2023, through June 30, 2024, are exempt from the tax imposed under chapter 212, Florida Statutes. The exemption provided by this section is available only through a refund from the Department of Revenue of previously paid taxes.

(2) As used in this section, the term:

(a) “Building materials” means tangible personal property that becomes a component part of a nonresidential farm building.

(b) “Nonresidential farm building” has the same meaning as provided in s. 604.50(2), Florida Statutes.

(3) To receive a refund pursuant to this section, the owner of the building materials or of the real property into which the building materials will be or were incorporated must apply to the Department of Revenue by December 31, 2024. The refund application must include all of the following information:

(a) The name and address of the person claiming the refund.

(b) The address and assessment roll parcel number of the real property where the building materials were or will be used.

(c) The sales invoice or other proof of purchase of the building materials which shows the amount of sales tax paid, the date of purchase, and the name and address of the dealer from whom the materials were purchased.

(d) An affidavit executed by the owner of the building materials or the real property into which the building materials will be or were incorporated, including a statement that the building materials were or will be used to replace or repair the nonresidential farm building damaged as a direct result of the impact of Hurricane Idalia.

(4) A person furnishing a false affidavit to the Department of Revenue pursuant to subsection (3) is subject to the penalties set forth in s. 212.085, Florida Statutes, and as otherwise provided by law.

(5) This section is deemed a revenue law for the purposes of ss. 213.05 and 213.06, Florida Statutes, and s. 72.011, Florida Statutes, applies to this section.

(6) This section operates retroactively to August 30, 2023.

(7) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective until December 31, 2024, and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 4. Refund of taxes on fuel used for agricultural shipment or hurricane debris removal after Hurricane Idalia.—

(1) Fuel purchased and used in this state during the period from August 30, 2023, through June 30, 2024, which is or was used in any motor vehicle driven or operated upon the public highways of this state for agricultural shipment or hurricane debris removal is exempt from all state and county taxes authorized or imposed under parts I and II of chapter 206, Florida Statutes, excluding the taxes imposed under s. 206.41(1)(a) and (h), Florida Statutes. The exemption provided by this section is available to the fuel purchaser in an amount equal to the fuel tax imposed on fuel that was purchased for agricultural shipment or hurricane debris removal during the period from August 30, 2023, through June 30, 2024. The exemption provided by this section is only available through a refund from the Department of Revenue.

(2) As used in this section, the term:

(a) “Agricultural processing or storage facility” means property used or useful in separating, cleaning, processing, converting, packaging, handling, storing, and other activities necessary to prepare crops, livestock, related products, and other products of agriculture, and includes nonfarm facilities

that produce agricultural products, in whole or in part, through natural processes, animal husbandry, and apiaries.

(b) “Agricultural product” means the natural products of a farm, nursery, forest, grove, orchard, vineyard, garden, or apiary, including livestock as defined in s. 585.01, Florida Statutes.

(c) “Agricultural shipment” means the transport of any agricultural product from a farm, nursery, forest, grove, orchard, vineyard, garden, or apiary located in Charlotte, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Jefferson, Lafayette, Levy, Madison, Manatee, Pasco, Pinellas, Sarasota, Suwannee, or Taylor County to an agricultural processing or storage facility.

(d) “Fuel” means motor fuel or diesel fuel, as those terms are defined in ss. 206.01(9) and 206.86(1), Florida Statutes, respectively.

(e) “Fuel tax” means all state and county taxes authorized or imposed on fuel under chapter 206, Florida Statutes.

(f) “Hurricane debris removal” means the transport of Hurricane Idalia debris from a farm, nursery, forest, grove, orchard, vineyard, garden, or apiary located in Charlotte, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Jefferson, Lafayette, Levy, Madison, Manatee, Pasco, Pinellas, Sarasota, Suwannee, or Taylor County.

(g) “Motor vehicle” has the same meaning as provided in s. 206.01(23), Florida Statutes.

(h) “Public highways” has the same meaning as provided in s. 206.01(11), Florida Statutes.

(3) To receive a refund pursuant to this section, the fuel purchaser must apply to the Department of Revenue by December 31, 2024. The refund application must include all of the following information:

(a) The name and address of the person claiming the refund.

(b) The names and addresses of up to three owners of farms, nurseries, forests, groves, orchards, vineyards, gardens, or apiaries whose agricultural products were shipped or hurricane debris was removed by the person seeking the refund pursuant to this section.

(c) The sales invoice or other proof of purchase of the fuel which shows the number of gallons of fuel purchased, the type of fuel purchased, the date of purchase, and the name and place of business of the dealer from whom the fuel was purchased.

(d) The license number or other identification number of the motor vehicle that used the exempt fuel.

(e) An affidavit executed by the person seeking the refund pursuant to this section, including a statement that he or she purchased and used the fuel for which the refund is being claimed during the period from August 30, 2023, through June 30, 2024, for an agricultural shipment or hurricane debris removal.

(4) A person furnishing a false affidavit to the Department of Revenue pursuant to subsection (3) is subject to the penalties set forth in s. 206.11, Florida Statutes, and as otherwise provided by law.

(5) The tax imposed under s. 212.0501, Florida Statutes, does not apply to fuel that is exempt under this section and for which a fuel purchaser received a refund under this section.

(6) This section is deemed a revenue law for the purposes of ss. 213.05 and 213.06, Florida Statutes, and s. 72.011, Florida Statutes, applies to this section.

(7) This section operates retroactively to August 30, 2023.

(8) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective until December 31, 2024, and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 5. Section 215.5586, Florida Statutes, is amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that, subject to the availability of funds, the My Safe Florida Home Program provide licensed inspectors to perform inspections for owners of site-built, single-family, residential properties and grants to eligible applicants as funding allows. The department shall implement the program in such a manner that the total amount of funding requested by accepted applications, whether for inspections, grants, or other services or assistance, does not exceed the total amount of available funds. If, after applications are processed and approved, funds remain available, the department may accept applications up to the available amount. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that may include the following:

(1) HURRICANE MITIGATION INSPECTIONS.—

(a) Licensed inspectors are to provide home inspections of site-built, single-family, residential properties for which a homestead exemption has been granted, to determine what mitigation measures are needed, what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. An inspector may inspect a townhouse as defined in s. 481.203 to determine if opening protection mitigation as listed in paragraph (2)(e) would provide improvements to mitigate hurricane damage.

(b) The Department of Financial Services shall contract with wind certification entities to provide hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

1. A home inspection and report that summarizes the results and identifies recommended improvements a homeowner may take to mitigate hurricane damage.

2. A range of cost estimates regarding the recommended mitigation improvements.

3. Information regarding estimated premium discounts, correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.

(c) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity must, at a minimum, meet the following requirements:

1. Use hurricane mitigation inspectors who are licensed or certified as:

a. A building inspector under s. 468.607;

b. A general, building, or residential contractor under s. 489.111;

c. A professional engineer under s. 471.015;

d. A professional architect under s. 481.213; or

e. A home inspector under s. 468.8314 and who have completed at least 3 hours of hurricane mitigation training approved by the Construction Industry Licensing Board, which training must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam.

2. Use hurricane mitigation inspectors who also have undergone drug testing and a background screening. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of fingerprints to the department for state and national

criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints must be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results must be returned to the department for screening. The fingerprints must be taken by a law enforcement agency, designated examination center, or other department-approved entity.

3. Provide a quality assurance program including a reinspection component.

(d) An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application for that home.

(e) The owner of a site-built, single-family, residential property or townhouse as defined in s. 481.203, for which a homestead exemption has been granted, may apply for and receive an inspection without also applying for a grant pursuant to subsection (2) and without meeting the requirements of paragraph (2)(a).

(2) MITIGATION GRANTS.—Financial grants shall be used to encourage single-family, site-built, owner-occupied, residential property owners to retrofit their properties to make them less vulnerable to hurricane damage.

(a) For a homeowner to be eligible for a grant, the following criteria must be met:

1. The homeowner must have been granted a homestead exemption on the home under chapter 196.

2. The home must be a dwelling with an insured value of \$700,000 or less. Homeowners who are low-income persons, as defined in s. 420.0004(11), are exempt from this requirement.

3. The home must undergo an acceptable hurricane mitigation inspection as provided in subsection (1).

4. The building permit application for initial construction of the home must have been made before January 1, 2008.

5. The homeowner must agree to make his or her home available for inspection once a mitigation project is completed.

An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application and must have attached documents demonstrating the applicant meets the requirements of this paragraph.

(b) All grants must be matched on the basis of \$1 provided by the applicant for \$2 provided by the state up to a maximum state contribution of \$10,000 toward the actual cost of the mitigation project.

(c) The program shall create a process in which contractors agree to participate and homeowners select from a list of participating contractors. All mitigation must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors. Hurricane mitigation inspectors qualifying for the program may also participate as mitigation contractors as long as the inspectors meet the department's qualifications and certification requirements for mitigation contractors.

(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property. The department shall liberally construe those requirements in favor of availing the state of the opportunity to leverage funding for the My Safe Florida Home Program with other sources of funding.

(e) When recommended by a hurricane mitigation inspection, grants for eligible homes may be used for the following improvements:

1. Opening protection.
2. Exterior doors, including garage doors.
3. Reinforcing roof-to-wall connections.
4. Improving the strength of roof-deck attachments.
5. Secondary water barrier for roof.

(f) When recommended by a hurricane mitigation inspection, grants for townhouses, as defined in s. 481.203, may only be used for opening protection.

The department may require that improvements be made to all openings, including exterior doors and garage doors, as a condition of reimbursing a homeowner approved for a grant. The department may adopt, by rule, the maximum grant allowances for any improvement allowable under paragraph (e) or this paragraph.

(g) Grants may be used on a previously inspected existing structure or on a rebuild. A rebuild is defined as a site-built, single-family dwelling under construction to replace a home that was destroyed or significantly damaged by a hurricane and deemed unlivable by a regulatory authority. The homeowner must be a low-income homeowner as defined in paragraph (h), must have had a homestead exemption for that home before the hurricane, and must be intending to rebuild the home as that homeowner's homestead.

(h) Low-income homeowners, as defined in s. 420.0004(11), who otherwise meet the requirements of paragraphs (a), (c), (e), and (g) are eligible for

a grant of up to \$10,000 and are not required to provide a matching amount to receive the grant. The program may accept a certification directly from a low-income homeowner that the homeowner meets the requirements of s. 420.0004(11) if the homeowner provides such certification in a signed or electronically verified statement made under penalty of perjury.

(i) The department shall develop a process that ensures the most efficient means to collect and verify grant applications to determine eligibility and may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.

(3) EDUCATION, CONSUMER AWARENESS, AND OUTREACH.—

(a) The department may undertake a statewide multimedia public outreach and advertising campaign to inform consumers of the availability and benefits of hurricane inspections and of the safety and financial benefits of residential hurricane damage mitigation. The department may seek out and use local, state, federal, and private funds to support the campaign.

(b) The program may develop brochures for distribution to Citizens Property Insurance Corporation, general contractors, roofing contractors, and real estate brokers and sales associates who are licensed under part I of chapter 475 which provide information on the benefits to homeowners of residential hurricane damage mitigation. Citizens Property Insurance Corporation is encouraged to distribute the brochure to policyholders of the corporation. Contractors are encouraged to distribute the brochures to homeowners at the first meeting with a homeowner who is considering contracting for home or roof repair or contracting for the construction of a new home. Real estate brokers and sales associates are encouraged to distribute the brochure to clients before the purchase of a home. The brochures may be made available electronically.

(4) FUNDING.—The department may seek out and leverage local, state, federal, or private funds to enhance the financial resources of the program.

(5) RULES.—The Department of Financial Services shall adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the program; implement the provisions of this section; including rules governing hurricane mitigation inspections and grants, mitigation contractors, and training of inspectors and contractors; and carry out the duties of the department under this section.

(6) HURRICANE MITIGATION INSPECTOR LIST.—The department shall develop and maintain as a public record a current list of hurricane mitigation inspectors authorized to conduct hurricane mitigation inspections pursuant to this section.

(7) CONTRACT MANAGEMENT.—

(a) The department may contract with third parties for grants management, inspection services, contractor services for low-income homeowners, information technology, educational outreach, and auditing services. Such contracts are considered direct costs of the program and are not subject to administrative cost limits. The department shall contract with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and shall ensure the highest accountability for use of state funds, consistent with this section.

(b) The department shall implement a quality assurance and reinspection program that determines whether initial inspections and home improvements are completed in a manner consistent with the intent of the program. The department may use valid random sampling in order to perform the quality assurance portion of the program.

(8) INTENT.—It is the intent of the Legislature that grants made to residential property owners under this section shall be considered disaster-relief assistance within the meaning of s. 139 of the Internal Revenue Code of 1986, as amended.

(9) REPORTS.—The department shall make an annual report on the activities of the program that shall account for the use of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, the number and value of grants approved, and the estimated average annual amount of insurance premium discounts and total estimated annual amount of insurance premium discounts homeowners received from insurers as a result of mitigation funded through the program. The report must be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

Section 6. (1) For the 2023-2024 fiscal year, the sum of \$176,170,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Financial Services to provide mitigation grants pursuant to s. 215.5586(2), Florida Statutes, under the My Safe Florida Home Program. Funds must be used for applications submitted on or before October 15, 2023. The department may not continue to accept applications or to create a waiting list in anticipation of additional funding unless the Legislature provides express authority to implement such actions.

(2) For the 2023-2024 fiscal year, the sum of \$5,285,100 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Financial Services for administrative costs related to implementation of mitigation grants pursuant to s. 215.5586(2), Florida Statutes, under the My Safe Florida Home Program.

Section 7. Paragraph (d) is added to subsection (5) of section 252.37, Florida Statutes, to read:

252.37 Financing.—

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

(d) Subject to appropriation, and notwithstanding paragraph (a), the Legislature intends to provide the entire match requirement for Public Assistance Program grants to local governments within a county designated for individual assistance and public assistance (categories A-G) in the Federal Emergency Management Agency disaster declaration for Hurricane Idalia. Such local governments must enter into agreements with the division to have their portions of the match requirements waived and must agree to use an equal amount of funds toward further disaster recovery or mitigation. Funds shall be allocated on a first-come, first-served basis. Notwithstanding paragraph (a), a local government in an agreement with the division under this paragraph is not required to provide one-half of the required match before it receives Public Assistance Program financial assistance. The division shall report quarterly to the Executive Office of the Governor and the chair of each legislative appropriations committee on the amount of match requirements waived, agreements entered into with local governments, and the amount of remaining appropriated funds. This paragraph expires June 30, 2028.

Section 8. For the 2023-2024 fiscal year, the nonrecurring sum of \$30 million from the General Revenue Fund is appropriated to the Division of Emergency Management within the Executive Office of the Governor to provide the match requirement for Public Assistance Program grants pursuant to s. 252.37(5)(d), Florida Statutes, as created by this act. Appropriated funds may only be used to meet federal match requirements as provided in s. 252.37(5)(d), Florida Statutes, as created by this act. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, the balance of this appropriation which is not disbursed by June 30, 2024, may be carried forward for up to 5 years after the effective date of this act.

Section 9. Subsection (8) of section 252.71, Florida Statutes, is amended to read:

252.71 Florida Emergency Management Assistance Foundation.—

(8) This section is repealed October 1, 2027 ~~December 31, 2024~~, unless reviewed and saved from repeal by the Legislature.

Section 10. Paragraph (c) of subsection (3) of section 288.066, Florida Statutes, is amended to read:

288.066 Local Government Emergency Revolving Bridge Loan Program.

(3) LOAN TERMS.—

(c) The term of the loan is up to 5 years ~~24 months~~. ~~However, the department may extend loan terms for up to 6 months based on the local government's financial condition.~~

Section 11. The Department of Commerce is authorized to amend a loan agreement executed before November 1, 2023, and made pursuant to s. 288.066, Florida Statutes, in order to increase the loan term to a total of 5 years from the original date of execution, as authorized by this act, upon request of the local government and as determined by the department to be in the best interests of the state.

Section 12. (1) For the 2023-2024 fiscal year, the nonrecurring sum of \$25 million from the Local Government Housing Trust Fund is appropriated in the Affordable Housing for Hurricane Recovery appropriation category to the Florida Housing Finance Corporation. The corporation shall use these funds for hurricane recovery purposes through the Hurricane Housing Recovery Program, to be administered in accordance with part VII of chapter 420, Florida Statutes, for eligible counties and municipalities based on Hurricane Idalia Federal Emergency Management Agency damage assessment data and population. Hurricane recovery purposes may include, but are not limited to, any of the following:

- (a) Site preparation, demolition, repair, and replacement of housing.
- (b) Repair, replacement, and relocation assistance for manufactured homes.
- (c) Acquisition of building materials for home repair and construction.
- (d) Assistance to homeowners to pay insurance deductibles.
- (e) Down payment assistance.
- (f) Housing reentry assistance, such as security deposits, utility deposits, and temporary storage of household furnishings.

(2) The Florida Housing Finance Corporation shall coordinate with the Division of Emergency Management within the Executive Office of the Governor and the Department of Commerce to prevent duplication of benefits related to other state or federal programs for recipients of funds appropriated under this section.

Section 13. (1) For the 2023-2024 fiscal year, the nonrecurring sum of \$50 million from the General Revenue Fund is appropriated to the Division of Emergency Management within the Executive Office of the Governor to provide grants or loans for hurricane repair and recovery projects within counties designated for individual assistance and public assistance (categories A-G) in the Federal Emergency Management Agency disaster declaration for Hurricane Idalia. Local governments, independent special districts, and school boards, including charter schools, may apply to the division for the appropriated funds in a manner designated by the division. At the time of the application, a local government, an independent special district, or a school board requesting funding for infrastructure repair, beach renourishment projects, or dredging of public waterway projects must have secured matching funds of at least 50 percent of the project costs. The

matching requirement for a project within a fiscally constrained county may be waived.

(2) Applications to the division must contain a certification that includes, but is not limited to, both of the following statements:

(a) That the funding requested is necessary to maintain services or infrastructure essential to support health, safety, and welfare functions, and to reimburse the local government, independent special district, or school board for unanticipated expenses related to responding to Hurricane Idalia or for the loss of revenues related to the impact of Hurricane Idalia.

(b) That insufficient state funds, federal funds, private funds, or insurance proceeds are available and that should sufficient funds subsequently become available to meet the need of the original application, the local government or entity will reimburse the state in the amount of such funds subsequently received.

(3) The division is authorized to request budget amendments up to \$50 million which request the release of funds pursuant to chapter 216, Florida Statutes, to provide resources to fund gaps in the following projects:

(a) Mitigation of local and county revenue losses and operating deficits.

(b) Infrastructure repair and replacement, including road, sewer, and water facilities.

(c) Beach renourishment.

(d) Debris removal.

(e) Dredging of public waterways.

(4) The division shall coordinate with other state agencies and the local government, independent special district, or school board to ensure there is no duplication of benefits between these funds and other funding sources, such as insurance proceeds and any other federal or state programs, including Public Assistance Program requests to the Federal Emergency Management Agency and Community Development Block Grant Disaster Recovery grants. Applications approved by the division for funding which are for projects ineligible for any other funding sources, whether federal or state programs, may be provided as grants. Funding for requests approved by the division, which requests are for projects eligible for other funding sources, must be provided as loans that must be repayable up to the amount of other funding sources subsequently received. Any funds reimbursed to the state must be deposited in the General Revenue Fund.

Section 14. For the 2023-2024 fiscal year, the nonrecurring sum of \$10 million from the State Transportation Trust Fund is appropriated to the Department of Transportation for transportation projects under the Small County Outreach Program under s. 339.2818, Florida Statutes, within

counties designated for individual assistance and public assistance (categories A-G) in the Federal Emergency Management Agency disaster declaration for Hurricane Idalia.

Section 15. Section 14 of chapter 2023-304, Laws of Florida, is amended to read:

Section 14. (1) Due to the impacts of Hurricane Ian, Charlotte, Collier, Desoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, and Sarasota Counties, and any a county or municipality located within one of those counties, may entirely or partially within 100 miles of where either Hurricane Ian or Hurricane Nicole made landfall shall not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by Hurricane Ian or Hurricane Nicole; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2026 2024, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to September 28, 2022.

(2) Notwithstanding subsection (1), any comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by a county or municipality before or after the effective date of this section may be enforced if:

(a) The associated application is initiated by a private party other than the county or municipality.

(b) The property that is the subject of the application is owned by the initiating private party.

(3) This section shall ~~take effect upon becoming a law and expire June 30, 2027~~ 2025.

Section 16. (1) For the 2023-2024 fiscal year, the nonrecurring sum of \$3 million in Fixed Capital Outlay from the General Revenue Fund is appropriated to the Division of Emergency Management within the Executive Office of the Governor to provide planning and design grants for new facilities for emergency operations to the following fiscally constrained counties impacted by Hurricane Idalia: Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Suwannee, and Taylor counties.

(2) Such fiscally constrained counties may apply to the division in a manner designated by the division for a grant to be used for engineering,

planning, and design services. The division shall prioritize applications for grants that will fund public safety complexes, combining emergency operations, fire services, police services, emergency medical services, or dispatch in one facility.

(3) The division must also conduct an assessment of need of the applicants and award grants based on the greatest need. The division, in awarding a grant, shall consider all of the following information:

- (a) Whether current structures are damaged or unsafe.
- (b) Whether current structures are aged or appropriately hurricane rated for the geographic location or proposed site.
- (c) The need for a consolidated and updated facility.
- (d) Whether the proposed facility can be expanded in the future as population increases or needs of the locality change.

Section 17. Subsection (7) is added to section 288.0655, Florida Statutes, to read:

288.0655 Rural Infrastructure Fund.—

(7) For the 2023-2024 fiscal year, the Department of Commerce may award grants for the following fiscally constrained counties impacted by Hurricane Idalia: Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Suwannee, and Taylor. The purpose of the grants is to facilitate the planning, preparing, and financing of infrastructure projects. Eligible uses of the grants include roads or other remedies to transportation impediments, stormwater systems, water or wastewater facilities, and telecommunications facilities. This subsection expires July 1, 2024.

Section 18. For the 2023-2024 fiscal year, the nonrecurring sum of \$5 million in Fixed Capital Outlay from the General Revenue Fund is appropriated to the Department of Commerce for grants awarded pursuant to s. 288.0655(7), Florida Statutes, as created by this act.

Section 19. Section 570.82, Florida Statutes, is repealed.

Section 20. Section 570.822, Florida Statutes, is created to read:

570.822 Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Bona fide farm operation” means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 or on sovereign submerged land that is leased to the applicant by the department pursuant to s. 597.010 and that produces agricultural products within the definition of agriculture under s. 570.02.

(b) “Declared natural disaster” means a natural disaster for which a state of emergency is declared pursuant to s. 252.36.

(c) “Department” means the Department of Agriculture and Consumer Services.

(d) “Essential physical property” means fences, equipment, structural production facilities, such as shade houses and greenhouses, or other agriculture or aquaculture facilities or infrastructure.

(e) “Program” means the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program.

(2) USE OF LOAN FUNDS; LOAN TERMS.—

(a) The program is established within the department to make loans to agriculture and aquaculture producers that have experienced damage or destruction from a declared natural disaster. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property. A structure or building constructed using loan proceeds must comply with storm-hardening standards for nonresidential farm buildings as defined in s. 604.50(2). The department shall adopt such standards by rule.

(b) The department may make a low-interest or interest-free loan to an eligible applicant. The maximum amount that an applicant may receive during the application period for a loan is \$500,000. An applicant may not receive more than one loan per application period and no more than two loans per year or no more than five loans in any 3-year period. A loan term is 10 years.

(3) ELIGIBLE APPLICANTS.—To be eligible for the program, an applicant must:

(a) Own or lease a bona fide farm operation that is located in a county named in a declared natural disaster and that was damaged or destroyed as a result of such declared natural disaster.

(b) Maintain complete and acceptable farm records, pursuant to criteria published by the department, and present them as proof of production levels and bona fide farm operations.

(4) LOAN APPLICATION AND AGREEMENT.—

(a) Requests for loans must be made by application to the department. Upon a determination that funding for loans is available, the department shall publicly notice an application period for the declared natural disaster, beginning within 60 days after the date of the declared natural disaster and running up to 1 year after the date of the declared natural disaster or until all available loan funds are exhausted, whichever occurs first.

(b) An applicant must demonstrate the need for financial assistance and an ability to repay or meet a standard credit rating determined by the department.

(c) Loans must be made pursuant to written agreements specifying the terms and conditions agreed to by the approved applicant and the department. The loan agreement must specify that the loan is due upon sale if the property or other collateral for the loan is sold.

(d) An approved applicant must agree to stay in production for the duration of the loan. A loan is not assumable.

(5) LOAN SECURITY REQUIREMENTS.—All loans must be secured by a lien, subordinate only to any mortgage held by a financial institution as defined in s. 655.005, on property or other collateral as set forth in the loan agreement. The specific type of collateral required may vary depending upon the loan purpose, repayment ability, and the particular circumstances of the applicant. The department shall record the lien in public records in the county where the property is located and, in the case of personal property, perfect the security interest by filing appropriate Uniform Commercial Code forms with the Florida Secured Transaction Registry as required pursuant to chapter 679.

(6) LOAN REPAYMENT.—

(a) A loan is due and payable in accordance with the terms of the loan agreement.

(b) The department shall defer payments for the first 3 years of the loan. After 3 years, the department shall reduce the principal balance annually through the end of the loan term such that the original principal balance is reduced by 30 percent. If the principal balance is repaid before the end of the 10th year, the applicant may not be required to pay more than 70 percent of the original principal balance. The approved applicant must continue to be actively engaged in production in order to receive the original principal balance reductions and must continue to meet the loan agreement terms to the satisfaction of the department.

(c) An approved applicant may make payments on the loan at any time without penalty. Early repayment is encouraged as other funding sources or revenues become available to the approved applicant.

(d) All repayments of principal and interest, if applicable, received by the department in a fiscal year must be returned to the loan fund and made available for loans to other applicants in the next application period.

(e) The department may periodically review an approved applicant to determine whether he or she continues to be in compliance with the terms of the loan agreement. If the department finds that an applicant is no longer in production or has otherwise violated the loan agreement, the department may seek repayment of the full original principal balance outstanding,

including any interest or costs, as applicable, and excluding any applied or anticipated original principal balance reductions.

(7) ADMINISTRATION.—

(a) The department shall create and maintain a separate account in the General Inspection Trust Fund as a fund for the program. All repayments must be returned to the loan fund and made available as provided in this section. Notwithstanding s. 216.301, funds appropriated for the loan program are not subject to reversion. The department shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The department is authorized to contract with a third-party administrator to administer the program and manage the loan fund. A contract for a third-party administrator that includes management of the loan fund must, at a minimum, require maintenance of the loan fund to ensure that the program may operate in a revolving manner.

(b) The department shall coordinate with other state agencies and other entities to ensure to the greatest extent possible that agriculture and aquaculture producers in this state have access to the maximum financial assistance available following a natural disaster. The coordination must endeavor to ensure that there is no duplication of financial assistance between the loan program and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which could render the approved applicant ineligible for other financial assistance.

(8) RULES.—The department shall adopt rules to implement this section.

(9) REPORTS.—By December 1, 2024, and each December 1 thereafter, the department shall provide a report on program activities during the previous fiscal year to the President of the Senate and the Speaker of the House of Representatives. The report must include information on noticed application periods, the number and value of loans awarded under the program for each application period, the number and value of loans outstanding, the number and value of any loan repayments received, and an anticipated repayment schedule for all loans.

(10) SUNSET.—This section expires July 1, 2043, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 21. Subsection (3) of section 201.25, Florida Statutes, is amended to read:

201.25 Tax exemptions for certain loans.—There shall be exempt from all taxes imposed by this chapter:

(3) Any loan made by the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program pursuant to s. 570.822 Agricultural Economic Development Program pursuant to s. 570.82.

Section 22. The Department of Agriculture and Consumer Services shall, and all conditions are deemed met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing s. 570.822, Florida Statutes. Notwithstanding any other law, emergency rules adopted pursuant to this section are effective for 6 months after adoption and may be renewed during the pendency of the procedure to adopt permanent rules addressing the subject of the emergency rules.

Section 23. Within 30 days after this act becomes a law, the Chief Financial Officer shall transfer \$75 million in nonrecurring funds from the General Revenue Fund to the General Inspection Trust Fund within the Department of Agriculture and Consumer Services. For the 2023-2024 fiscal year, the sum of \$75 million in nonrecurring funds from the General Inspection Trust Fund is appropriated in fixed capital outlay to the Department of Agriculture and Consumer Services for the Agriculture and Aquaculture Producers Natural Disaster Recovery Loan Program established pursuant to s. 570.822, Florida Statutes. The department is authorized to use up to 5 percent of the appropriated funds for administrative costs to implement the program. Notwithstanding s. 570.822(4)(a), Florida Statutes, as created by this act, in order for the department to adopt emergency rules and establish the administration of the program, the department is authorized to publicly notice the opening of the application period for Hurricane Idalia no later than 60 days after this act becomes a law.

Section 24. (1) For the 2023-2024 fiscal year, the sum of \$37.5 million in nonrecurring funds from the General Revenue Fund in fixed capital outlay is appropriated to the Department of Agriculture and Consumer Services to administer a cost-sharing grant program to assist timber landowners in Charlotte, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Jefferson, Lafayette, Levy, Madison, Manatee, Pasco, Pinellas, Sarasota, Suwannee, and Taylor Counties whose timber land was damaged as a result of Hurricane Idalia. Grants made to eligible timber landowners must be for up to 75 percent of the costs for site preparation and tree replanting on lands classified as agricultural lands under s. 193.461, Florida Statutes. The maximum grant award is \$250,000. Site preparation work may include downed tree removal by a variety of methods, including mechanical harvesting or prescribed burns authorized by the Florida Forest Service pursuant to s. 590.125, Florida Statutes. The department may use up to \$1 million of the appropriated funds for administrative costs to implement the grant program.

(2) The department is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for

6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) The department shall coordinate with other state agencies and other entities to ensure to the greatest extent possible that timber landowners have access to the maximum financial assistance available following Hurricane Idalia. The coordination must endeavor to ensure that there is no duplication of financial assistance between these funds and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which could render the approved applicant ineligible for other financial assistance.

Section 25. This act shall take effect upon becoming a law.

Approved by the Governor November 13, 2023.

Filed in Office Secretary of State November 13, 2023.