

Ron DeSantis
GOVERNOR



Meredith Ivey
ACTING SECRETARY

February 28, 2023

VIA E-MAIL ONLY

RuleAdoptions@DOS.MyFlorida.com

Anya C. Grosenbaugh
Florida Department of State
Administrative Code / Weekly Unit
Room 701, The Capitol
Tallahassee, Florida 32399

RE: 73AER23-1 Local Government Emergency Bridge Loan Program

Dear Ms. Grosenbaugh:

Enclosed is the certification package for filing the above-referenced rule for adoption.

If you have any questions regarding this rule, please contact me at (850) 717-8527, brandon.white@deo.myflorida.com, or by mail at the address below.

Regards,

/s/ Brandon W. White
Acting General Counsel
Florida Department of Economic Opportunity

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | www.Twitter.com/FLDEO | www.Facebook.com/FLDEO

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CERTIFICATION OF DEPARTMENT OF ECONOMIC OPPORTUNITY
EMERGENCY RULE FILED WITH THE
DEPARTMENT OF STATE

I hereby certify that an immediate danger to the public health, safety or welfare requires emergency action and that the attached rule is necessitated by the immediate danger. I further certify that the procedures used in the promulgation of this emergency rule were fair under the circumstances and that the rule otherwise complies with section 120.54(4), F.S. The adoption of this rule was authorized by the head of the agency and this rule is hereby adopted upon its filing with the Department of State.

Rule No(s).

73AER23-1

Under the provision of Section 120.54(4)(d), F.S., this rule takes effect upon filing unless a later time and date less than 20 days from filing, is set out below:



Signature, Person Authorized to Certify Rules

Acting Secretary,
Department of Economic Opportunity
Title

Number of Pages Certified

CERTIFICATION OF DEPARTMENT OF STATE
DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule No(s).

Rules covered by this certification:

Rule No(s). 73AER23-1



Signature of Agency Head

Acting Secretary,
Department of Economic Opportunity
Title

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE:

The Local Government Emergency Bridge Loan (LGEBL) Program was created to provide financial assistance to local governments impacted by Hurricane Ian or Hurricane Nicole. Absent the LGEBL Program, local governments would have difficulty bridging the gap between the time that the declared disasters occurred and the time that additional funding sources or revenues are secured to provide them with financial assistance. This gap in local government resources presents an immediate danger to the public health, safety, and welfare of those affected local governments by limiting their ability to rapidly respond to the related effects of the declared disasters. Further, this finding is deemed met, as a matter of law, pursuant to Section 2 of Senate Bill 2-B (Session 2023B), which was signed into law by Governor DeSantis on February 15, 2023. Specifically, Section 2 provides, in pertinent part, “The Department of Economic Opportunity may, and all conditions are deemed to be met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to administer s. 288.066, Florida Statutes, as created by this act.”

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:

The procedure used in adopting this emergency rule was the most expedient and appropriate means of implementing the Local Government Emergency Bridge Loan Program created by Senate Bill 2-B. Further, this condition is deemed met pursuant to Section 2 of Senate Bill 2-B (Session 2023B), which was signed into law by Governor DeSantis on February 15, 2023, authorizing the Department of Economic Opportunity to create an emergency rule. Specifically, Section 2 provides, in pertinent part, “The Department of Economic Opportunity may, and all conditions are deemed to be met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to administer s. 288.066, Florida Statutes, as created by this act.”

73AER23-1 Local Government Emergency Bridge Loan Program

(1) Definitions

(a) Act means the bill enacting section 288.066 of the Florida Statutes.

(b) Applicant means a county or municipality located in an area designated in the Federal Emergency Management Agency disaster declarations for Hurricane Ian or Hurricane Nicole. A county may also apply on behalf of a county school district.

(c) Governmental Operations means costs associated with continuing, expanding, or modifying local governmental operations to meet disaster-related needs, and includes costs such as, but not necessarily limited to, staff salaries and payroll. This term does not include capital and equipment costs associated with the construction, repair, or renovation of damaged public facilities or infrastructure.

(d) Maturity means when the principal balance of the loan becomes due.

(2) Applicants must submit the required documentation to the Department at localgovernmentbridge@deo.myflorida.com. The Department will accept applications until the Department reasonably believes it has received enough eligible applications sufficient to award all funds. The Department may re-open the application window if the Department either receives additional funds to make new loans or if the Department did not ultimately receive enough applications sufficient to award all funds. At any time, the Department may request that an Applicant amend or supplement its application with additional documentation or information.

(3) Application Contents

Applicants must submit the following documentation and information to apply for a Local Government Emergency Bridge Loan:

(a) The name of the hurricane(s) that impacted the local government;

(b) The total amount of funding requested for governmental operations;

(c) Its most recently completed operational audit, if any;

(d) Its two most recent years of audited financial statements;

(e) Reductions in tax revenues, both in the form of dollars and a percentage of revenues, since the time the storm made landfall;

(f) Estimates regarding reductions in future tax revenues, both in the form of dollars and a percentage of revenues, over the next 24 months, not to exceed 10 pages;

(g) A certification signed by the mayor, board chair or chief executive officer (e.g., county manager, city manager) of the county or municipality that loan funds will only be used to continue Governmental Operations or to expand or modify such operations to meet disaster-related needs; and

(h) Any additional or supporting documentation the Applicant believes may support funding its application.

(4) Application Review and Scoring

Applications received within the same period of time will be reviewed and scored. Incomplete applications are not received by the department, will be returned promptly to the Applicant, and will not be scored by the department, until the Applicant has transmitted all the documentation and information set forth above. In the event of a tie and if sufficient funding is not available, then the department may select the application that, based on the documentation provided, demonstrates a greater need for funding. Finally, the Department has the discretion to fund applications at a lower amount than requested, based on the documentation provided, and in relation to demonstrated need from other eligible applicants.

(5) Terms and Interest

(a) The term of any loan shall not exceed 18 months. This period includes any extensions that may be provided by the Department pursuant to the Act.

(b) Interest will not accrue during the term of the loan. At maturity, simple interest will accrue on any unpaid principal balance at a rate of 10 percent.

(c) If an Applicant uses loan funds for a purpose other than Governmental Operations, then the maturity of the loan will automatically accelerate and interest will begin to accrue in accordance with paragraph (b), above.

(6) The Applicant must enter into an agreement with the Department prior to the receipt of funds. The agreement shall be on terms acceptable to the Department in its sole discretion.

(7) The Department may decline to fund a requested loan if the Department believes in its reasonable discretion that:

(a) The Applicant represents a significant risk of nonpayment, or

(b) The receipt of a loan by the Applicant would affect that Applicant's ability to receive reimbursement under federal programs for disaster-related expenses.