

**PROGRAM DIVISION  
BULLETIN**

2005-27

July 20, 2005

**IMPORTANT NOTICE REGARDING FLORIDA PROPERTY AFFECTED BY  
HURRICANE DENNIS**

Please review the attached Emergency Order regarding the prohibition against canceling or nonrenewing a personal residential or commercial residential property located in Florida which has been damaged as a result of the recent Hurricane Dennis. In summation, neither the cancellation or the nonrenewal can be put into effect until 90 days after the dwelling or residential property has been repaired. There are some exceptions to this general rule. The new sections of the law which contain the new provisions as well as the exceptions are enumerated in Florida Insurance Law Section 627.4133 (2) (d), which became effective on June 1, 2005; a copy of this section has also been attached.

If you have any questions regarding this notice, please contact your Program Manager.

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**LEXINGTON INSURANCE COMPANY**

**PROGRAM DIVISION**

100 Summer Street/19th Floor, Boston, MA 02110  
phone 617-330-1100 / fax 617-330-8595



OFFICE OF INSURANCE REGULATION

**FILED**

JUL 19 2005

KEVIN M. MCCARTY  
COMMISSIONER

OFFICE OF  
INSURANCE REGULATION  
Docketed by:           DJS          

**IN THE MATTER OF:**

**Hurricane Dennis  
Emergency Order; Prohibition on Cancellation  
or Nonrenewal of Residential Property  
Insurance Covering Property Damaged  
by Hurricane Dennis in Specified Counties**

**CASE NO.: 82315-05-EO**

**EMERGENCY ORDER**

**TO: All Property and Casualty Insurers and Surplus Lines Insurers**

**THIS CAUSE** having come before the Commissioner of the Office of Insurance Regulation as a result of the State of Emergency created by Hurricane Dennis, 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(2), Florida Statutes, to enforce the provisions of the 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. Section 624.307(2), Florida Statutes, and as further authorized by Section 252.46, Florida Statutes.

2. Section 120.569(2)(n), Florida Statutes, provides that “if an agency head finds that an immediate danger to the public health, safety or welfare requires an immediate final order, it shall recite with particularity the facts underlying such finding in the final order...”

3. This Emergency Order is being issued pursuant to Section 627.4133(2)(d), Florida Statutes, which authorizes the Commissioner of Insurance Regulation to issue an Order invoking the provisions of this subsection upon the declaration of an emergency pursuant to Section 252.36, Florida Statutes.

4. On July 7, 2005, Florida Governor Jeb Bush, issued Executive Order 2005-139, declaring a state of emergency and activated the State Comprehensive Emergency Management Plan. Executive Order 2005-139 is attached as **Exhibit 1**.

5. As a result of Hurricane Dennis, Florida Governor, Jeb Bush, declared a state of emergency and requested, by letter dated July 10, 2005, that the President of the United States, George W. Bush, declare an expedited Major Declaration for the entire State of Florida and requested individual assistance for Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, Wakulla, Calhoun, Jackson, Washington and Holmes County. Governor Bush’s letter dated July 10, 2005 is attached as **Exhibit 2**.

6. The Office has found that Hurricane Dennis has produced significant damage. Preliminary estimates indicate expected damages between 1.2 and 5.5 billion dollars. The hurricane damage has resulted in the closing of businesses and financial institutions, the suspension of mail service, the displacement of persons from their homes, loss of personal belongings and corresponding temporary loss of employment.

7. Due to the severe and continuing impacts of the 2004 Hurricane Season, there continues to be a lack of availability of contractors to expeditiously repair damaged properties.

8. The head of the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) announced on July 11, 2005, that President Bush has ordered the release of federal disaster funds and emergency resources for Florida to aid people battered by Hurricane Dennis. Michael D. Brown, Under Secretary of Homeland Security for Emergency Preparedness and Response, said the President took the action under a major disaster declaration issued this afternoon immediately after receiving FEMA's analysis of the state's expedited request for federal assistance. The declaration covers damage to private property from the hurricane beginning on July 10, 2005. FEMA Release is attached as **Exhibit 3**.

9. The issuance of this Emergency Order and the procedural safeguards set forth herein are fair under the circumstances due to the state of emergency that exists. As indicated in the Notice of Rights herein, Respondents are afforded an opportunity for a review of this Order.

**WHEREFORE**, the Commissioner of the Office of Insurance Regulation finds that as a result of the direct effects of the impact of Hurricane Dennis the issuance of an Order implementing the provisions of Section 627.4133(2)(d), Florida Statutes, is required in order to protect the public health, safety and welfare.

**Accordingly, IT IS HEREBY ORDERED:**

An insurer may not cancel or nonrenew a personal residential or commercial residential property insurance policy covering a dwelling or residential property located in Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, Wakulla, Calhoun,

Jackson, Washington and Holmes County which has been damaged as the result of hurricane or wind loss resulting from Hurricane Dennis, for a period of 90 days after the dwelling has been repaired, except as provided in Section 627.4133(2)(d), Florida Statutes, and in accordance with all other applicable statutes and rules of the commission.

DONE and ORDERED this 19<sup>th</sup> day of July, 2005.



A handwritten signature in cursive script, reading "Kevin M. McCarty", is written over a horizontal line.

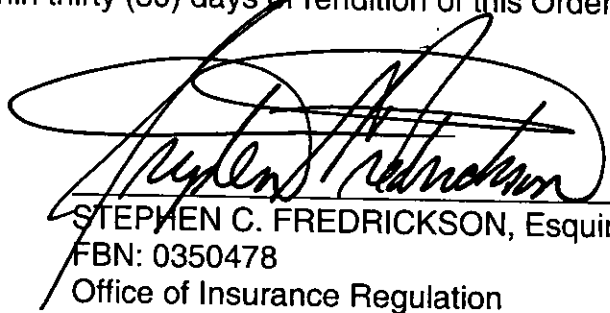
Kevin M. McCarty  
Commissioner  
Office of Insurance Regulation

EXHIBITS:

1. Executive Order 2005-139
2. Governor Jeb Bush's letter to President George W. Bush, July 10, 2005 with attachments and responses from President George W. Bush
3. FEMA Release relating to Hurricane Dennis

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 32399-0333, and a copy of the same with the appropriate district court of appeal, within thirty (30) days of rendition of this Order.



STEPHEN C. FREDRICKSON, Esquire  
FBN: 0350478  
Office of Insurance Regulation  
Legal Services  
200 East Gaines Street, 6<sup>th</sup> Floor  
Tallahassee, Florida 32399-4206  
Telephone: 850-413-4144  
Facsimile: 850-922-2543

Copies Furnished:

All Property and Casualty Insurers  
and Surplus Lines Insurers

**STATE OF FLORIDA**  
**OFFICE OF THE GOVERNOR**  
**EXECUTIVE ORDER NUMBER 2005-139**  
**(Emergency Management)**

WHEREAS, on July 5, 2005 the National Hurricane Center advised that Tropical Storm Dennis formed in the Caribbean Sea; and

WHEREAS, on July 7, 2005, the National Hurricane Center advised Dennis has become a category two hurricane with sustained surface winds of approximately 105 miles per hour and has forecast further strengthening during the next twenty-four hours with the potential for Hurricane Dennis to become a major hurricane within the next forty-eight hours; and

WHEREAS, at present, Hurricane Dennis threatens a number of communities in the State of Florida with extreme weather conditions that pose an immediate danger to the lives and property of the residents of those communities; and

WHEREAS, the threatened communities continue their efforts to recover from the 2004 hurricane season leaving them more vulnerable to harm; and

WHEREAS, it is likely that Hurricane Dennis will strike those communities within a matter of days, so that the immediate evacuation of persons from those communities is vital to the safety of the residents; and

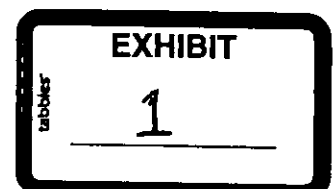
WHEREAS, special equipment, personnel and other resources may be needed in order to ensure the timely evacuation of persons from the threatened communities and the safe movement of the evacuees to other communities in the State acting as destinations for the evacuees; and

WHEREAS, central coordination and direction of the use of such resources for the local evacuation measures are needed to ensure the timely evacuation of the threatened communities; and

WHEREAS, yet other emergency measures may be needed to protect the lives and property of the people in the threatened communities, and the general welfare of the State of Florida;

NOW, THEREFORE, I, JEB BUSH, 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, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, I hereby find that Hurricane Dennis threatens the



State of Florida with a major disaster. I therefore declare that a state of emergency exists in the State of Florida, and that the evacuation of multiple counties in the State may be necessary because of Hurricane Dennis. I further find that central authority over the evacuation of these counties is needed to coordinate these evacuations, that these evacuations exceed the capability of the local governments in these communities, and that shelters in other counties are needed to accommodate the evacuees. I therefore declare that a state of emergency also exists in all destination counties that open shelters to accommodate evacuees from the communities threatened by Hurricane Dennis.

Section 2. I hereby designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and as my Authorized Representative. In exercising the powers delegated by this Executive Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. In accordance with Sections 252.36(1)(a) and 252.36(5), Florida Statutes, I hereby delegate to the State Coordinating Officer the following powers, which he shall exercise as needed to meet this emergency:

- A. The authority to activate the Comprehensive Emergency Management Plan;
- B. The authority to invoke and administer the Statewide Mutual Aid Agreement, and the further authority to coordinate the allocation of resources under that Agreement so as best to meet this emergency;
- C. The authority to invoke and administer the Emergency Management Assistance Compact 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 the State of Florida under such Compacts and Agreements so as best to meet this emergency;
- D. The authority to seek direct assistance from any and all agencies of the United States Government as may be needed to meet the emergency;
- E. The authority to distribute any and all supplies stockpiled to meet the emergency;
- F. In accordance with Sections 252.36(5)(a) and 252.46(2), Florida Statutes, the authority to suspend existing statutes, rules, ordinances, and orders for the duration of this emergency to the extent that literal compliance with such statutes, rules, ordinances, and orders may be inconsistent with the timely performance of disaster response functions;
- G. The authority to direct all state, regional and local governmental agencies, including law enforcement



agencies, to identify personnel needed from those agencies to assist in meeting the needs created by this emergency, and to place all such personnel under the direct command of the State Coordinating Officer to meet this emergency;

H. The authority to activate the Continuity of Operations Plans of all state, regional and local governmental agencies;

I. The authority to seize and utilize any and all real or personal property as needed to meet this emergency, subject always to the duty of the State to compensate the owner;

J. The authority to order the evacuation of all persons from any portions of the State threatened by the disaster, the authority to direct the sequence in which such evacuations shall be carried out, and the further authority to regulate the movement of persons and traffic to, from, or within any location in the State to the extent needed to cope with this emergency;

K. The authority to reverse the flow of traffic on any and all highways or portions of highways of the State Highway System as needed to facilitate the evacuation of the affected communities;

L. The authority to regulate the return of the evacuees to their home communities;

M. The authority to designate such Deputy State Coordinating Officers as the State Coordinating Officer may deem necessary to cope with the emergency; and

N. The authority to enter such orders as may be needed to implement any or all of the foregoing powers.

Section 3. I hereby order the Adjutant General to activate the Florida National Guard for the duration of this emergency, and I hereby place the National Guard under the authority of the State Coordinating Officer for the duration of this emergency.

Section 4. I hereby direct each county in the State of Florida, at the discretion of the State Coordinating Officer, to activate its Emergency Operations Center and its County Emergency Management Plan, as needed to ensure an immediate state of operational readiness, and I further direct each county in the State, at the discretion of the State Coordinating Officer, to open and activate all shelters to accommodate all evacuees.

Section 5. I hereby direct all state, regional and local agencies to place any and all available resources under the authority of the State Coordinating Officer as needed to meet this emergency.

Section 6. I hereby designate all state, regional and local governmental facilities including, without limiting the generality of the foregoing, all public elementary and secondary schools, all Community Colleges, and

all State Universities, for use as shelters to ensure the proper reception and care of all evacuees.

Section 7. I find that the special duties and responsibilities resting upon some state, regional and local agencies and other governmental bodies in responding to the disaster may require them to deviate from the statutes, rules, ordinances, and orders they administer, and I hereby give such agencies and other governmental bodies the authority to take formal action by emergency rule or order in accordance with Sections 120.54(4) and 252.46(2), Florida Statutes, to the extent that such actions are needed to cope with this emergency. Without limiting the generality of the foregoing, I hereby order the following:

A. I hereby give all agencies of the State, including the collegial bodies within those agencies, the authority to suspend the effect of any statute, rule, ordinance, or order of any state, regional, or local governmental entity, to the extent needed to procure any and all necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes and rules which affect budgeting, printing, purchasing, leasing, and the conditions of employment and the compensation of employees, but any such statute, rule, ordinance, or order shall be suspended only to the extent necessary to ensure the timely performance of disaster response functions **as directed by the State Coordinating Officer.**

B. I hereby give all agencies of the State with employees certified by the American Red Cross as disaster service volunteers within the meaning of Section 110.120(3), Florida Statutes, the authority to release any such employees for such service as requested by the American Red Cross as needed to meet the emergency.

C. I hereby direct the Department of Transportation to waive the collection of tolls and other fees and charges for the use of the Turnpike and all other transportation facilities, regardless of whether such facilities are components of the State Highway System, to the extent such waiver may be needed to facilitate the evacuation of the affected communities; to reverse the flow of traffic on any and all highways or portions of highways of the State Highway System as may be needed to facilitate the evacuation of the affected communities; to close any and all highways or portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties the State Coordinating Officer may designate as destination counties for evacuees in this emergency; to waive fuel taxes levied on vehicles registered in other States and to waive the registration requirements and the hours of service requirements for such vehicles and any vehicles transporting emergency equipment, services and supplies; by special permit to designate alternate size and weight restrictions for all such vehicles for the duration of

the emergency; and to 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, to the extent such waivers are needed to meet this emergency.

D. At the request of the Director of Emergency Management of any county, I hereby direct the Department of Health to take over the operation of all shelters in that county that are intended for use by those evacuees with special personal, medical or psychological needs, and to station licensed medical professional and paraprofessional personnel at those shelters as needed to provide appropriate reception and care for such evacuees.

E. I hereby give all agencies of the State the authority to allow overnight stays by employees of the State who travel a distance of less than fifty (50) miles for the performance of official duties in connection with this emergency, and the authority to allow employees of the State reimbursement for the cost of meals during Class C travel incurred in connection with this emergency.

F. I hereby give all agencies of the State responsible for the use of state buildings and facilities the authority to close such buildings and facilities in those portions of the State affected by the emergency, to the extent needed to meet this emergency.

G. I hereby give all agencies of the State, including the collegial bodies within those agencies, the authority to 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 applications are deemed to be approved unless disapproved in writing by specified deadlines, and all such time requirements that have not yet expired as of the date of this Executive Order are hereby suspended and tolled to the extent needed to meet this emergency.

Section 8. I hereby find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies may be inadequate to pay the costs of this disaster. In accordance with Section 252.37(2), Florida Statutes, to the extent that funds appropriated to the agencies of the State and to local agencies may be inadequate to defray the costs of this disaster, I hereby direct the transfer of sufficient funds from any unappropriated surplus from the Budget Stabilization Fund.

Section 9. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by States other than the State of Florida shall be allowed to render such services in the


State of Florida during this emergency for persons affected by the disaster, 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 10. In accordance with Sections 501.160(2) and 501.160(3), Florida Statutes, I hereby place all persons on notice that it is unlawful for any person in the State of Florida to rent or sell, or offer to rent or sell at an unconscionable price, any essential equipment, services, or supplies whose consumption or use is necessary because of the emergency. Such services shall include, without limiting the generality of the foregoing, any rental of hotel, motel, or other transient lodging facilities, and any rental of storage facilities. In accordance with Section 501.160(1)(b), Florida Statutes, any price exceeding the average price for such essential equipment, services, or supplies for the thirty (30) days immediately preceding the date of this Executive Order shall create a presumption that the price is unconscionable unless such increase is caused by actual costs incurred in connection with such essential equipment, services, or supplies, or is caused by national or international economic trends.

Section 11. All state agencies that enter emergency final orders or rules, or take other final actions based on the existence of this emergency shall advise the State Coordinating Officer in writing of the action taken as soon as practicable, but in no event later than the expiration of sixty (60) days from the date of this Executive Order.

Section 12. This Executive Order shall be deemed to have taken effect on July 7, 2005, and all actions taken by the Director of the Division of Emergency Management with respect to Hurricane Dennis before the issuance of this Executive Order are hereby ratified. This Executive Order shall expire sixty (60) days from the date hereof 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, the Capitol, this 7<sup>th</sup> day of July, 2005.

  
GOVERNOR

ATTEST:

\_\_\_\_\_  
SECRETARY OF STATE



JEB BUSH  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com  
850-488-7146  
850-487-0801 fax

# 717

July 10, 2005

The Honorable George W. Bush  
The President  
The White House  
Washington, D.C.

Through

Ms. Mary Lynn Miller  
Acting Regional Director  
FEMA Region IV

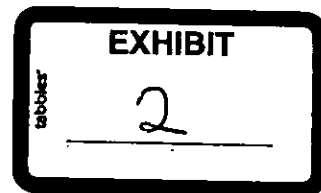
Dear Mr. President:

Under the provisions of Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended by Public Law 100-707, as implemented by 44 CFR § 206.36, I request that you declare an expedited Major Disaster Declaration for the entire State of Florida as a result of the direct effects of the statewide impacts of Hurricane Dennis. Our response to this event began on July 7, 2005, and is continuing. Hurricane Dennis has produced, and is expected to produce significant damages associated with coastal storm surges, high winds, torrential rainfalls, and inland flooding. I request 100 percent direct federal assistance for the life of the disaster; the Public Assistance Program for Category A (Debris Removal) and Category B (Emergency Protective Measures) for **Monroe, Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, Wakulla, Calhoun, Jackson, Washington, and Holmes County** initially at 100% for a consecutive 72 hour window to be determined by each declared county. I am asking for Individual Assistance for **Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, Wakulla, Calhoun, Jackson, Washington, and Holmes County**. I am asking for the full complement of Individual Assistance Programs to include the Individuals and Households Program, Disaster Unemployment Assistance, Crisis Counseling, Disaster Legal Services, and the Small Business Administration Disaster Loans Program. Lastly, I am asking for the Hazard Mitigation Grant Program for the entire State of Florida

According to the National Hurricane Center, Hurricane Dennis is a dangerous tropical system with the potential to cause widespread damages. Already, several tornadoes have touched down in Southwest and Central Florida causing property damage. Hurricane Dennis is predicted to deposit up to 9.3 inches of rain in Central and Southwest Florida, and up to 7.5 inches in the



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panhandle region. (Attachments 1 and 2) This rainfall will exacerbate flood conditions throughout the State, as several rivers are at, or exceeding flood stages.

Hurricane Dennis comes only ten months after the devastating impacts Hurricane Jeanne, which was separated by six weeks from Hurricanes Charley, Frances, and Ivan. The extent of last year's damages will exceed three to five billion dollars. Hurricane Dennis is taking a track similar to that of Hurricane Ivan, ready to impact an already devastated part of this state with damages expected to be equally severe. The State has not recovered from the 2004 hurricane season, and now Hurricane Dennis threatens to jeopardize the limited progress made to date with our overall recovery efforts. This storm is demoralizing for our citizens, and will be a severe financial hardship for panhandle counties already saddled with an onerous fiscal burden.

Hurricane Dennis is expected to make landfall on the west coast of Florida as a Category 4 hurricane on July 10. This will result in several hours of sustained hurricane force in the western panhandle region of the State. Depending on landfall, Hurricane Dennis could produce up to nine feet of storm surge in Santa Rosa and Escambia County, which will severely impact both the barrier islands and adjoining mainland areas, just as they did during Hurricane Ivan. Hurricane warnings are in effect from Taylor to Escambia County.

Hurricane Dennis is expected to cause significant debris. Attachment 3 represents the U.S. Army Corps of Engineers simulation model which was run on July 8. It is estimating Escambia County alone will generate 10.5 million cubic yards of debris. The model also estimates 219,000 households will be damaged by wind and torrential rainfall. (Attachment 4)

Currently, twenty counties have issued evacuation orders to accommodate those vulnerable to flooding, living in mobile homes, or having special needs, resulting in the movement of over 1.2 million residents and visitors. Fourteen special needs shelters have been opened hosting 343 evacuees, and 37 general public shelters are open currently hosting 6,590 evacuees. There are an additional 6,000 shelter spaces on stand by, should they be needed. Several hospitals in Escambia and Santa Rosa County are taking protective actions in the event they need to evacuate their residents to other host facilities as conditions deteriorate. According to FEMA's HAZUS computer model, given its current projected path, Hurricane Dennis will cause over \$1.2 billion in economic losses, and another \$5.5 billion in property losses. (Attachment 5) In addition, widespread power outages have occurred, and are expected to increase. Cooperative and investor-owned utilities are prepared to begin immediate repairs following the passage of high winds and rainfall caused by these tropical systems.

The State Emergency Operations Center is currently activated at Level 1. On July 8, 2005, I issued Executive Order 05-139 (Attachment 6) declaring a state of emergency and activating the State Comprehensive Emergency Management Plan. Multiple counties have

initiated protective actions; activated their Emergency Operations Centers and, issued local states of emergency. The Florida National Guard (FNG) has activated over 1,400 soldiers and is prepared to establish base camps, logistical staging areas, and take other necessary actions. Additional FNG resources will be activated as the situation warrants. The State Emergency Response Team has deployed 13 State Liaison Officers into the impacted coastal counties. An "A" Team has been requested under the Emergency Management Assistance Compact to support the numerous requests for EMAC resources.

Other state agencies, including the Departments of Community Affairs, Transportation, Children and Families, Health, Elder Affairs, Insurance, Business and Professional Regulation, Environmental Protection, Highway Safety and Motor Vehicles, Law Enforcement, Agriculture and Consumer Services, Management Services, and the Agency for Health Care Administration have also used their resources to respond to this event.

Emergency Support Function -8, Health and Medical, is coordinating with all local health departments to secure additional special needs shelters, as needed. ESF-11, Food and Water, is locating USDA commodities and is preparing to direct them into the impacted counties. ESF-14, Public Information, has activated the Florida Emergency Information Line, to give residents a place to call for emergency information. ESF-16, Law Enforcement, has identified supplemental local and state law enforcement personnel to assist with evacuations and security missions.

The FEMA Emergency Response Team - A has arrived at the State Emergency Operations Center, and has been integrated with their state counterparts. Several requests for federal assistance have been made and will be acted upon once the State of Florida is declared a disaster area.

By virtue of Executive Order 05-139, I have designated all state, regional and local governmental facilities, including all public elementary and secondary schools, all community colleges, and all state universities, for use as shelters to ensure the proper reception and care of all expected evacuees.

I have determined, pursuant to 44 CFR § 206.35, that this incident is of such severity and magnitude that effective response and recovery actions are beyond the capabilities of the State and the affected local governments, and that supplemental federal assistance is necessary to save lives, protect property, public health and safety, or to lessen or avert the threat of a disaster.

In response to the situation, I have taken appropriate actions under state law and directed the execution of the provisions of the State Comprehensive Emergency Management Plan for the duration of this event.

The Honorable George W. Bush  
July 10, 2005  
Page 4

In accordance with 44 CFR § 206.208, the State of Florida agrees that it will, with respect to direct Federal assistance:

1. Provide without cost to the United States all lands, easements and rights-of ways necessary to accomplish the approved work;
2. Hold and save the United States free from damages due to the requested work, and shall indemnify the Federal Government against any claims arising from such work;
3. Provide reimbursements to FEMA for the non-Federal share of the cost of such work in accordance with provisions of the FEMA-State Agreement; and
4. Assist the performing Federal agency in all support and local jurisdictional matters.

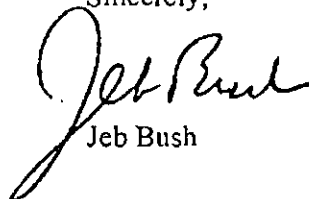
In addition, I anticipate the need for debris removal, which poses an immediate threat to lives, public health, and safety.

Pursuant to Sections 403 and 407 of the Stafford Act, U.S.C. §§ 5170 (b) & 5173, the State agrees to indemnify and hold harmless the United States of America for any claims arising from the removal of debris or wreckage for this disaster. The State agrees that debris removal from public and private property will not occur until the landowner signs an unconditional authorization for the removal of debris.

I further hereby certify that State and local obligations and expenditures for this disaster will comply with all applicable cost sharing requirements. I have designated W. Craig Fugate, Director, Department of Community Affairs, Division of Emergency Management, as the State Coordinating Officer for this request. He will work with the Federal Emergency Management Agency on damage assessments and is authorized to provide any further information, assurances, requests or justification on my behalf.

Your prompt consideration of my request is most appreciated.

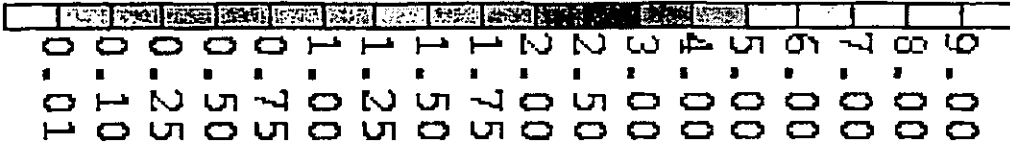
Sincerely,



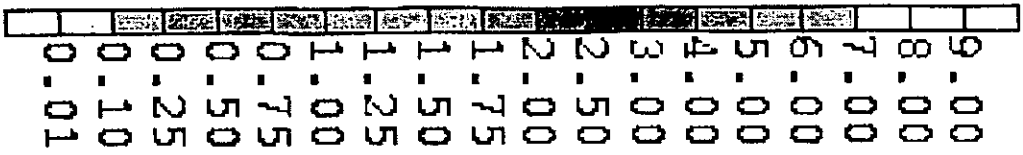
Jeb Bush

JB/wfk  
Attachments (6)

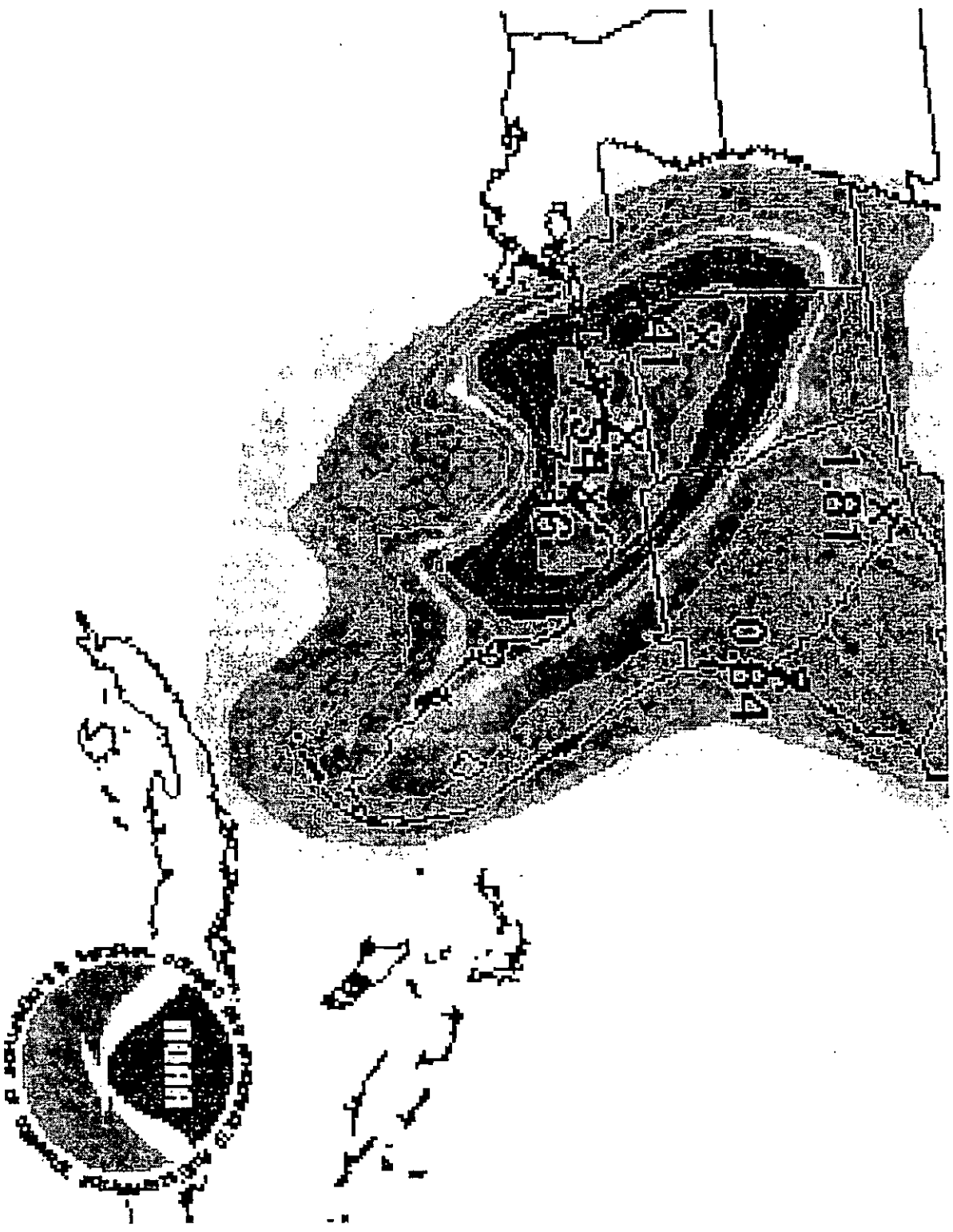




# Forecast Rainfall - Sat AM through Sun AM



# Forecast Rainfall - Sun AM through Mon AM

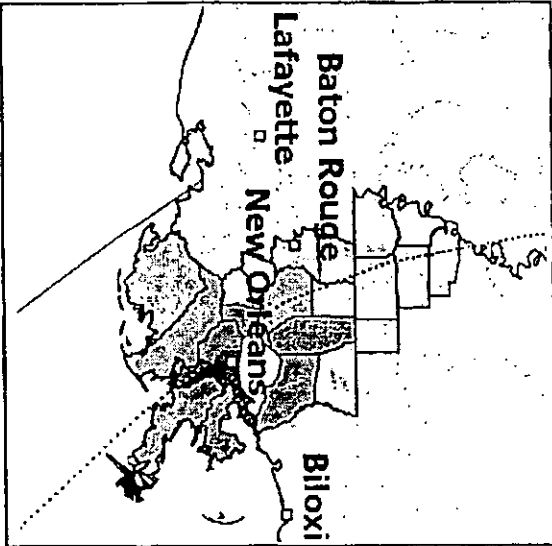




# Hurricane Dennis Debris Model Results

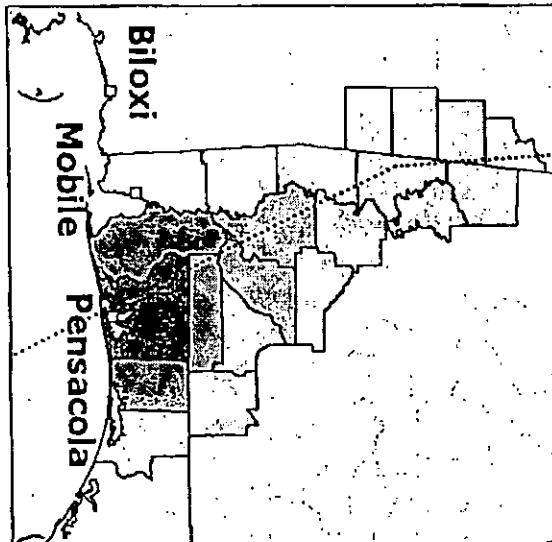
Landfall Expected Within 2 Days

For Official Use Only!



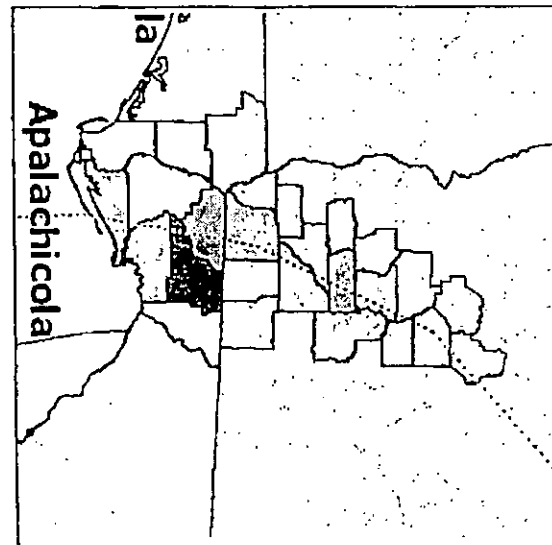
### Maximum Damage Results

Louisiana — 19,256,000 yd<sup>3</sup>  
 Mississippi — 540,000 yd<sup>3</sup>



### NHC Forecast Track Results

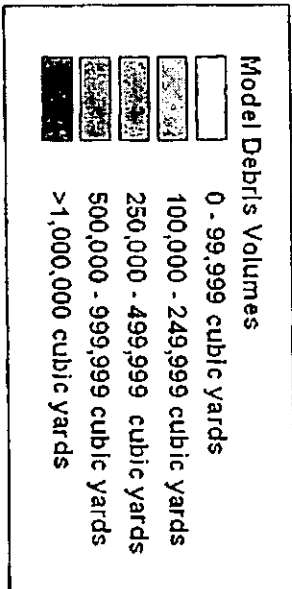
Florida — 10,562,000 yd<sup>3</sup>  
 Alabama — 2,156,000 yd<sup>3</sup>  
 Mississippi — 65,000 yd<sup>3</sup>




### Minimum Damage Results

Florida — 2,310,000 yd<sup>3</sup>  
 Georgia — 629,000 yd<sup>3</sup>

The amount of debris forecasted is a possible total volume, not necessarily the volume that may need to be removed with Federal funds. Details about this model may be obtained at <https://enlink.usace.army.mil> or contact ENGLink at 1-877-936-4546



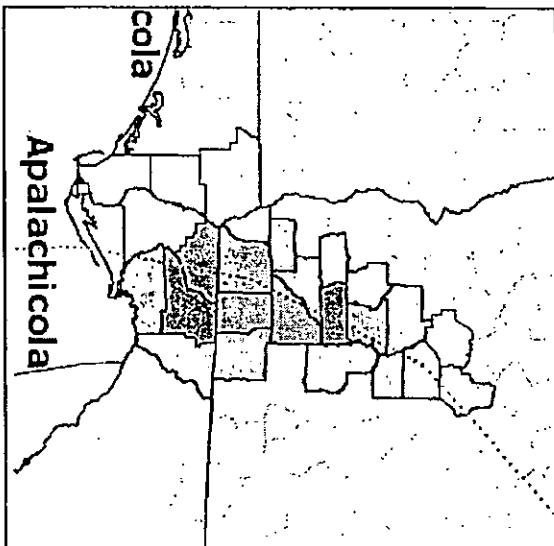
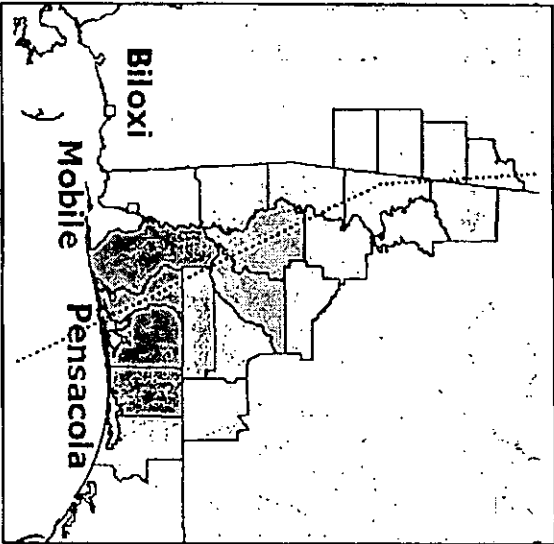
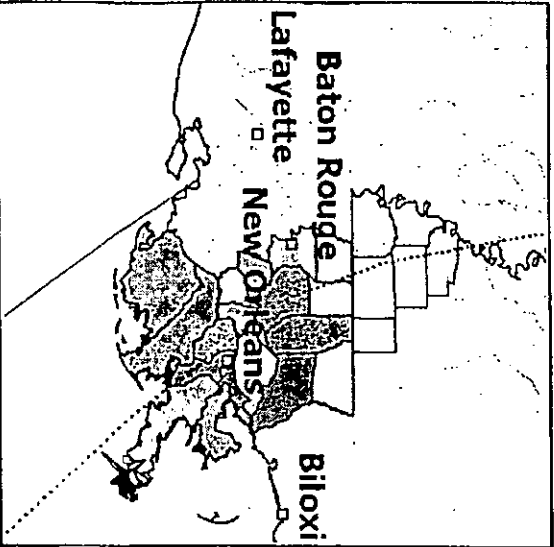
 US Army Corps of Engineers		<b>Hurricane Dennis Debris Model</b>	
Sources: HUREVAC LRL-DEBRIS		Generated By: Terry Siemsen Generated Date: 1500 EDT 07/08/2005	
		Page 2 of 6	



# Hurricane Dennis Households Model Results

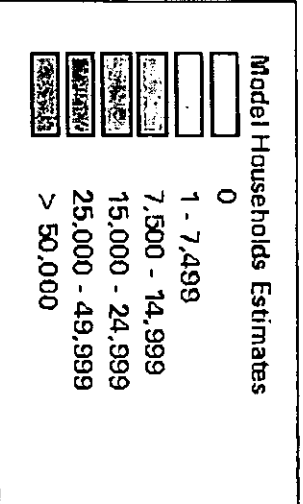
## Landfall Expected Within 2 Days

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The number of households forecasted is based on the households (2000 Census) that are included in an area estimated to receive hurricane force winds.

Details about this model may be obtained at <https://englink.usace.army.mil> or contact ENGLink at 1-877-936-4546



<b>Hurricane Dennis Households Model</b>	
<b>Sources:</b> HURREVAC LRL-DEBRIS	
<b>Generated By:</b> Terry Siemsen	
<b>Generated Date:</b> 1500 EDT 07/08/2005	Page 6 of 6

## Economic Loss

The total economic loss estimated for the hurricane is 6710.8 million dollars, which represents 14.33 % of the total replacement value of the region's buildings.

### Building-Related Losses

The building related losses are broken into two categories: direct property damage losses and business interruption losses. The direct property damage losses are the estimated costs to repair or replace the damage caused to the building and its contents. The business interruption losses are the losses associated with inability to operate a business because of the damage sustained during the hurricane. Business interruption losses also include the temporary living expenses for those people displaced from their homes because of the hurricane.

The total property damage losses were 6,711 million dollars. 2% of the estimated losses were related to the business interruption of the region. By far, the largest loss was sustained by the residential occupancies which made up over 81% of the total loss. Table 4 below provides a summary of the losses associated with the building damage.

**Table 5: Building-Related Economic Loss Estimates**  
(Thousands of dollars)

Category	Area	Residential	Commercial	Industrial	Others	Total
<b>Property Damage</b>						
	Building	3,438,157.23	399,747.92	55,801.03	63,521.21	3,957,227.39
	Content	1,194,540.52	261,664.22	44,980.42	39,768.15	1,540,953.31
	Inventory	0.00	9,828.93	10,612.37	397.83	20,839.13
	<b>Subtotal</b>	<b>4,632,697.74</b>	<b>671,241.07</b>	<b>111,393.82</b>	<b>103,687.20</b>	<b>5,519,019.84</b>
<b>Business Interruption Loss</b>						
	Income	5,230.27	100,897.55	1,551.52	1,150.25	108,829.59
	Relocation	566,080.17	85,065.09	5,284.47	18,943.40	675,373.13
	Rental	223,552.63	47,226.09	1,025.83	2,589.31	274,393.85
	Wage	12,253.69	114,172.75	2,587.07	4,191.49	133,205.00
	<b>Subtotal</b>	<b>807,116.75</b>	<b>347,361.47</b>	<b>10,448.89</b>	<b>26,874.46</b>	<b>1,191,801.58</b>
<b>Total</b>	<b>Total</b>	<b>5,439,814.50</b>	<b>1,018,602.54</b>	<b>121,842.71</b>	<b>130,561.66</b>	<b>6,710,821.42</b>



## President Orders Disaster Aid For Florida Hurricane Victims

Release Date: July 10, 2005  
Release Number: HQ-05-143

WASHINGTON, D.C. – The head of the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) announced today that President Bush has ordered the release of federal disaster funds and emergency resources for Florida to aid people ravaged by Hurricane Dennis.

Michael D. Brown, Under Secretary of Homeland Security for Emergency Preparedness and Response, said the President took the action under a major disaster declaration issued for the state in response to the hurricane that landfall this afternoon.

"President Bush moved quickly in coming to the aid of the people of Florida because he is aware of the magnitude of damage this storm is causing," Brown said. "The Department of Homeland Security and FEMA will work with our state and local partners to ensure that they receive the necessary assistance to meet immediate critical needs and to help get them on the road to recovery as fast and efficiently as possible."

Brown said emergency assistance triggered by the declaration can range from the use of federal personnel, equipment and lifesaving systems to the delivery of heavy-duty generators, plastic sheeting, tents, cots, food, water, medical aid and other essential supplies and materials for sustaining human life.

In addition to emergency aid, Brown said the declaration makes federal funds available for the long-term recovery of storm-stricken residents and business owners in the hard-hit counties of Escambia and Santa Rosa.

The assistance, to be coordinated by FEMA, can include grants to help pay for temporary housing, home repairs and other serious disaster-related expenses. Low-interest loans from the U.S. Small Business Administration also will be available to cover residential and business losses not fully compensated by insurance.

Additionally, Brown said the state and affected local governments and certain private non-profit organizations in 13 counties are eligible to apply for federal funds to pay 75 percent of the approved costs for debris removal and emergency protective services related to the hurricane, including requested emergency work undertaken by the federal government. For a period of up to 72 hours, Brown said emergency protective services and requested federal emergency work, excluding debris removal, would be paid at 100 percent federal funding.

The 13 counties designated for the assistance include Bay, Calhoun, Escambia, Franklin, Gulf, Holmes, Jackson, Monroe, Okaloosa, Santa Rosa, Wakulla, Walton and Washington.

Brown said federal funding also will be available to the state on a cost-shared basis for approved projects that reduce future disaster risks. He indicated that aid for residents in other counties and additional forms of assistance for state and local government agencies may be designated later as conditions allow damage to be assessed in the stricken area.

Justin DeMello of FEMA was named by Brown to coordinate federal recovery operations. DeMello said that affected residents and business owners in the designated counties of Escambia and Santa Rosa can begin the disaster application process by registering online at <http://www.fema.gov> or by calling 1-800-621-FEMA (3362), or 1-800-462-7585 (TTY) for the hearing and speech impaired. The toll-free telephone numbers will be available starting tomorrow 24-hours a day, seven days a week until further notice.

Because of the anticipated high volume of initial calls, owners of commercial properties and residents with only minor losses are urged to wait a few days before calling so those whose homes were destroyed or heavily damaged can be served first. Storm victims with insurance coverage should contact their insurance company or agent before calling to report losses and, if necessary, to request an advance or partial payment of their settlement.

FEMA prepares the nation for all hazards and manages federal response and recovery efforts following any national incident. FEMA also initiates mitigation activities, trains first responders, works with state and local emergency managers,

and manages the National Flood Insurance Program and the U.S. Fire Administration. FEMA became part of the U.S. Department of Homeland Security on March 1, 2003.

*Last Updated: Sunday, 10-Jul-2005 19:36:44*

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Section 10. Paragraphs (d) and (e) are added to subsection (2) of section 627.4133, Florida Statutes, to read:

627.4133 Notice of cancellation, nonrenewal, or renewal premium. --

(2) With respect to any personal lines or commercial residential property insurance policy, including, but not limited to, any homeowner's, mobile home owner's, farmowner's, condominium association, condominium unit owner's, apartment building, or other policy covering a residential structure or its contents:

*1. Upon a declaration of an emergency pursuant to s. 252.36 and the filing of an order by the Commissioner of Insurance Regulation, an 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 which has been damaged as a result of a hurricane or wind loss that is the subject of the declaration of emergency for a period of 90 days after the dwelling or residential property has been repaired. A structure is deemed to be repaired when substantially completed and restored to the extent that it is insurable by another authorized insurer that is writing policies in this state.*

*2. However, an insurer or agent may cancel or nonrenew such a policy prior to the repair of the dwelling or residential property:*

*a. Upon 10 days' notice for nonpayment of premium; or*

*b. Upon 45 days' notice:*

*(I) For a material misstatement or fraud related to the claim;*

*(II) If the insurer determines that the insured has unreasonably caused a delay in the repair of the dwelling; or*

*(III) If the insurer has paid policy limits.*

*3. If the insurer elects to nonrenew a policy covering a property that has been damaged, the insurer shall provide at least 90 days' notice to the insured that the insurer intends to nonrenew the policy 90 days after the dwelling or residential property has been repaired. Nothing in this paragraph shall prevent the insurer from canceling or nonrenewing the policy 90 days after the repairs are complete for the same reasons the insurer would otherwise have canceled or nonrenewed the policy but for the limitations of subparagraph 1. The Financial Services Commission may adopt rules, and the Commissioner of Insurance Regulation may issue orders, necessary to implement this paragraph.*

*4. This paragraph shall also apply to personal residential and commercial residential policies covering property that was damaged as the result of Tropical Storm Bonnie, Hurricane Charley, Hurricane Frances, Hurricane Ivan, or Hurricane Jeanne.*

*(e) If any cancellation or nonrenewal of a policy subject to this subsection is to take effect during the duration of a hurricane as defined in s. 627.4025(2)(c), the effective date of such cancellation or nonrenewal is extended until the end of the duration of such hurricane. The insurer may collect premium at the prior rates or the rates then in effect for the period of time for which coverage is extended. This paragraph does not apply to any property with*



*respect to which replacement coverage has been obtained and which is in effect for a claim occurring during the duration of the hurricane.}}*

Section 30. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved: June 1, 2005.

Effective: June 1, 2005