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INSURANCE REGULATION
Docketed by: Ke

OFFICE OF INSURANCE REGULATION

MICHAEL YAWORSKY
COMMISSIONER

IN THE MATTER OF:

Hurricane Idalia
Suspension of Certain Rules and Statutes
Based on State of Emergency – Natural Disaster;

Extension of Grace Periods; Limitations on
Cancellations and Nonrenewals;
and
Miscellaneous Provisions;

CASE NO.: 315284-23-EO

EMERGENCY ORDER

TO: All Insurers, HMOS, Premium Finance Companies, Surplus Lines Insurers and other entities regulated by the Office of Insurance Regulation

THIS CAUSE having come before the Commissioner of the Office of Insurance Regulation as a result of the state of emergency created by Hurricane Idalia, and being fully informed in the premises,

NOW THEREFORE, the Commissioner hereby FINDS as follows:

JURISDICTION AND FINDINGS OF FACT

1. The Office of Insurance Regulation (the “Office”) has the duty, pursuant to Section 624.307, Florida Statutes, to enforce the provisions of the Florida Insurance Code (Chapters 624-632, 634,635, 636, 641, 642, 648, and 651, henceforth, the “Code”). The Office shall have the powers and authority expressly conferred upon it by, or reasonably implied from, the provisions

of the Code, specifically Sections 624.307(2), Florida Statutes and as further authorized by Sections 252.46 and 252.63, Florida Statutes.

2. On August 26, 2023, Florida Governor Ron DeSantis issued Executive Order Number 23-171, which immediately declared a state of emergency in the following counties: Alachua, Bay, Calhoun, Charlotte, Citrus, Columbia, DeSoto, Dixie, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hardee, Hernando, Hillsborough, Jefferson, Lafayette, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, Sumter, Suwannee, Taylor and Wakulla due to the forecast models and track for Invest 93L, which was forecast to become a hurricane. Executive Order Number 23-171 is attached as Exhibit 1.

3. On August 28, 2023, Florida Governor Ron DeSantis issued an Amendment of Executive Order Number 23-171, Executive Order Number 23-172, which immediately declared a state of emergency in the following counties: Alachua, Baker, Bay, Bradford, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hardee, Hernando, Hillsborough, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Nassau, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia and Wakulla due to the forecast models and track for Tropical Storm Idalia, which was forecast to become a hurricane, possibly a major hurricane. Executive Order Number 23-172 is attached as Exhibit 2.

4. On August 29, 2023, Florida Governor Ron DeSantis issued an Amendment of Executive Order Number 23-171, Executive Order Number 23-175, which immediately declared a state of emergency in the following counties: Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hardee, Hernando, Hillsborough, Jefferson, Lafayette, Lake, Lee,

Leon, Levy, Liberty, Madison, Manatee, Marion, Nassau, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia and Wakulla due to the forecast models and track for Hurricane Idalia, which was forecast to become a major hurricane. Executive Order Number 23-175 is attached as Exhibit 3.

5. On August 30, 2023, Florida Governor Ron DeSantis sent President Joseph R. Biden a letter requesting the President to issue a Major Disaster Declaration for the following 25 Florida counties: Alachua, Baker, Bradford, Citrus, Columbia, Dixie, Franklin, Gilchrist, Hamilton, Hernando, Hillsborough, Jefferson, Lafayette, Leon, Levy, Madison, Manatee, Marion, Pasco, Pinellas, Sumter, Suwannee, Taylor, Union, and Wakulla (“affected counties”) due to the severe destruction of Hurricane Idalia. Letter is attached as Exhibit 4.

6. Section 252.63(1), Florida Statutes, provides that “When the Governor declares a state of emergency pursuant to s. 252.36, Florida Statutes, the commissioner may issue one or more general orders applicable to all insurance companies, entities, and persons, as defined in s. 624.04, that are subject to the Florida Insurance Code and that serve any portion of the area of the state under the state of emergency.”

7. Pursuant to Section 627.7019, Florida Statutes, the Financial Services Commission adopted by Rule 69O-142.015, Florida Administrative Code (“F.A.C.”), “standardized requirements that may be applied to insurers as a consequence of a hurricane or other natural disaster.” Rule 69O-142.015, F.A.C is attached as Exhibit 5. The rule addresses, among other things, claims reporting requirements; grace periods for payment of premiums and performance of other duties by insureds; and temporary postponement of cancellations and nonrenewals.

8. Section 627.4133(2)(e)1.a., Florida Statutes, provides that

With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner, mobile

homeowner, farmowner, condominium association, condominium unit owner, apartment building, or other policy covering a residential structure or its contents ... An authorized insurer may not cancel or nonrenew a personal residential or commercial residential property insurance policy covering a dwelling or residential property located in this state for a period of 90 days after the dwelling or residential property has been repaired, if such property has been damaged as a result of a hurricane or wind loss that is the subject of the declaration of emergency pursuant to s. 252.36 and the filing of an order by the Commissioner of Insurance Regulation, .

WHEREFORE, the Commissioner of the Office of Insurance Regulation finds that as a result of the direct effects of Hurricane Idalia, the issuance of an Emergency Order pursuant to Sections 252.63, 624.307, 627.4133(2), 627.7019, Florida Statutes, and Rule 69O-142.015, F.A.C., is required in order to protect the public health, safety and welfare of Florida policyholders located in the affected counties.

Accordingly, IT IS HEREBY ORDERED:

EXTENSION OF GRACE PERIODS AND TEMPORARY POSTPONEMENT
OF CANCELLATIONS OR NON-RENEWALS
FOR PROPERTY AND CASUALTY CONTRACTS

(A) The provisions of Rule 69O-142.015(2), F.A.C. are hereby activated and apply to all property and casualty contracts of insurance for the affected counties subject to regulation under the Code. Pursuant to Executive Order Number 23-171 Section 4 and Executive Order Number 23-175, Section 626.913(4), Florida Statutes is suspended as it applies to Section 627.7019, Florida Statutes, thereby specifically applying the provisions of Section 627.7019, Florida Statutes and Rule 69O-142.015(2), to surplus lines insurers. Specific dates called for in the rule are as follows:

Rule 690-142.015(2)(c) As to any policy provision, notice, correspondence, or law that imposes a time limit upon an insured to perform any act, including transmitting information or funds with respect to a contract of insurance, which act was to have been performed on or after September 1, 2023, the time limit shall be extended to October 31, 2023.

1. This extension of time shall not relieve a policyholder who has a claim resulting from Hurricane Idalia from compliance with their obligations to provide information and cooperate in the claim adjustment process relative to their property damage claim.

2. This extension of time shall also not apply to new policies effective on or after August 31, 2023.

No interest, penalties, or other charges, shall accrue or be assessed, as the result of the extensions required herein. Interest that is owed pursuant to premium financing plans with premium finance companies or insurers or their affiliates may be assessed.

Rule 690-142.015(2)(d) Between September 1, 2023 and October 31, 2023, no insurer or other entity regulated under the Florida Insurance Code shall cancel or non-renew, or issue a notice of cancellation or nonrenewal of a policy or contract of insurance covering a property or risk in one of the affected counties of Florida, except at the written request or written concurrence of the policyholder.

Rule 690-142.015(2)(e) All notices of cancellation issued or mailed within ten (10) calendar days preceding September 1, 2023, affecting a Floridian located in one of the affected counties, shall be withdrawn and reissued to insureds on or after October 31, 2023.

Rule 690-142.015(2)(f) A cancellation or nonrenewal may occur prior to October 31, 2023, at the written request or written concurrence of the policyholder.

Rule 690-142.015(2)(g) Except as provided in paragraphs (2)(d) and (e) with respect to a notice of cancellation or nonrenewal that, but for this rule, would have taken effect between September 1, 2023 and October 31, 2023, such notice is not made invalid by this rule; however,

1. The insurer shall extend the coverage to and including October 31, 2023, or a later date specified by the insurer; and

2. The premium for the extended term of coverage shall be the appropriate pro rata portion of the premium for the entire term of the policy.

Rule 690-142.015(2)(m) This rule shall not apply to new policies effective on or after September 1, 2023.

Rule 690-142.015(2)(n) If the contract of insurance was financed by a premium finance company for risks located in one of the affected counties in Florida, the following provisions apply:

1. Premium finance companies may issue advisory 10-day notices of intent to cancel and cancellation notices in accordance with the terms of the premium finance agreement signed by the insured. In addition, each such advisory notice shall prominently contain the following statement:

“If you have been displaced through the loss of your home or damage to your home which has caused you to reside elsewhere on a temporary basis, or if you have temporarily become unemployed due to the destruction caused by Hurricane Idalia, please contact this office at once.

Victims of Hurricane Idalia will receive an automatic extension of time to and including October 31, 2023, to bring their accounts up to date and no late charges will be applied to any late payments received which were due on their accounts between September 1, 2023 and October 31, 2023.

Therefore, if you are a victim of Hurricane Idalia, please contact us at once at the number provided at the bottom of this notice so that we may advise you of the status of your account.

If you decide that you no longer need or desire to keep the coverage provided by the insurance policy financed by your contract with us, please contact us at once so that we may instruct you on how to effect cancellation with your insurer.”

2. If a premium finance loan is in default at the end of the grace period, a premium finance company shall give proper notice by:

a. Issuing a 10 day notice of intent to cancel to the insured by the means provided under Section 627.848(1)(a)1., F.S., and applicable regulations, and

b. If the insured does not bring their loan current within the time provided in the notice of intent, a premium finance company may mail the insurer a request for cancellation as provided in Section 627.848(1)(a)2., F.S.

3. Upon receipt of a request for cancellation from a premium finance company after October 31, 2023, the insurer will process the cancellation in accordance with paragraph (2)(h).

4. Any insurer who is unable to cancel because it has received a claim under a policy for which it receives a notice of cancellation from a premium finance company will offset the balance owed the premium finance company, as disclosed in the notice of cancellation, from the first claim payments made under the policy.

5. No late charges shall be assessed for any insured who qualifies for protection under this rule.

APPLICATION OF SECTION 627.4133(2)(e)1.a., FLORIDA STATUTES

(B) In addition to the provisions of paragraph (A) of this Emergency Order, pursuant to Section 627.4133(2)(e)1.a., Florida Statutes, an authorized insurer may not cancel or nonrenew

a personal residential or commercial residential property insurance policy covering a dwelling or residential property located in any one of the affected counties , for a period of 90 days after the dwelling or residential property has been repaired, if such property has been damaged as a result of Hurricane Idalia, except as provided in Section 627.4133(2)(e)2., Florida Statutes. Notwithstanding the term “authorized” in s. 627.4133(2)(e)1.a., pursuant to Executive Order Number 23-171 Section 4 and Executive Order Number 23-175, Section 626.913(4), Florida Statutes is suspended as it applies to Section 627.4133(2)(e), Florida Statutes, thereby specifically applying the provisions of Section 627.4133(2)(e), Florida Statutes, to surplus lines insurers.

EXTENSION OF GRACE PERIODS AND TEMPORARY POSTPONEMENT

OF CANCELLATIONS OR NON-RENEWALS

FOR LIFE AND HEALTH CONTRACTS

(C) The provisions of Rule 690-142.015(3), F.A.C. are hereby activated and apply to all life and health contracts of insurance subject to regulation under the Code except for major medical health insurance policies subject to regulation by the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, and regulations adopted pursuant to those acts, to the extent this requirement would result in a violation of federal law. Specific dates called for in the rule are as follows:

Rule 690-142.015(3)(c) As to any policy provision, notice, correspondence, or law that imposes a time limit upon an insured to perform any act or transmit information or funds with respect to a contract of insurance, which act was to have been performed on or after September 1, 2023, the time limit shall be extended to October 31, 2023.

1. This extension of time shall not relieve a policyholder who has a claim resulting from Hurricane Idalia from compliance with their obligations to provide information and cooperate in the claim adjustment process relative to their claim.

2. This extension of time shall also not apply to new policies effective on or after September 1, 2023.

No interest, penalties, or other charges shall accrue or be assessed, as the result of the extensions required herein. Interest that is owed pursuant to premium financing plans with premium finance companies or insurers or their affiliates may be assessed.

Rule 690-142.015(3)(d) Between September 1, 2023 and October 31, 2023, no insurer or other entity regulated under the Code shall cancel or non-renew a policy or contract of insurance or issue a notice of cancellation or nonrenewal on a contract of insurance covering a person in affected counties in Florida, except at the written request or written concurrence of the policyholder.

Rule 690-142.015(3)(e) All notices of cancellation issued or mailed within ten (10) calendar days preceding September 1, 2023, affecting a Floridian, shall be withdrawn and reissued to insureds on or after October 31, 2023.

Rule 690-142.015(3)(f) A cancellation or nonrenewal may occur prior to October 31, 2023, at the written request or written concurrence of the policyholder.

Rule 690-142.015(3)(g) Except as provided in paragraphs (3)(d) and (e) with respect to a notice of cancellation or nonrenewal that, but for this rule, would have taken effect between September 1, 2023 and October 31, 2023, such notice is not made invalid by this rule; however,

1. The insurer shall extend the coverage to and including October 31, 2023, or a later date specified by the insurer; and

2. The premium for the extended term of coverage shall be the appropriate pro rata portion of the premium for the entire term of the policy.

Rule 69O-142.015(3)(m) This rule shall not apply to new policies effective on or after September 1, 2023.

Rule 69O-142.015(3)(n) If the contract of insurance was financed by a premium finance company for persons located in affected counties in Florida, the following provisions apply:

1. Premium finance companies may issue advisory 10-day notices of intent to cancel and cancellation notices in accordance with the terms of the premium finance agreement signed by the insured. In addition, each such advisory notice shall prominently contain the following statement:

“If you have been displaced through the loss of your home or damage to your home which has caused you to reside elsewhere on a temporary basis, or if you have temporarily become unemployed due to the destruction caused by Hurricane Idalia, please contact this office at once.

Victims of Hurricane Idalia will receive an automatic extension of time to and including October 31, 2023, to bring their accounts up to date and no late charges will be applied to any late payments received which were due on their accounts between September 1, 2023 and October 31, 2023.

Therefore, if you are a victim of Hurricane Idalia, please contact us at once at the number provided at the bottom of this notice so that we may advise you of the status of your account.

If you decide that you no longer need or desire to keep the coverage provided by the insurance policy financed by your contract with us, please contact us at once so that we may instruct you on how to effect cancellation with your insurer.”

2. If a premium finance loan is in default at the end of the grace period, a premium finance company shall give proper notice by:

a. Issuing a 10 day notice of intent to cancel to the insured by the means provided under Section 627.848(1)(a)1., F.S., and applicable regulations, and

b. If the insured does not bring their loan current within the time provided in the notice of intent, a premium finance company may mail the insurer a request for cancellation as provided in Section 627.848(1)(a)2., F.S.

3. Upon receipt of a request for cancellation from a premium finance company after October 31, 2023, the insurer will process the cancellation in accordance with paragraph (3)(h).

4. Any insurer who is unable to cancel because it has received a claim under a policy for which it receives a notice of cancellation from a premium finance company will offset the balance owed the premium finance company, as disclosed in the notice of cancellation, from the first claim payments made under the policy.

5. No late charges shall be assessed for any insured who qualifies for protection under this rule.

MISCELLANEOUS PROVISIONS

(D) Given the strength and size of Hurricane Idalia, its catastrophic effect on Florida, and its impact on hundreds of thousands of policyholders, the Office expects all authorized insurers, surplus lines insurers and regulated entities to implement processes and procedures to facilitate the efficient payment of claims. This includes critically analyzing current procedures and streamlining claim payment processes as well as using the latest technological advances to provide prompt and efficient claims service to policyholders.

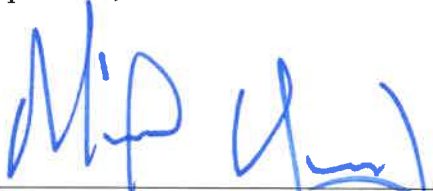
(E) Section 627.4035(3)(b), Florida Statutes, permits insurers to pay claims by debit card or any other form of electronic transfer upon written authorization of the recipient or the recipient's representative. Due to the severe and catastrophic impacts from Hurricane Idalia, many insureds will be unable to receive or send mail. For the duration of this State of Emergency, the requirement of written authorization is waived provided the insurer verifies the identity of the insured or the insured's recipient and does not charge a fee for the transaction. If the funds are misdirected, the insurer remains liable for the payment of the claim.

(F) The Commissioner of the Office of Insurance Regulation may, by written Order, amend the scope of this order, based upon a determination that it is necessary.

(G) The provisions of this Emergency Order shall be liberally construed to effectuate the intent and purposes expressed therein and to afford maximum consumer protection.

DONE and ORDERED this 1st day of September, 2023.




Michael Yaworsky, Commissioner
Office of Insurance Regulation

EXHIBITS:

1. Executive Order Number 23-171, August 26, 2023
2. Executive Order Number 23-172, August 28, 2023
3. Executive Order Number 23-175, August 29, 2023
4. Letter Requesting Major Disaster Declaration, August 30, 2023
5. Rule 69O-142.015, Florida Administrative Code

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, *Florida Statutes*, and Rule 9.110, *Fla.R.App.P.* Review proceedings must be instituted by filing a petition or notice of appeal with the General Counsel, acting as the agency clerk, at 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-4206, and a copy of the same with the appropriate district court of appeal, within thirty (30) days of rendition of this Order.

COPIES FURNISHED:

ALL INSURERS including SURPLUS LINES INSURERS AND OTHER REGULATED ENTITIES

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 23-171 (Emergency Management – Invest 93L)

WHEREAS, as of 8:00 AM EDT on August 26, 2023, the National Hurricane Center reported that a broad area of low pressure, which originated off the west coast of Central America, is projected to gradually develop into an organized storm as it moves northward over the Caribbean Sea and the Gulf of Mexico; and

WHEREAS, the National Hurricane Center predicts Invest 93L will intensify into a tropical depression over the weekend and continue to strengthen as it moves northward into the eastern Gulf of Mexico, and could affect portions of Florida's Gulf Coast, as well as previously impacted areas still recovering from Hurricanes Ian and Nicole, as early as Tuesday, August 29; and

WHEREAS, there is a risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for the Florida Big Bend and portions of Florida's Gulf Coast; and

WHEREAS, the threat posed by Invest 93L requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida, including relocating individuals, equipment, and supplies in areas still recovering from Hurricanes Ian and Nicole; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida

Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, which are projected to constitute a major disaster, I declare that a state of emergency exists in Alachua, Bay, Calhoun, Charlotte, Citrus, Columbia, DeSoto, Dixie, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hardee, Hernando, Hillsborough, Jefferson, Lafayette, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, Sumter, Suwannee, Taylor, and Wakulla Counties.

Section 2. I designate the Executive Director of the Division of Emergency Management (“Executive Director”) as the State Coordinating Officer for the duration of this emergency and direct him to execute the State’s Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(6)-(12), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Executive Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Invoke and administer the Emergency Management Assistance Compact (“EMAC”) (sections 252.921-252.9335, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as to best meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the federal government as may be needed to meet this emergency.

C. Direct all state, regional, and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the response, recovery, and mitigation needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Direct the actions of any state agency as necessary to implement the Federal Emergency Management Agency's National Disaster Recovery Framework.

E. Designate Deputy State Coordinating Officers and Deputy State Disaster Recovery Coordinators, as necessary.

F. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency. In accordance with section 252.3611(1), Florida Statutes, any such order, declaration, or other action shall specify each statute or rule being amended or waived, if applicable, and the expiration date for the order or action.

G. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46(1)-(2) and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer. No such order shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some state, regional, and local agencies, and other governmental bodies in responding to this emergency may require them to suspend or waive certain statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(6)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46(1)-(2) and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor. No such suspension shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

B. Each state agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. In accordance with section 252.3611(1), Florida Statutes, any agency order, declaration, or other action suspending a statute or rule shall specify each statute or rule being amended or waived, if applicable, and the expiration date for the order or action. The requirements of sections 252.46(1)-(2) and 120.54(4), Florida Statutes, shall not apply to any such suspension issued by a state agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

C. In accordance with section 252.38(3), Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

2) Following local procurement and contracting policies;

3) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without a ceiling as defined by 2 CFR 200.318(j) or cost plus a percentage of cost contracts prohibited by 2 CFR 200.324(d);

4) Incurring obligations;

5) Employment of permanent and temporary workers;

6) Utilization of volunteer workers;

7) Rental of equipment;

8) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and

9) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified as disaster service volunteers within the meaning of section 110.120(2)(d), Florida Statutes, may, in accordance with section 110.120(3), Florida Statutes, release any such employees for such service as requested by the employee to meet this emergency.

E. The Secretary of the Florida Department of Transportation (DOT) may:

1) Waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to provide emergency assistance or facilitate the evacuation of the affected counties;

2) Manage the flow of traffic or close any and all roads, highways, and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties that the State Coordinating Officer may designate as destination counties for evacuees in this emergency;

3) Suspend enforcement of the registration requirements pursuant to section 316.545(4), Florida Statutes, for commercial motor vehicles that enter Florida to provide

emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

4) Waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services; and

5) Waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, supplies, and agricultural commodities and citrus as recommended by the Commissioner of Agriculture, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. The DOT shall issue permits and such vehicles shall be subject to such special conditions as the DOT may endorse on any such permits.

Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order, or other legal requirement not specifically waived or suspended herein or by supplemental order by the State Coordinating Officer.

F. The Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) may:

1) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

2) Waive the hours-of-service requirements for such vehicles;

3) Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to chapter 207, Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;

4) Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, vehicle license plates, vehicle registration certificates, vehicle tag certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses, and replacement identification cards and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions; and

5) Defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions.

Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this Executive Order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. In accordance with section 465.0275(2), Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state or local agency but who do not reside in an area or county covered

by this Executive Order. In accordance with section 465.019(4)(b), Florida Statutes, a hospital that operates a Class II or Class III institutional pharmacy located in an area or county covered under this Executive Order may prescribe and dispense a supply of medicinal drug lasting up to 72 hours.

H. All state agencies responsible for the use of state buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each state agency to report the closure of any State building or facility to the WebEOC system utilized by the Division of Emergency Management. Under the authority contained in section 252.36, Florida Statutes, I direct each county to report the closure of any building or facility operated or maintained by the county or any political subdivision on a daily basis to the WebEOC system. Furthermore, I direct the Secretary of the Department of Management Services to:

- 1) Maintain an accurate and up-to-date list of all such closures; and
- 2) Provide that list daily to the State Coordinating Officer.

I. All State agencies may abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such application are deemed to be approved unless disapproved in writing by specified deadlines. All such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent necessary to meet this emergency.

J. All agencies shall implement Selected Exempt Services (SES) Extraordinary Payment Plans and Career Service Regular Compensatory Leave Payment Plans for:

- 1) All essential agency personnel who are required to work extraordinary hours when state-owned or state-operated facilities are closed in response to an emergency

condition. Employees who are eligible to receive extraordinary pay under the agency's activated plan shall accrue special compensatory leave credits for work performed during facility closures up to the number of hours in the employee's established workday. For these employees, any additional time worked beyond the employee's established workday during facility closures will result in extraordinary pay;

2) All agency personnel who are assigned to the State Emergency Operations Center and are required to work extraordinary hours; and

3) All agency personnel who are deployed throughout the state in response to an emergency condition and are required to work extraordinary hours.

K. All State agencies may waive the forty-day time limit to issue a warrant pursuant to section 215.422(3)(b), Florida Statutes. This waiver applies to invoices and reimbursement requests arising from this emergency that were received, inspected, and approved by the agency prior to the expiration of this Executive Order, including any extension thereof. This waiver of section 215.422(3)(b), Florida Statutes, and all waivers based upon this waiver shall expire upon the expiration of this Executive Order, including any extension thereof.

L. The provisions of section 934.50, Florida Statutes, excluding subsection (4), are waived for state and local agencies conducting emergency operations arising from the state of emergency for the limited purpose of capturing aerial evidence concerning the amount of damage sustained to private and public property; to assist in search, rescue, and recovery activities; and prevent imminent danger to life or serious damage to property.

Section 5. All public facilities, including elementary and secondary schools, community colleges, state universities, and other facilities owned or leased by the state, regional or local governments that are suitable for use as public shelters shall be made available at the request of the local emergency management agencies to ensure the proper reception and care of all evacuees.

Under the authority contained in section 252.36, Florida Statutes, I direct the Superintendent of each public-school district in the State of Florida to report the closure of any school within its district to the Commissioner of the Florida Department of Education. Furthermore, I direct the Commissioner of the Department of Education to:

- A. Maintain an accurate and up-to-date list of all such closures; and
- B. Provide that list daily to the State Coordinating Officer.

Section 6. I find that the demands placed upon funds specifically appropriated to state and local agencies for disaster relief or response are unreasonably great and that such funds may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2)(b), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys from the Emergency Preparedness and Response Fund created under section 252.3711, Florida Statutes.

Section 7. All state agencies entering emergency orders, emergency rules, or other emergency actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable thereafter, and, pursuant to section 252.36(3)(b), Florida Statutes, shall submit the order or declaration to the Division of Administrative Hearings within five days of issuance.

Section 8. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 9. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204, Florida Statutes, for a person to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. Under the authority contained in sections 252.36(6)(a), (g), and (m), Florida Statutes, I direct that, for the purposes of this emergency, the term “essentials,” as defined by section 252.359(2), Florida Statutes, shall be the same as and no more expansive than the term “commodity,” as defined by section 501.160(1)(a), Florida Statutes (hereinafter referred to collectively or alternatively as “essential commodities”). Accordingly, any person who delivers essential commodities to a location in the area(s) declared to be under a state of emergency by this Executive Order, and when necessary to ensure that those commodities are made available to the public, may travel within evacuated areas and exceed curfews, provided the State Coordinating Officer determines, after consultation with the appropriate Emergency Support Function(s), that:

- A. Law enforcement officials in the declared area(s) can provide adequate security to protect the essential commodities from theft;
- B. The weight of a delivery vehicle will not jeopardize the structural integrity of any roadway or bridge located within the declared area;
- C. Delivery vehicles will not negatively impact evacuation activities in the declared area(s); and
- D. Delivery vehicles will not negatively impact any response or recovery activities occurring within the declared area(s).

After consulting with the appropriate Emergency Support Function(s), and after consulting with local officials, the State Coordinating Officer may dictate the routes of ingress, egress, and

movement within the declared area(s) that drivers must follow when delivering essential commodities.

Provided he or she is actually delivering medications, any person authorized to deliver medications under chapter 893, Florida Statutes, qualifies as a person delivering essential commodities.

In order to qualify as a person delivering essential commodities under this section, a person must be in the process of delivering essential commodities only. If an individual is transporting both essential and non-essential commodities, then this section shall not provide any authorization for that individual to enter into or move within the declared area(s).

Section 11. Consistent with Executive Order 80-29, nothing in this Executive Order shall prevent local jurisdictions in any area not declared to be under a state of emergency by this Executive Order from taking prompt and necessary action to save lives and protect the property of their citizens, including the authority to compel and direct timely evacuation when necessary.

Section 12. I authorize the Florida Housing Finance Corporation to distribute funds pursuant to section 420.9073, Florida Statutes, to any county, municipality, or other political subdivision located within the area(s) declared to be under a state of emergency by this Executive Order. The authority of the Florida Housing Finance Corporation to distribute funds in connection with this emergency shall expire six months after the expiration of this Executive Order, including any extension thereof.

Section 13. All actions taken by the Executive Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified.

Section 14. This Executive Order is effective immediately and shall expire sixty (60) days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 26th day of August, 2023.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

2023 AUG 26 AM 11:34
DEPARTMENT OF STATE
TALLAHASSEE, FL

FILED

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 23-172

(Amending Executive Order 23-171, Emergency Management – Tropical Storm Idalia)

WHEREAS, on August 26, 2023, I issued Executive Order 23-171, declaring a state of emergency for several counties in Florida due to the dangers presented by Invest 93L, a broad area of low pressure off the west coast of Central America; and

WHEREAS, as of 11:00 PM EDT on August 27, 2023, Invest 93L strengthened into Tropical Storm Idalia, with maximum sustained winds of 60 miles per hour and is moving north-northeast towards the southeastern Gulf of Mexico; and

WHEREAS, as of 5:00 AM EDT on August 28, 2023, Tropical Storm Idalia was approximately 124 miles south of the westernmost point of Cuba; and

WHEREAS, Tropical Storm Idalia is forecasted to become a major hurricane before making landfall along areas of the Florida Gulf Coast and portions of the Florida Panhandle; and

WHEREAS, the Florida Division of Emergency Management, working together with the National Hurricane Center to evaluate weather predictions, has determined that there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for the Florida Peninsula and portions of the Florida Big Bend; and

WHEREAS, the threat posed by Tropical Storm Idalia requires that timely precautions must be taken to protect the communities, critical infrastructure, and general welfare of the people of Florida; and

WHEREAS, as the Governor of Florida, I am responsible to meet the dangers presented to the State of Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Section 1 of Executive Order 23-171 is amended to read as follows:

Because of the foregoing conditions, which are projected to constitute a major disaster, I declare that a state of emergency exists in Alachua, Baker, Bay, Bradford, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hardee, Hernando, Hillsborough, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Nassau, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, and Wakulla Counties.

Section 2. Except as amended herein, Executive Order 23-171 is ratified and reaffirmed.

Section 3. This Executive Order is effective immediately and shall expire upon the expiration of Executive Order 23-171.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 28th day of August, 2023.





RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED
2023 AUG 28 AM 9:25
DEPARTMENT OF STATE
TALLAHASSEE, FL

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 23-175

(Amending Executive Order 23-171, Emergency Management – Hurricane Idalia)

WHEREAS, on August 26, 2023, I issued Executive Order 23-171, declaring a state of emergency for several counties in Florida due to the dangers presented by Invest 93L, a broad area of low pressure off the west coast of Central America; and

WHEREAS, on August 28, 2023, I issued Executive Order 23-172, amending Executive Order 23-171 by adding coastal and inland counties in Central and North Florida to the state of emergency; and

WHEREAS, as of 5:00 AM EDT on August 29, 2023, Tropical Storm Idalia strengthened into a hurricane, with maximum sustained winds of 75 miles per hour, and is moving northward over the southeastern Gulf of Mexico; and

WHEREAS, as of 5:00 AM EDT on August 29, 2023, Hurricane Idalia was approximately 175 miles southwest of the Dry Tortugas, Florida; and

WHEREAS, Hurricane Idalia is forecasted to become a major hurricane before making landfall along areas of the Florida Gulf Coast and the Florida Big Bend on August 30, 2023, and is expected to remain a hurricane as it moves across North Florida and into Georgia; and

WHEREAS, the Florida Division of Emergency Management, working together with the National Hurricane Center to evaluate weather predictions, has determined that there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for the Florida Peninsula and portions of the Florida Big Bend; and

WHEREAS, the threat posed by Hurricane Idalia requires that timely precautions must be taken to protect the communities, critical infrastructure, and general welfare of the people of Florida; and

WHEREAS, as the Governor of Florida, I am responsible to meet the dangers presented to the State of Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Section 1 of Executive Order 23-171 is amended to read as follows:

Because of the foregoing conditions, which are projected to constitute a major disaster, I declare that a state of emergency exists in Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hardee, Hernando, Hillsborough, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Nassau, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, and Wakulla Counties.

Section 2. Except as amended herein, Executive Order 23-171 is ratified and reaffirmed.

Section 3. This Executive Order is effective immediately and shall expire upon the expiration of Executive Order 23-171.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 29th day of August, 2023.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED
2023 AUG 29 AM 10:30
DEPARTMENT OF STATE
TALLAHASSEE, FL



RON DESANTIS
GOVERNOR

August 30, 2023

The Honorable Joseph R. Biden
President of the United States
The White House
Washington, D.C.

Through: Robert Samaan, Acting Regional Administrator
FEMA Region IV
Federal Emergency Management Agency
3005 Chamblee-Tucker Road
Atlanta, Georgia 30341

RE: Request for Major Disaster Declaration
Hurricane Idalia

Dear Mr. President:

Under the provisions of Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§5121-5207 (the "Stafford Act"), as implemented by 44 C.F.R. §206.36, I request that you issue a Major Disaster Declaration for the State of Florida as a result of Hurricane Idalia and authorize and make available all programs under Individual Assistance, Public Assistance Category A (debris removal), Public Assistance Category B (emergency protective measures), Direct Federal Assistance, and Hazard Mitigation. This request is timely under 44 C.F.R. §206.36(a).

Based upon updated forecasts and modeling, I request a Major Disaster Declaration for Alachua, Baker, Bradford, Citrus, Columbia, Dixie, Franklin, Gilchrist, Hamilton, Hernando, Hillsborough, Jefferson, Lafayette, Leon, Levy, Madison, Manatee, Marion, Pasco, Pinellas, Sumter, Suwanee, Taylor, Union, and Wakulla Counties in the State of Florida. I request Direct Federal Assistance ("DFA"), Public Assistance Category A (debris removal), Public Assistance Category B (emergency protective measures), Hazard Mitigation, and all available programs under Individual Assistance because the severity and destruction of Hurricane Idalia extends well beyond the capability of the State of Florida and affected tribal and local governments in Florida.

I. Current Situation and Forecasted Meteorological Impacts

At 7:45 AM EDT on August 30, 2023, the National Hurricane Center (NHC) reported that Hurricane Idalia made landfall near Keaton Beach, Florida, in Taylor County as a Category 3 hurricane with winds of 125 mph. Only a few hours before landfall, Idalia reached a peak intensity of 130 mph, which is a Category 4 hurricane on the Saffir-Simpson Hurricane Scale. Hurricane Idalia is one of two major hurricanes in recorded history to make landfall in the Florida Big Bend. The only other major hurricane to make landfall within 50 miles of Keaton Beach was an unnamed hurricane in 1896 that made landfall at Cedar Key. Forecasts from the National Hurricane Center indicated a risk to Florida from catastrophic storm surge, strong winds, flash flooding, hazardous seas, and tornadic activity, including areas still recovering from Hurricanes Ian and Nicole.

Hurricane Warnings were in effect for the aforementioned 25 Florida Counties, with Tropical Storm Warnings in effect for an additional 20 Florida Counties. Initial wind readings from automated weather stations across the state report peak sustained winds of 60 mph in Tampa, 62 mph in Crystal River, 72 mph in Horseshoe Beach (before instrumentation failed), 52 mph in St. Marks, 60 mph in Madison (before instrumentation failed), and 62 mph in Perry. Peak reported wind gusts of 85 mph were observed in Perry, 86 mph in Madison (before instrumentation failed) and 81 mph in Horseshoe Beach (before instrumentation failed).

The Florida Gulf Coast, particularly Apalachee Bay, is prone to damaging storm surge from hurricanes. Evacuation orders were in place for Franklin, Jefferson, Wakulla, Levy, Gulf, Taylor, Citrus, Hernando, Pasco, Hillsborough, Manatee, Pinellas, and Dixie Counties due to the forecast potential for inundation as high as 16 feet. Coastal flooding was reported as far south as Collier County where storm surge values of 2-4 inches were observed between Naples and Tampa Bay and resulted in submerged roads and some inundation of structures. North of Tampa Bay and into Apalachee Bay, storm surge values of 4-8 feet were observed by NOAA tide station gauges, with an initial peak value of 8.03 inches on the Steinhatchee River gauge located 2.58 miles upstream from the Gulf of Mexico. Higher than normal tides will continue along the entire Florida Gulf Coast for the next 12-24 hours due to the orientation of the winds combined with the "Super Blue" moon tidal influence which could exacerbate local coastal flooding and prolong exposure of structures to water.

Rainfall amounts of 5-10 inches have been estimated by radar to have occurred across the central and eastern Big Bend between Tallahassee and Lake City, while rainfall amounts of 2-7 inches were estimated to have occurred across much of western Central Florida and southwestern Florida. These rainfall amounts are likely to cause rises on area rivers and River Flood Warnings are in effect for the Suwannee, Santa Fe, St. Mary's, Alafia, St. Marks, and Ochlockonee Rivers as rises are expected to occur over the next 5 days and crest in minor to moderate flood stage.

Multiple counties are currently conducting search and rescue efforts. Initial communications indicate that most of the coastal counties, from Taylor to Pinellas, and including several east of the Big Bend, have suffered significant flooding in hundreds of homes.

II. Effective Response and Recovery is Beyond the Capability of the State and Affected Local Governments – 44 C.F.R. §206.36(b)(1)

Hurricane Idalia is expected to continue impacting much of the State and its local resources. Meanwhile, the State of Florida is still responding to the catastrophic impacts of Hurricane Ian with over 1,100 survivors in State administered non-congregate shelters (travel trailer units), in addition to other ongoing recovery efforts. The Florida Division of Emergency Management (FDEM) alone has expended more than \$3 billion in responding to Hurricane Ian.

Hurricane Ian resulted in the largest housing mission in the State's history and over \$8 billion has already been approved in Federal grants, disaster loans, and flood insurance payments. Additionally, the State Legislature appropriated almost \$1 billion of funding to directly assist local governments with statewide recovery efforts for the 2022 hurricanes. Over half of the counties listed above are fiscally constrained.

Debris Estimates

United States Army Corps of Engineers (USACE) Hurricane Idalia Advisory #13 shows an estimate of over 250 thousand cubic yards of debris resulting from initially impacted counties. Through discussions with USACE and Federal Emergency Management Agency (FEMA) staff at the SEOC, we have determined that estimated costs for this debris removal will easily exceed millions of dollars. As the hurricane's impacts have been felt across the state, these very preliminary figures will dramatically increase due to riverine flooding and sustained tropical force winds.

Uninsured Home and Personal Property Losses

As the State's population continues to grow, so too does the demand for homeowner's insurance. However, with more and more providers exiting the marketplace (according to the Florida Office of Insurance Regulation (OIR), over a dozen firms that provide homeowners' insurance in the State have become insolvent in the past two years), the decrease in supply leads to higher rates for consumers. According to the Insurance Information Institute (III), Florida homeowners are projected to pay an average of more than \$4,000 per year on insurance, nearly three times the U.S. average. Because of this, many Floridians are left uninsured.

OIR also reports that in 2021, Florida accounted for 76 percent of all homeowners' insurance lawsuits nationwide. Since Hurricane Ian in 2022, the insurance market in Florida has changed dramatically. As of June 28, 2023, OIR reports "insured" losses from the storm were up to \$17.2 billion. Statewide, claims have increased to 739,771. Of those, 103,196 remain open and 190,956 have been closed with no payment from insurance companies.

Office of Insurance Regulation Catastrophic Claims Report

Total Estimated Insured Losses: \$17,277,226,813

OIR required insurers report estimated and paid losses. Estimated or case incurred losses include indemnity case reserves and payments to date.

Lines of Business	Number of Claims Reported	Number of Open Claims with Payment	Number of Open Claims without Payment	Number of Claims Closed with Payment	Number of Claims Closed without Payment	Percent of Claims Closed
Residential Property	521,819	58,103	23,818	287,021	152,877	84.3%
<i>Homeowners</i>	422,514	47,118	20,566	223,705	131,125	84.0%
<i>Dwelling</i>	54,894	6,924	2,680	30,565	14,725	82.5%
<i>Mobile Homeowners</i>	41,353	3,525	265	31,416	6,147	90.8%
<i>Commercial Residential</i>	3,058	536	307	1,335	880	72.4%
Commercial Property	34,589	6,858	7,828	8,324	11,579	57.5%
Private Flood	4,919	700	196	2,798	1,225	81.8%
Business Interruption	562	57	51	346	108	80.8%
Other Lines of Business*	177,882	2,613	2,972	147,130	25,167	96.9%
TOTALS	739,771	68,331	34,865	445,619	190,956	86.1%

Data as of June 28, 2023

Additional Economic Factors Affecting Individuals and Families & Disaster Impacted Population Profile

Average consumer prices in the United States have risen 3.2% over the past year. This increase has not only affected the cost of household goods, but also rent and construction materials, which in Florida have increased exponentially above the Consumer Price Index. Hurricane Idalia's landfall in Florida could significantly contribute to economic disparity and slow recovery in the impacted area due to the inability to purchase necessary supplies, the inability to rapidly rehouse renters, and the inability to repair residential structures.

Hurricane Idalia's path placed the cone over some of Florida's most rural communities in Columbia, Taylor, Dixie, and Levy Counties. Much of the economic engine of Florida's Big Bend hinges on careful management and the preservation of natural resources for both agriculture and

recreation. A major Hurricane is likely to disrupt or cause significant hardship for those who live and work in these areas. Additionally, the disaster impacted population profile for all counties in the State of Florida can be located on the table to the right.

Impact to Community Infrastructure

Within the evacuation zones of Hurricane Idalia's impact area, there are hundreds of critical facilities. These facilities include both public and private infrastructure and serve a wide gamut of community needs for emergency services, medical care, childcare, recreation, government function, mass transit, and utilities.

Hurricane Idalia's landfall as a major storm event is likely to bring widespread damage or destruction to many of these critical facilities. For the populations who rely upon these facilities every day, impacts and suffering will be felt immediately.

Casualties

While the exact figures will not be known until search and rescue is completed, the landfall of Hurricane Idalia is likely to bring with it loss of life. Despite intense efforts by emergency services to preserve life and safety and message protective actions, in 2022 alone, over 175 confirmed deaths were attributed to US hurricanes, and 145 of those were attributed to Hurricane Ian.

Historic Event Comparison

Hurricane Idalia is expected to make landfall less than one (1) year after Hurricane Ian impacted the State. As the costliest hurricane in Florida history and third costliest in United States history with damages estimated at over \$112 billion, the state is still actively engaged in recovery efforts.

For reference, to date Hurricane Ian saw almost 912,000 valid applications for FEMA Individual Assistance with a combined total of \$1,131,512,858 in

Statewide Profile - United States Census Bureau						
County	Total Population Estimate (July 2022)	Persons Under 18 years	Persons 65 years of Age or Older	Persons With a Disability <65 years, Percent	Persons In Poverty, Percent	Estimated # of Mobile Homes
Alachua	284,030	49,989	44,024	7.7%	19.1%	9,557
Baker	27,803	6,839	4,198	10.1%	16.1%	3,671
Bay	185,134	38,507	34,249	15.2%	13.9%	13,133
Bradford	27,313	5,653	5,244	14.3%	19.1%	3,621
Brevard	630,693	112,894	155,847	11.2%	11.3%	21,170
Broward	1,947,036	404,677	352,413	6.6%	12.8%	23,112
Calhoun	13,464	2,733	2,598	16.7%	20.6%	2,311
Charlotte	202,661	23,711	82,280	15.1%	10.9%	11,841
Citrus	162,529	23,729	59,160	14.7%	15.5%	17,968
Clay	226,589	51,209	39,199	10.0%	8.0%	10,312
Collier	397,994	64,475	133,725	5.8%	10.4%	10,696
Columbia	71,908	15,675	14,669	15.2%	16.5%	10,548
DeSoto	35,312	6,285	8,157	23.1%	25.5%	4,426
Dixie	17,124	3,099	4,281	18.9%	23.4%	4,705
Duval	1,016,536	225,670	156,546	9.3%	14.9%	18,976
Escambia	324,878	67,249	58,478	12.1%	18.5%	9,984
Flagler	126,705	20,272	39,785	9.2%	10.3%	2,418
Franklin	12,498	1,874	3,361	14.4%	21.0%	1,854
Gadsden	43,403	9,418	8,724	14.4%	25.8%	5,799
Gilchrist	18,992	3,912	3,988	12.6%	15.3%	3,790
Glades	12,454	1,668	3,462	11.8%	19.2%	3,606
Gulf	15,314	2,557	3,614	17.4%	15.7%	1,926
Hamilton	13,217	2,735	2,167	13.3%	25.7%	2,518
Hardee	25,645	6,462	4,205	8.2%	21.9%	2,762
Henry	41,339	10,376	5,580	8.7%	21.7%	5,846
Hernando	206,896	38,068	54,620	13.4%	12.0%	14,492
Highlands	105,618	17,532	38,233	13.1%	15.1%	14,161
Hillsborough	1,513,301	325,359	228,508	7.9%	14.3%	40,307
Holmes	19,651	4,008	3,989	14.6%	20.0%	2,877
Indian River	167,352	24,768	58,907	9.5%	11.7%	6,141
Jackson	48,211	8,967	10,124	13.3%	20.6%	6,284
Jefferson	15,042	2,527	3,670	9.9%	16.4%	2,462
Lafayette	7,786	1,502	1,487	12.8%	18.9%	1,463
Lake	410,139	77,106	109,917	10.3%	10.0%	29,454
Lee	822,453	138,994	240,978	8.3%	12.2%	36,778
Leon	297,369	54,418	44,307	8.5%	16.2%	10,204
Levy	45,260	8,735	11,586	14.9%	18.8%	10,055
Liberty	7,603	1,315	1,284	17.6%	23.1%	1,679
Madison	18,198	3,293	4,076	9.7%	21.8%	3,534
Manatee	429,125	73,380	124,017	8.8%	9.9%	29,337
Marion	396,415	73,733	114,960	10.2%	13.6%	34,754
Martin	162,006	25,596	52,975	8.1%	11.4%	7,755
Miami-Dade	2,673,837	529,419	459,899	5.8%	15.2%	13,070
Monroe	81,708	12,664	19,855	6.1%	11.0%	6,849
Nassau	97,899	18,796	23,495	12.3%	9.9%	6,930
Okaloosa	216,482	48,059	36,152	11.3%	9.7%	5,208
Okaloosa	40,412	8,809	8,324	11.9%	20.9%	6,967
Orange	1,452,726	306,525	191,759	8.1%	14.9%	19,726
Osceola	422,545	100,565	56,621	10.6%	13.3%	11,179
Palm Beach	1,518,477	282,436	382,556	7.0%	11.6%	19,012
Pasco	608,794	122,367	134,543	11.3%	11.6%	46,795
Pinellas	961,739	146,184	255,822	10.0%	12.3%	47,017
Polk	787,404	171,654	154,331	10.3%	15.6%	62,122
Putnam	74,731	15,693	18,084	18.0%	26.3%	16,179
Santa Rosa	198,268	43,024	33,309	10.8%	8.9%	7,484
Sarasota	462,286	63,333	174,281	8.2%	8.6%	11,853
Seminole	478,772	97,669	79,954	7.1%	9.4%	7,664
St. Johns	306,841	65,357	65,050	7.0%	6.3%	21,817
St. Lucie	358,704	69,947	88,599	9.9%	11.4%	5,321
Sumter	144,970	10,292	83,357	10.3%	9.5%	10,833
Suwannee	45,411	9,445	10,035	16.6%	20.6%	9,971
Taylor	21,283	4,405	4,682	18.7%	20.1%	3,558
Union	15,460	3,463	2,458	13.0%	22.7%	2,124
Volusia	579,192	100,200	147,693	11.8%	13.8%	22,640
Wakulla	35,178	7,281	5,874	9.4%	10.1%	3,673
Walton	83,304	16,910	17,077	11.7%	12.4%	6,887
Washington	25,514	5,128	4,643	13.9%	19.2%	4,167
TOTAL	22,244,933	4,300,594	4,792,145	8.7%	13.1%	837,333

Individuals and Households Program (IHP) assistance approved for Floridians.

Based on a combination of changing economic conditions, statewide increases in population, and the forecast severity of this event, the State of Florida believes Hurricane Idalia will bring an even greater need for Federal aid.

III. Federal Emergency Assistance Is Necessary to Supplement the Efforts and Available Resources of the State, Local Governments, Disaster Relief Organizations, and Compensation by Insurance for Disaster-Related Losses – 44 C.F.R. §206.36(b)(2)

Due to the impacts that we have received, is projected that Direct Federal Assistance will be necessary to support the activities noted below in section IV. This system experienced rapid intensification, and assistance from the USACE and Urban Search & Rescue was expected and has been staged. However, the extent of such resource needs is currently unknown.

Over the past five (5) years, several multi-million-dollar, and in some cases multi-billion-dollar, emergency events have affected every jurisdiction in the State of Florida. In the historic 2018 hurricane season, the Florida Panhandle and Big Bend Area received a Major Disaster Declaration for Hurricane Michael (DR 4399-FL), a Category 5 hurricane. State agencies expended over \$140.9 million in support of local jurisdictions and individual survivors. The FEMA Public Assistance Field Staff estimates that it will obligate over \$3.2 billion for this event, with almost \$2.4 billion obligated thus far. In 2019, a state of emergency was declared for Hurricane Dorian (DR 4468-FL). Although exact costs are still being formulated, the State estimates that the total obligated amounts will be over \$181.3 million, with almost \$102 million currently awarded.

For the COVID-19 Pandemic/Public Health Emergency impacts, approximately \$2.6 billion is currently awarded, while costs are still being formulated by applicants. An additional Major Disaster (DR 4564-FL) was declared because of Hurricane Sally in the midst of the pandemic. Current obligations of eligible work have exceeded \$185 million with many projects still in formulation.

IV. State Actions Taken – 44 C.F.R. §206.36(c)(1)

On August 26, 2023, in preparation for Invest 93L, now Hurricane Idalia, I issued Executive Order 23-171, which directed the State Coordinating Officer to execute the State's Comprehensive Emergency Management Plan in accordance with section 252.36(10), Florida Statutes, and Section 302(c) of the Stafford Act.

I directed the activation of the State Emergency Operations Center (EOC) and FDEM coordinated preparation and response measures across the State. On August 28, 2023, I issued Executive Order No. 23-172 and on August 29, 2023, I issued Executive Orders 23-174 and 23-175, amending Executive Order 23-171 to include additional counties in the State of Florida.

V. State and Local Resources Committed to Alleviate the Results of the Disaster – 44 C.F.R. § 206.36(c)(3)

FDEM gathered resource needs from threatened counties and mobilized logistic staging areas for critical resources, such as water, food, pumps, generators, and other disaster support materials, but also for personal protective equipment should the need for sheltering operations be identified. FDEM also identified non-congregate sheltering (NCS) options for counties who have a need to shelter those vulnerable populations. Volunteer agency resources are being coordinated as well but have not fully recovered from recent events. Multiple counties have initiated sandbag operations, declared local states of emergency, and identified general population and special needs shelters. FDEM's Logistics Section has instituted the quote process for the following needs:

- 1 Type II response package
- 10 Type III sanitation packages
- 15 (8-stall) restroom trailers
- 10 HVAC strike teams
- 15 Type III pod equipment packages
- 60 semis
- 120 53-foot trailers
- 10 box trucks

Completed requests (34 Missions):

- 24 pallets of water sent to Pinellas Hope Homeless shelter
- 1 truckload of MREs sent to Madison County
- 1 pallet of tarps to Union County
- 24 pallets of water and 24 pallets of MREs to Midwest Foodbank
- 2 truckloads of MREs to Alachua County
- 2 truckloads of water to Alachua County
- 2 truckloads of water to Suwanee County
- 2 pallets of tarps to Taylor County
- 4 pallets of tarps to Suwanee County
- 10 pallets of tarps to Hillsborough County
- 10 pallets of water to Marion County
- 1 truckload of water to Levy County
- 1 forklift to Dixie County
- 1 truckload of water to Putnam County
- 5 pallets of MREs to Taylor County
- 10 pallets of water to Bradford County
- 2 pallets of water and 2 pallets of MREs to Baker County
- 1 truckload of water to Dixie County
- 3 truckloads of water to Hillsborough County
- 2 pallets of tarps to Lafayette County
- 1 truckload of water to Pasco County
- 1 truckload of water to Gilchrist County
- 1 pallet of tarps to Jefferson County

- 4 truckloads of water in Hernando County
- 10 pallets of water in Wakulla County

The State of Florida is currently sheltering 1,161 households in travel trailers and recreational vehicles under the Hurricane Ian Non-Congregate Sheltering program. Due to the vulnerable nature of this form of sheltering, the state and local jurisdictions prepared for increased capacity in congregate sheltering to absorb this population if conditions warrant. Occupants in this program were required to evacuate their unit if a voluntary or mandatory evacuation was issued for their location. FDEM closely monitored local evacuations and communicated to occupants through multiple methods.

Furthermore, the following actions were taken in the State's response by the different sections and branches of the State Emergency Operations Center (SEOC):

Infrastructure Branch

ESF 1/3 Transportation

- Florida Department Of Transportation (FDOT) readied equipment and vehicles in case of the need for pre-staging and immediate deployment.
- The Howard Frankland Bridge project in Tampa secured barges in the area. All other active construction projects were on alert and standing ready to implement any necessary actions related to storm preparations.
- Port Tampa Bay, Seaport Manatee, and Port of St. Petersburg secured port infrastructure and clearing waterways.
- FDOT issued an Executive Order to temporarily allow expanded weight and size requirements for vehicles transporting emergency equipment, services, and supplies.
- Florida's 511 Traveler Information System was available for drivers to stay informed about roadway conditions during emergencies. This service was monitored and updated 24/7 by FDOT and includes traffic conditions, road and bridge closures, and other specialized alerts.

ESF 2 Communication

- Monitored MyFloridaNet (MFN II) Data Network and responded to any outages or service disruptions accordingly.
- Coordinated Dixie County two-way radio mission request.
- 50 Starlinks were moved from the Orlando warehouse for staging outside the cone and deployment as requested post-landfall.

ESF 12 Power

- Identified personnel and resources being staged for deployment.

ESF 19 Emergency Fuel

- Terminal contaminated unleaded tanks by erroneously pumping a barge resupply of diesel into unleaded tank farm causing this terminal to cease operations.
 - Contamination happened around 8:00am on 08/26/23.
 - FDACS tracked to find which stores received contaminated fuel.
- Macro also had bulk potable water tanks which the state used in response to Hurricane Ian that were available if needed.
- Due to the possibility of gale force winds (34-47 knots) entering the Tampa Bay area, the Captain of the Port (COTP) ordered Port Condition ZULU for the ports of Tampa, St. Petersburg, Manatee, and Ft. Myers effective on 08/29/23, at 0800.
- COTP continued to evaluate weather predictions for the region.

Emergency Service Branch

ESF 4/9 Search and Rescue

- All 8 State of Florida US&R teams were activated/rostered NLT 08/29/23 1200 as outlined below—alerts sent out by 1700 hrs.
 - FL-TF1 and FL-TF2: Type 1 w/Swift Water capability (Activated-repositioned and staged pre-storm at the OCC by 1800 hrs on 08/29/2023).
 - FL-TF3,4,6: Type 3 w/ Swift Water capability (Activated-Remained in place).
 - FL-TF5: Type 2 with ERAT resources/Swift Water capability (Activated-Remained in place).
 - FL-TF7/ FL-TF8 Type 4 w/ Swift Water capability. (Activated-Remained in place).
 - MARC Units: x3 paired with parent teams from 4/5 and 7.
 - MARC Unit x1 assigned to the OCC in support of the State IST (NOTE: FEMA activated RED IST and 2 Type 3s w/ swift water on FOS orders).
 - Coordinated with FNG, ESF 8, ESF 16 and other ESFs as appropriate.
 - Scott Chappell collaborated with/ FLNG and assist agencies in drafting a post-impact ADSAR plan. Also, liaised with the US Coast Guard as warranted.
 - FFS Gold Complex IMT/State IST/FEMA IST operated out of the OCC.

ESF 8 Health and Medical

- Rostered 6 strikes teams which included 30 ambulances.
- AHCA coordinated with all residential healthcare facilities including hospitals.
- Activated Special Needs Sheltering Branch to monitor special needs shelter openings.
- Received reports from county health departments on response activities and actions taken.
- AHCA update:
 - 1 Hospital evacuated in North Pinellas (Advent Health).

- 8 strike teams staged in Dothan, AL (ALS, BLS, Critical Care Transport Units) will be moving to Marianna.
- Requested 6 strike teams from EMAC.
- Requested national FEMA ambulance contract: 200 (120 ALS and 80 BLS) ambulances, 2 Type VI-ADA Transit buses, 4 Type V-Minibuses, 2 Tyle III-Transit buses, and 5 Type II- minibuses paratransit vehicles.
- 6 strike teams that were in Ocala moved to Orlando.
- Activated Tallahassee and Kissimmee warehouses.

ESF 10 Environmental Protection

- ESF10 fully staffed w/EPA Rep.
- HazWaste: DWM contacted Identified Facilities and Remediation Sites on protective actions.
- WATERTracker Event created.
- Division Specific Guidance Documents were uploaded to WebEOC as Info Messages.
- Dam Safety Press Release sent out 8/28 to Counties listed in EO.
- HART: Completed call to determine Responder Teams and Identified Teams.
- DWRM: Water Rep coordinated ESF3 staffing.
- Facilities within the current Cone:
 - Priority 1 Haz Waste: 25
 - Priority 2 Haz Waste: 51
 - Potable Water (PWS): 2,208
 - Wastewater (WAFR): 587
- Facilities within the Cat 4 Storm Surge Zone and within the Cone:
 - Priority 1 Haz Waste: 7
 - Priority 2 Haz Waste: 23
 - PWS: 235
 - WAFR: 129
- State Parks in Potential Cone of Impact: 74
 - List of Park Closures: 66
- Gypsum Stack:
 - Statewide: 15
 - At Action Level: 2
 - May Treat: 1
 - Must Treat: 0

ESF 16 Law Enforcement

- The Florida Highway Patrol was in close communication with law enforcement and transportation partners and stood ready to assist with any potential impacts across the state.
- The Florida Highway Patrol staffed the SEOC coordinating preparation efforts for Hurricane Idalia.
- The Florida Highway Patrol was prepared to implement 12-hour Alpha, Bravo shifts.

Florida Department of Highway Safety and Motor Vehicles (FLHSMV)

FLHSMV issued Emergency Order 082623, waiving specific requirements for commercial motor vehicles providing emergency relief and waiving the replacement fees for driver's license and identification credentials, vehicle registrations and titles, vessel registrations and titles, and temporary parking permits for impacted individuals.

Human Services Branch

ESF 6 Mass Care

- Continuing to determine resource needs, inventory, and staging for mass care resources & feeding operations.
- Department of Children and Families prepared HOPE Navigators for deployment.
- Midwest Food Bank delivered water and Gatorade to Lee County barrier islands.
- Mobilizing 10 kitchens for hot meal distribution.
- Sheltering Operations: 94 shelters open with over 5,000 survivors and over 100 pets sheltered.

American Red Cross

- American Red Cross assigned over 580 responders to the incident, with additional being assigned as needed.
- American Red Cross Logistics continued to coordinate the shelter support trailers and meals ready to eat in support of sheltering and immediate post-landfall operations.
- American Red Cross liaisons coordinated with local county emergency management to align planning activities.

The Salvation Army

- Canvassed the state for canteen units and canteen drive.

Department of Children and Families

- Preparing to deploy DCF assets to the disaster area including Hope Navigators to support Family Resource Support Centers, Disaster Recovery Centers, shelter transition teams, and DSNAP.
- DCF Regions and Mental Health Treatment Facilities are finalizing preparation plans to ensure safety of staff, residents, and children in care.

Department of Education (DOE)

- DOE is gathering and disseminating public K-12, college, and university closure information. This includes asking if they are being used as shelters and when they will reopen.

State University System

- Gathering information on university closure plans and procedures.

ESF 11 Food and Water

- Received authorization to release USDA foods to Red Cross and Salvation Army for congregate feeding.
- Generating Damage Projections.

ESF 13 Military Support

- Mobilized up to 5,000 Florida National Guard (FLNG) personnel.
- Pre-positioned aircraft.

ESF 15 Volunteers and Donations

- Active coordination with VOAD partners.
- Active coordination with Florida CERT Association.
- Consistent messaging: Cash, Confirm, Connect: Confirm the need. Cash is best. Connect with organization before volunteering or donating.
- Communication and emphasis on documentation of all donated resources and volunteer hours.
- Gathered and connected resources with statewide partners.
- Communicated Disaster Leave Law available for State employees.
- Active coordination with local ESF15 leads.
- Coordinating with ESF14 to monitor social media, coordinate messaging for spontaneous volunteers to register at Volunteer Connect.
- Browse Volunteer Connect for opportunities.

ESF 17 Animals and Agriculture

- Monitoring requests for Florida Forest Service assets.
- Activating the Florida State Agricultural Response Team (SART).
- Activated the ESF 17 IMT.
- The Animal Movement Waiver to temporarily suspend the intrastate movement requirements for the transportation of animals from the areas expected to be impacted by Hurricane Idalia was coordinated for issuance by the Division of Animal Industry. Still coordinating the waiver for interstate import requirements for Florida for pets and livestock into Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
- The FDOT weight waiver is being coordinated for agricultural commodities.
- Continuing to map a preliminary needs assessment of potential affected animal and agricultural facilities for impacted areas.

ESF 18 Business, Industry & Economic Stabilization

- FloridaCommerce alerted the statewide Community Action Agency (CAA) Network and Local Workforce Development Boards (LWDBs) to initiate disaster preparedness activities.
 - LWDBs and CAAs were advised to submit their anticipated cash needs or invoice packages for reimbursement, as appropriate, to ensure critical services to Floridians are not disrupted.
- FloridaCommerce hosted a daily private sector coordination call from 2:00-3:00 p.m., Eastern Time, beginning Monday, August 28, 2023. Briefings provided by SERT Meteorology, fuels, communications, transportation, and energy, as well as private sector partners such as the Florida Retail Federation and Florida Restaurant and Lodging Association.
- www.FloridaDisaster.biz houses informative flyers for business owners to prepare their businesses, families, and employees for Hurricane Idalia.
- FloridaCommerce is in contact with local ESF 18 representatives in the anticipated impacted areas to support economic resiliency in their communities.
- FloridaCommerce partners, including Walmart, Publix, Avis, Waze, and LE Harris have indicated that they are monitoring and preparing their employees for potential impacts.
- Wells Fargo is ensuring banking services remain available to Floridians.

Operations Section

Field Operations

- Regional Coordinators are reporting essential elements of information from county EOCs and coordinating potential unmet needs.
- FDEM SERT Liaisons pre-positioned in County EOCs.

Local Evacuation Orders

- Multiple County EOCs relocated operations to alternate locations.
- Mandatory Evacuations were issued for the following Counties: Citrus, Dixie, Franklin, Gulf, Hillsborough, Lafayette, Levy, Manatee, Pasco, Pinellas, Sarasota, Suwannee, Taylor.
- Voluntary Evacuations were issued for the following Counties: Baker, Gilchrist, Hernando, Jefferson, Madison, Marion, Sumter, Union, Volusia, Wakulla.

VI. Certification of Compliance with Applicable Cost-Sharing Requirements – 44 C.F.R. § 206.36(c)(5)

I certify that State and local government obligations and expenditures for the current disaster will comply with all applicable cost sharing requirements of the Stafford Act.

VII. Field Damage Assessments Are Not Necessary to Determine the Requirement for Supplemental Federal Assistance Because the Disaster Is a Catastrophe of Unusual Severity and Magnitude – 44 C.F.R. §206.36(d)

For this disaster, there is no need for damage assessments. The destruction anticipated from this major hurricane with up to 15 feet of storm surge should be more than sufficient to satisfy any arbitrary, per capita threshold for State or county damages. As mentioned above, this system posed a significant risk of catastrophic storm surge, strong winds, flash flooding, hazardous seas, and tornadic activity for much of the Florida Gulf Coast and northern Florida. In short, this area of the state near Apalachee Bay has not experienced a major hurricane strike in over 100 years and Hurricane Idalia is likely to cause massive devastation of these coastal communities.

Hurricane Warnings were issued for the aforementioned 25 Florida Counties, and Hurricane Idalia made landfall as a major hurricane. The Florida Gulf Coast, particularly Apalachee Bay, is prone to damaging storm surge from hurricanes that could result in evacuations from several coastal counties and inundation that may move several miles inland. This event is expected to result in historical damages for these communities. Moreover, the combination of heavy rainfall and storm surge may result in rapid river rises which could last for weeks.

To date, the total amount of Federal obligations for Hurricane Ian has almost reached the CY 2022 per capita threshold of \$3,489,186,294. This threshold is calculated using the Federal obligations from Individual Assistance, Public Assistance, Mitigation, and Operations. With the vast number of expected survivors that would qualify for Individual Assistance and the exponentially higher expectations of infrastructure damage, it is reasonable to estimate that the Federal obligation for this event exceeds the current per capita thresholds necessary for an increased Federal Cost Share. Furthermore, the needs of the survivors in those counties should paint a sufficient picture for an Individual Assistance declaration.

Consequently, the risk that a lightly impacted county would receive unnecessary Federal assistance is minimal, at best. Given these considerations, damage assessments would be a clear waste of resources during a time of critical need.

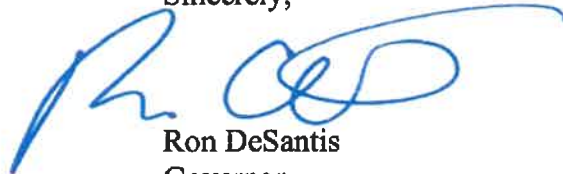
VIII. The Disaster Is So Extraordinary That a Higher Federal Cost Share Is Warranted – 44 C.F.R. §206.47(d)

More than half of the counties identified in this request are fiscally constrained. Given the size, strength, and track of the storm, and given the fact that Florida communities are still recovering from multiple events from the last five (5) years to include Hurricane Michael, Hurricane Dorian, Hurricane Ian, and Hurricane Nicole, I specifically request the following: 100% Federal cost share for Categories A and B (Debris Removal and Emergency Protective Measures) for the first 60 days, with a 90% Federal cost share thereafter.

IX. Conclusion

I have designated Kevin Guthrie, Executive Director of FDEM, as the State Coordinating Officer for this emergency. He is authorized to provide any further information, assurances, requests, or justification on my behalf. I have designated Kevin Guthrie, Luke Strickland, James Bujeda, and Keith Pruett as the Governor's Authorized Representatives.

Sincerely,



Ron DeSantis
Governor

Enclosures:

Executive Orders 23-171, 23-172, 23-174 and 23-175
FEMA Form 010-0-13

690-142.015 Standardized Requirements Applicable to Insurers After Hurricanes or Natural Disasters.

This rule adopts standardized requirements that may be applied to insurers as a consequence of a hurricane or other natural disaster. The Office is authorized to issue an Order or Orders deemed necessary to protect the health, safety and welfare, activating the requirements herein, in whole or in part. An Order may be amended as deemed necessary to accommodate the particular circumstances of the specified hurricane or natural disaster. The following standardized provisions may be activated as provided herein:

(1) Claims Reporting Requirements.

(a) This subsection applies to all property and casualty contracts of insurance subject to regulation under the Florida Insurance Code including:

1. All policies referenced in Chapters 440, 624, 626, and 627, F.S.; and
2. Premium finance company contracts associated with property and casualty contracts.

References in this subsection herein to “policy” or “contract of insurance” includes all property and casualty contracts regulated under the Florida Insurance Code. References to “insurer” include all regulated entities issuing these contracts.

(b) All insurers having direct premiums written in Florida and authorized, approved or otherwise eligible to provide the coverages indicated below in subparagraphs (1)(b)1. and 2., shall report the requested information to the Office. The reporting shall be submitted with such frequency and for such areas as set forth in the Order. The applicable coverages are:

1. Those coverages as defined in Sections 627.4025(1) and 215.555(2)(c), F.S.
2. Other property coverages where loss is not specifically excluded in the policy’s outline of coverage such as:
 - a. Private Passenger Auto Physical Damage;
 - b. Commercial Auto Physical Damage;
 - c. Commercial Property, including Fire and Allied Lines;
 - d. Commercial Multiple Peril;
 - e. Farmowners Multiple Peril;
 - f. Ocean Marine;
 - g. Inland Marine;
 - h. Aircraft; and,
 - i. Boiler and Machinery.

(c)1. Insurers shall electronically submit the data required for each reporting event. Required data may include:

- a. Policies in force;
 - b. Claims reported;
 - c. Open claims with payment;
 - d. Open claims without payment;
 - e. Claims closed with payment;
 - f. Claims closed without payment;
 - g. Number of open claims;
 - h. Percent of claims closed;
 - i. Paid loss excluding loss adjustment expense;
 - j. Paid allocated loss adjustment expense;
 - k. Case incurred loss excluding loss adjustment expense; and,
 - l. Case allocated loss adjustment expense.
2. All information shall be submitted electronically through <http://www.floir.com/iportal>.

(2) Grace Periods and Temporary Postponement of Cancellations or Non-renewals.

(a) This subsection applies to all property and casualty contracts of insurance subject to regulation under the Florida Insurance Code including:

1. All policies referenced in Chapters 440, 624, 626 and 627, F.S.; and
2. Premium finance company contracts.

References in this subsection herein to “policy” or “contract of insurance” includes all property and casualty contracts regulated under the Florida Insurance Code. References to “insurer” include all regulated entities issuing these contracts.

(b) Reinsurance contracts are not subject to this rule, however, ceding insurers shall, within ten (10) days, notify the Office, of

the cancellation or nonrenewal of any reinsurance contract reinsuring property risks located in the state. All filings shall be submitted electronically to <http://www.floir.com/iportal>.

(c) As to any policy provision, notice, correspondence, or law that imposes a time limit upon an insured to perform any act, including transmitting information or funds with respect to a contract of insurance, which act was to have been performed on or after the date specified in the Order of the Office, the time limit shall be extended to a date specified in the Order.

1. This extension of time shall not relieve a policyholder who has a claim resulting from the designated hurricane or natural disaster from compliance with their obligations to provide information and cooperate in the claim adjustment process relative to their property damage claim.

2. This extension of time shall also not apply to new policies effective on or after the date specified in the Order. No interest, penalties, or other charges, shall accrue or be assessed, as the result of the extensions required herein. Interest that is owed pursuant to premium financing plans with premium finance companies or insurers or their affiliates may be assessed.

(d) During the dates specified in the Order, no insurer or other entity regulated under the Florida Insurance Code shall cancel or non-renew, or issue a notice of cancellation or nonrenewal of a policy or contract of insurance covering a property or risk in the referenced areas as specified in the Order, except at the written request or written concurrence of the policyholder.

(e) All notices of cancellation issued or mailed within ten (10) calendar days preceding the date specified in the Order and, affecting the referenced areas, shall be withdrawn and reissued to insureds on or after the date specified in the Order.

(f) A cancellation or nonrenewal may occur prior to the expiration date specified in the Order, at the written request or written concurrence of the policyholder.

(g) Except as provided in paragraphs (2)(d) and (e), with respect to a notice of cancellation or nonrenewal that, but for this rule, would have taken effect during the dates specified in the Order, such notice is not made invalid by this rule; however;

1. The insurer shall extend the coverage to and including the date specified in the Order, or a later date specified by the insurer; and

2. The premium for the extended term of coverage shall be the appropriate pro rata portion of the premium for the entire term of the policy.

(h) An insurer or other regulated entity that was unable to cancel or non-renew a policy due to the operation of this rule, may upon proper notice, cancel or non-renew such policy, effective on the date the policy would have otherwise been cancelled or non-renewed, in the event the insured has not filed a claim under the policy and not paid outstanding premium due.

(i) No policy shall be cancelled or non-renewed solely because of a claim resulting from a hurricane or natural disaster.

(j) An insurer's offer of replacement coverage, that is voluntarily accepted by an insured or applicant in an affiliated company, or made pursuant to a depopulation program, assumption or other arrangement approved by the Office does not constitute a nonrenewal or cancellation for purposes of this rule.

(k) Any insurer who receives a claim from an insured owing premium may offset the premium due to the insurer or a premium finance company from any claim payment made under the policy.

(l) Nothing in this rule shall be construed to exempt or excuse an insured from liability for premiums otherwise due for actual coverage provided.

(m) This rule shall not apply to new policies effective on or after the initial activation date specified in the Order.

(n) If the contract of insurance was financed by a premium finance company for risks located in the referenced areas, the following provisions apply:

1. Premium finance companies may issue advisory 10-day notices of intent to cancel and cancellation notices in accordance with the terms of the premium finance agreement signed by the insured. In addition, each such advisory notice shall prominently contain the following statement:

"If you have been displaced through the loss of your home or damage to your home which has caused you to reside elsewhere on a temporary basis, or if you have temporarily become unemployed due to the destruction caused by Hurricane [name of hurricane or natural disaster], please contact this office at once.

Victims of Hurricane [name of hurricane or natural disaster] will receive an automatic extension of time to and including [date specified in the Order], to bring their accounts up to date and no late charges will be applied to any late payments received which were due on their accounts during the period of the dates specified in the Order.

Therefore, if you are a victim of Hurricane [name of hurricane or natural disaster], please contact us at once at the number provided at the bottom of this notice so that we may advise you of the status of your account.

If you decide that you no longer need or desire to keep the coverage provided by the insurance policy financed by your contract with us, please contact us at once so that we may instruct you on how to effect cancellation with your insurer.”

2. If a premium finance loan is in default at the end of the grace period, a premium finance company shall give proper notice by:

a. Issuing a 10 day notice of intent to cancel to the insured by the means provided under Section 627.848(1)(a)1., F.S., and applicable regulations; and,

b. If the insured does not bring their loan current within the time provided in the notice of intent, a premium finance company may mail the insurer a request for cancellation as provided in Section 627.848(1)(a)2., F.S.

3. Upon receipt of a request for cancellation from a premium finance company after the grace period specified in an Emergency Order expires, the insurer will process the cancellation in accordance with paragraph (2)(h).

4. Any insurer who is unable to cancel because it has received a claim under a policy for which it receives a notice of cancellation from a premium finance company will offset the balance owed the premium finance company, as disclosed in the notice of cancellation, from the first claim payments made under the policy.

5. No late charges shall be assessed for any insured who qualifies for protection under this rule.

(o) Subsection (2) of this rule, shall not apply to policies for the following kinds of insurance issued by authorized insurers that cover a business that is domiciled or maintains its primary place of business outside of Florida: Surety insurance as defined in Section 624.606, F.S.; Fidelity insurance as defined in Section 624.6065, F.S.; Marine insurance, wet marine and transportation insurance and inland marine insurance as defined in Section 624.607, F.S.; Title insurance as defined in Section 624.607, F.S.; Collateral Protection insurance as defined in Section 624.6085, F.S.; Workers' Compensation insurance as defined in Section 624.605, F.S.; Casualty insurance as defined in Section 624.605, F.S., but limited to coverage of commercial risks other than residential or personal property; and property insurance as defined in Section 624.604, F.S., but limited to coverage of commercial risks other than residential or personal property. Additionally, this rule shall not apply to life insurance policies or annuity contracts that are owned by a person other than the insured or the annuitant or where the premium payer under such policy is a person other than the insured or annuitant and such owner or premium payer does not reside in the referenced areas.

(p) Any insurer that becomes impaired or insolvent due to a hurricane or natural disaster or the operation of subsequent rules and orders has a duty to report the resulting financial condition to the Office as soon as possible. Notwithstanding any other provisions contained herein, an insurer may file a petition pursuant to Section 120.542, F.S. if compliance with this rule may be reasonably expected to result in such insurer being subject to financial regulatory action levels by the Office.

(q) The provisions of this rule shall be liberally construed to effectuate the intent and purposes expressed therein and to afford maximum consumer protection.

(3) Grace Periods and Temporary Postponement of Cancellations or Non-renewals.

(a) This subsection applies to all life and health contracts of insurance subject to regulation under the Florida Insurance Code including:

1. All policies referenced in Chapters 624, 626, 627, 636, 641, and 651, F.S.;
2. Contracts issued by Multiple Employer Welfare Arrangements and Commercial Self-Insurance Trusts; and
3. Premium finance company contracts associated with life and health contracts.

References in this subsection to “policy” or “contract of insurance” includes all life or health agreements regulated under the Florida Insurance Code. References to “insurer” include all regulated entities issuing these agreements.

(b) Any free look period in a variable life policy or variable annuity contract is not extended by this rule.

(c) As to any policy provision, notice, correspondence, or law which imposes a time limit upon an insured to perform any act or transmit information or funds with respect to a contract of insurance, which act was to have been performed on or after the date specified in the Order of the Office, the time limit shall be extended to the date specified in the Order, except that:

1. This extension of time shall not relieve an insured who has a claim during this period from compliance with any obligation to provide information and cooperate in the claim adjustment process relative to their claim.

2. This extension of time shall not apply to new policies effective on or after the date specified in the Order.

No interest, penalties, or other charges shall accrue or be assessed as the result of the extensions required herein. However, interest that is owed pursuant to premium financing plans with premium finance companies or insurers or their affiliates may be assessed.

(d) During the dates specified in the Order, no insurer or other entity regulated under the Florida Insurance Code shall cancel or non-renew a policy or contract of insurance or issue a notice of cancellation or nonrenewal on a contract of insurance covering a person in the referenced areas as specified in the Order, except at the written request or written concurrence of the policyholder.

(e) All notices of cancellation issued or mailed within ten (10) calendar days preceding the date specified in the Order, affecting a person in the specified areas, shall be withdrawn and reissued to insureds on or after the date specified in the Order.

(f) A cancellation or nonrenewal may occur prior to the expiration date specified in the Order, at the written request or written concurrence of the policyholder. The application for and issuance of a replacement major medical health insurance policy which is subject to regulation by the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, may be regarded by the insurer as a written request for cancellation of the current major medical insurance policy by the applicant/policyholder, provided the date of cancellation is not effectuated prior to the date of the effectuation of the replacement policy's coverage.

(g) Except as provided in paragraphs (3)(e) and (f), with respect to a notice of cancellation or nonrenewal which, but for this rule, would have taken effect during the dates specified in the Order, such notice is not made invalid by this rule; however;

1. The insurer shall extend the coverage to and including the date specified in the Order, or a later date specified by the insurer; and

2. The premium for the extended term of coverage shall be the appropriate pro rata portion of the premium for the entire term of the policy.

(h) Retroactive cancellation due to non-payment of premium:

1. For health policies or contracts, an insurer or other regulated entity that was unable to cancel or non-renew a policy due to the operation of this rule, may upon proper notice, cancel or non-renew such policy, effective on the date the policy would have otherwise been cancelled or non-renewed, in the event the insured has not paid outstanding premium due. For all other policies under this subsection, an insurer or other regulated entity that was unable to cancel or non-renew a policy due to the operation of this rule, may upon proper notice, cancel or non-renew such policy, effective on the date the policy would have otherwise been cancelled or non-renewed, in the event the insured has not paid the outstanding premium due.

2. Insurers or Health Maintenance Organizations subject to the notice provisions of Sections 627.6645(5) and 641.3108(2), F.S., respectively, may issue notices of cancellation that comport with those sections that specify no cancellation shall take place prior to the date specified in the Order.

(i) No policy shall be cancelled or non-renewed solely because of a claim resulting from a hurricane or natural disaster.

(j) An insurer's offer of replacement coverage, which is voluntarily accepted by an insured or made pursuant to other arrangement approved by the Office does not constitute a nonrenewal or cancellation for purposes of this rule.

(k) Any insurer who receives a claim from an insured owing premium may offset the premium due to the insurer or a premium finance company from any claim payment made under the policy.

(l) Nothing in this rule shall be construed to exempt or excuse an insured from liability for premiums otherwise due for actual coverage provided.

(m) This rule shall not apply to new policies effective on or after the initial activation date specified in the Order.

(n) If the contract of insurance was financed by a premium finance company for persons located in the specified areas, the following provisions apply:

1. Premium finance companies may issue advisory 10-day notices of intent to cancel and cancellation notices in accordance with the terms of the premium finance agreement signed by the insured. In addition, each such advisory notice shall prominently contain the following statement:

"If you have been displaced through the loss of your home or damage to your home which has caused you to reside elsewhere on a temporary basis, or if you have temporarily become unemployed due to the destruction caused by Hurricane [name of hurricane or natural disaster], please contact this office at once.

Victims of Hurricane [name of hurricane or natural disaster] will receive an automatic extension of time to and including [date specified in the Order], to bring their accounts up to date and no late charges will be applied to any late payments received which were due on their accounts during the period of the dates specified in the Order.

Therefore, if you are a victim of Hurricane [name of hurricane or natural disaster], please contact us at once at the number provided at the bottom of this notice so that we may advise you of the status of your account.

If you decide that you no longer need or desire to keep the coverage provided by the insurance policy financed by your contract with us, please contact us at once so that we may instruct you on how to effect cancellation with your insurer."

2. If a premium finance loan is in default at the end of the grace period, a premium finance company shall give proper notice by:

a. Issuing a 10 day notice of intent to cancel to the insured by the means provided under Section 627.848(1)(a)1., F.S., and

applicable regulations; and,

b. If the insured does not bring their loan current within the time provided in the notice of intent, a premium finance company may mail the insurer a request for cancellation as provided in Section 627.848(1)(a)2., F.S.

3. Upon receipt of a request for cancellation from a premium finance company after the grace period specified in an Emergency Order expires, the insurer will process the cancellation in accordance with paragraph (3)(h).

4. Any insurer who is unable to cancel because it has received a claim under a policy for which it receives a notice of cancellation from a premium finance company will offset the balance owed the premium finance company, as disclosed in the notice of cancellation, from the first claim payments made under the policy.

5. No late charges shall be assessed for any insured who qualifies for protection under this rule.

(o) This rule shall not apply to life insurance policies or annuity contracts that are owned by a person other than the insured or the annuitant or where the premium payer under such policy is a person other than the insured or annuitant and such owner or premium payer does not reside in the referenced areas.

(p) Any insurer that becomes impaired or insolvent due to a hurricane or natural disaster or the operation of subsequent rules and orders has a duty to report the resulting financial condition to the Office as soon as possible. Notwithstanding any other provisions contained herein, an insurer may file a petition pursuant to Section 120.542, F.S. if compliance with this rule may be reasonably expected to result in such insurer being subject to financial regulatory action levels by the Office.

(q) The provisions of this rule shall be liberally construed to effectuate the intent and purposes expressed therein and to afford maximum consumer protection.

This subsection does not apply to major medical health insurance policies subject to regulation by the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, and regulations adopted pursuant to those acts, to the extent this requirement would result in a violation of federal law.

Rulemaking Authority 624.308, 627.7019 FS. Law Implemented 624.307(1), 624.319, 624.424, 627.7019 FS. History—New 6-12-07, Amended 7-30-17, 2-22-21.