

PURPOSE, EFFECT AND SUMMARY: The rule is being repealed because it is contrary to Section 641.3155(3) and (4), F.S. The rule provides that claims must be paid or additional information must be requested within 30 days of receipt by the HMO. The statute, however, sets out a variety of different time periods, one factor of which is whether the claim was electronically submitted or not. These time periods range from 20 days to 90 days.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 641.36 FS.

LAW IMPLEMENTED: 641.31(12), 641.3903(5)(c)3.,5.,6. FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 a.m., June 15, 2005

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Norris, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: bob.norris@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-191.066 Claim Payments.

Specific Authority 641.36 FS. Law Implemented 641.31(12), 641.3903(5)(c)3.,5.,6. FS. History--New 2-22-88, Formerly 4-31.066, Amended 5-28-92, Formerly 4-191.066, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Norris, Life and Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2005

### Section III Notices of Changes, Corrections and Withdrawals

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

#### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.604  
RULE TITLE: Determination of Credit When Inmate is Released in Error

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 10, March 11, 2005, issue of the Florida Administrative Weekly:

33-601.604 Determination of Credit When Inmate is Released in Error.

(1) No change.

(2) A preliminary determination will be made as to where the error occurred. If it is clear that an error was made on the part of the state, and there is no indication that the inmate reasonably should have known that the release was in error or before completion of sentence, based upon the length and number of sentences as reflected in the commitment documents and court orders, the out time will be awarded without the need for hearing.

(3) If it appears the inmate reasonably should have known that the release was in error or before completion of sentence, based upon the length and number of sentences as reflected in the commitment documents and court orders, a fact finding due process hearing will be held to determine if the inmate is due credit for the time out of custody.

(a) through (4) No change.

Specific Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275 FS. History--New 7-11-00, Amended \_\_\_\_\_.

#### WATER MANAGEMENT DISTRICTS

##### Southwest Florida Water Management District

RULE CHAPTER NO.: 40D-1  
RULE CHAPTER TITLE: Procedures  
RULE NO.: 40D-1.659  
RULE TITLE: Forms and Instructions

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed amendment to the above rule, as noticed in Vol. 31, No. 9, Pages 859-860, on March 4, 2005, in the Florida Administrative Weekly has been withdrawn.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60DD-8	Statewide Law Enforcement Radio System
RULE NOS.:	RULE TITLES:
60DD-8.001	Purpose; Definitions
60DD-8.003	Frequencies; Licenses
60DD-8.006	Service and Maintenance Priorities

NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that in response to comments from the Joint Administrative Procedures Committee the following changes have been made to the proposed rules published in the Vol. 30, No. 51 (December 17, 2004), Vol. 31, No. 8 (February 25, 2005), and Vol. 31, No. 14 (April 8, 2005) issues of the Florida Administrative Weekly:

60DD-8.001 Purpose; Definitions.

(1) The purpose of this rule chapter is to establish procedures to allow Third Party Subscribers, as defined herein, to use the Statewide Law Enforcement Radio System (or "SLERS"). Such use benefits the state and facilitates the efficient use of radio spectrum.

(2) The following terms are defined:

(a) Contractor – Entity under contract with State Technology Office to provide the Statewide Law Enforcement Radio System.

(b) Encryption – Cryptographic transformation of data (called "plaintext") into a form (called "cipher-text") that conceals the data's original meaning to prevent it from being known or used.

(c) First Responder – Entities, including law enforcement, fire service and emergency medical agencies, trained or responsible for rendering initial care or treating or transporting ill or injured persons.

(d) Interoperability – An essential communication link within public safety and public service wireless communications systems which permits users from different entities to interact with one another and to exchange information in order to more effectively carry out their assigned missions.

(e) Interoperability Users – Third Party Subscribers who are not State Law Enforcement users who need to communicate with State Law Enforcement over the SLERS radio network.

(f) JTF Agency Users – State law enforcement agencies (including ex-officio members) which are ~~or may become~~ members of the Joint Task Force pursuant to Joint Task Force Board approval of applicants' implementation plans and applicants' acceptance of Board Policies and Standard Operating Procedures.

(g) Local Law Enforcement – Law enforcement agencies of counties and municipalities.

(h) MHz – Megahertz, or millions of cycles per second (a measure of radio frequency or channel).

(i) Security Manager – The individual appointed by the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to be responsible for the security of the Statewide Law Enforcement Radio System, as well as any Alternate Security Manager or Deputy Security Manager appointed by the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications.

(j) Special Conditions – Any terms and conditions in the Third Party Agreement for access to the Statewide Law Enforcement Radio System (Form No. STO-SLERS-001, Effective \_\_\_\_\_, incorporated by reference at subsection 60DD-8.002(2), F.A.C.) included to mitigate the impact of the third party's usage to other users on the SLERS radio network.

(k) State interoperability talk groups – Those talk groups established in the radio system for use by Interoperability Users to communicate with State Law Enforcement agencies.

(l) State Law Enforcement– Law enforcement agencies of state agencies and universities.

(m) System Key – An electronic code applied to every radio in the radio system, to prevent unauthorized radios from accessing the radio system.

(n) System Manager – The individual charged by the State Technology Office with responsibility to manage the contract for the Statewide Law Enforcement Radio System and services.

(o) Talk group – A logical grouping of radio users as defined in the radio system programming that can communicate together; a radio net.

(p) Third Party Subscribers – Non-JTF Agency Users, which are eligible under Part 90 of the Federal Communication Commission's rules to use spectrum allocated for public safety use, to which Contractor provides communications services on SLERS.

(3) Other terms shall have their commonly understood meaning.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History–New \_\_\_\_\_.

60DD-8.003 Frequencies and Licenses.

(1) Third Party Subscribers wishing to join the Statewide Law Enforcement Radio System shall contribute FCC-licensed or Florida 800 MHz FCC Region 9 Public Safety Plan frequencies for use by the Statewide Law Enforcement Radio System during their term of membership. In order to ensure that the State Technology Office can be properly licensed by the FCC to incorporate such frequencies into the Statewide Law Enforcement Radio System, such Third Party Subscribers shall provide the State Technology Office with all relevant correspondence or consents demonstrating their by an agreement to relinquish them to the State Technology Office for the period of Statewide Law Enforcement Radio System use. Third Party Subscribers shall provide at least six (6) months minimum notice of their intent to leaving the system before the contributed frequencies will be returned to the user. The State Technology Office is authorized, pursuant to Section 282.102(11), Florida Statutes, to apply for and obtain the licenses for the use of may license in the State of Florida's name all such frequencies contributed to the system.

(2) In the case of Federal users and State Government Users wishing to join the Statewide Law Enforcement System but having no frequencies, the State Technology Office is authorized to require the subscriber to add may be requested to utilize purchase dual band 700/800 MHz radios to supplement the Statewide Law Enforcement Radio System by accessing available frequency bands or to specify empty with other Special Conditions for the subscriber that may be specified in order to ensure that their equipment is compatible with and to avoid system usage that would cause the average waiting time per call to exceed 0.5 seconds at a site excessive additional traffic loads on the Statewide Law Enforcement Radio System.

(3) Interoperability Users will be exempted from the requirement to provide frequencies if the State Technology Office determines through an engineering evaluation that the subscriber will have a negligible negative impact on the Statewide Law Enforcement Radio System.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History—New \_\_\_\_\_.

60DD-8.006 Service and Maintenance Priorities.

(1) If traffic loading at a site causes queuing of calls such that the busy hour average waiting time per call exceeds 0.5 seconds, then the State Technology Office, in consultation with the Contractor and system users, is authorized to may take measures to restrict system use. Such measures shall may include: Disabling of individual calling and telephone interconnect calling; patching of talk groups; disabling of talk groups; disallowing the addition of radios to the system; or and partitioning of channels.

(2) In no case shall any Third Party Subscriber be granted a higher priority for traffic or provided a faster response for maintenance than required for JTF Agency Users of the Statewide Law Enforcement Radio System.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History—New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Brooks, P.E., Manager, Statewide Law Enforcement Radio System, State Technology Office, 4030 Esplanade Way, Suite 280P, Tallahassee, Florida 32399-0950; (850)414-6768; Tom.Brooks@MyFlorida.Com

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NOS.:	RULE TITLES:
61G4-21.002	Definitions
61G4-21.003	Filing Claims
61G4-21.004	Claims Review

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 6, of the February 11, 2005, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on April 15, 2005, voted to make changes to the rules.

The changes are as follows:

1. In Rule 61G4-21.002, subsection (3) shall be deleted in its entirety. The remaining subsections will be renumbered accordingly.

2. In Rule 61G4-21.003, the following sentences shall be added to the end of subsection (1): “The address of the Fund is: Suite 42, 1940 North Monroe Street, Tallahassee, FL 32399. The Fund phone number is (850) 921-6593.”

3. Subsection (2) of Rule 61G4-21.003 shall be reworded to read as follows: “Completed claim forms shall be forwarded to the Board, together with a copy of the complaint that initiated action against the contractor, a certified copy of the underlying Judgment, order of restitution, or award in arbitration, together with the judgment; a copy of any contract between the claimant and the contractor, including change orders; proof of payment to the contractor and/or subcontractors; copies of any liens and releases filed against the property, together with the Notice of Claim and Notice to Owner; copies of applicable bonds, sureties, guarantees, warranties, letters of credit and/or policies of insurance; certified copies of levy and execution documents, and proof of all efforts and inability to collect the judgment or restitution order, and other documentation as may be required by the Board to determine causation of injury or specific actual damages.”

4. In Rule 61G4-21.004, subsection (3)(a) has been reworded to read as follows: “The claimant is a licensee who acted as the contractor;”.

5. In Rule 61G4-21.004, subsection (3)(f) has been reworded to read as follows:

“(f) When after notice, the claimant has failed to provide documentation in support of the claims required by rule; or”.

6. The third sentence of subsection (5) of Rule 61G4-21.004, shall read as follows: “These are: a completed and signed claim form, a judgment, order of restitution, or award in arbitration, evidence of a Section 489.129(1)(g), (j), or (k), Florida Statutes, violation, and all reasonable searches and inquiries.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE NO.: 61G8-30.001  
RULE TITLE: Disciplinary Guidelines  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 50, December 10, 2004, issue of the Florida Administrative Weekly. These changes are being made in responses to comments from the Joint Administrative Procedures Committee.

Subparagraph (3)(c) now reads as follows:

(c) Failure to comply with any provision of the Final Order shall result in sending a 10-day notice letter to the licensee announcing the intention of filing an administrative complaint seeking penalties including suspension of the license until compliant for violation of a Board Order, if the licensee is not compliant within 10 days of the date of the letter.

Subparagraph (4) now reads as follows:

(4) Upon motion and for good cause shown, the usual conditions may be altered by the Board at the time discipline is imposed to reflect licensee’s ability to comply. Changes include, but are not limited to, extension of time for payment of fines and costs, reduction of the interest rate imposed, altering the time for taking CE or Laws and Rules Examination, waiving appearance before the Board altogether, or permitting appearance pursuant to paragraph (3)(f), by telephone due to incapacity.

Changes were made to the penalties sections below due to typographical errors in the Rule Notice.

<u>407.019(2)(m) continued; 455.227(1)(g), 455.227(1)(q)</u>	<u>470.036(1)(i); 470.036(1)(j)</u>	<u>Violation of Board or Department disciplinary order or failure to comply with Order or subpoena</u>	<u>Reprimand, Fine of \$1000-2500 + costs, 6 mos-1 yr probation with usual conditions to suspension until compliant</u>	<u>Reprimand, Fine of \$2500-5000, Revocation or Denial + Costs - 2 yr probation with usual conditions to suspension until compliant</u>
<u>470.019(2)(n)</u>	<u>470.036(1)(i)</u>	<u>Practicing with revoked, suspended, inactive or delinquent license</u>	<u>Fine \$100-500 per month of violation + costs, probation 6 mos-1 yr with usual conditions</u>	<u>Fine \$500-1000 per month of violation + costs, 1 yr probation with usual conditions - revocation or denial</u>

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-1.016  
RULE TITLE: Fees: Examination and Post-Examination Review

**THIRD NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. The initial Notice of Change was published in Vol. 31, No. 14, April 8, 2005 issue of the Florida Administrative Weekly, then a Notice of Change withdrawing a portion of Notice of Change was published in the Vol. 31, No. 16, April 22, 2005, issue of the Florida Administrative Weekly. A Public Hearing Notice was published in Vol. 31, No. 16, April 22, 2005, issue of the Florida Administrative Weekly, and held on May 4, 2005 at 9:30 a.m. No member of the public was in attendance.

In (1)(a) the portion of the text of the rule on Exam Fees, Dental Clinical, shall read as follows:

Dental Clinical \$320.00

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Weaver, Testing Services Manager, 4052 Bald Cypress Way, Bin #C90, Tallahassee, Florida 32399-1703

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE NOS.:	RULE TITLES:
64D-3.022	Reporting Requirements for Individuals
64D-3.023	Reporting Requirements for Laboratories

**NOTICE OF CHANGE**

Notice is hereby given that proposed Rules 64D-3.022 and 64D-3.023, F.A.C., published in the Florida Administrative Weekly, Vol. 31, No. 13, April 1, 2005 have been changed to reflect comments made by the Florida Legislature Joint Administrative Procedures Committee.

The changed sections of the rule are as follows:

64D-3.022 Reporting Requirements for Individuals.

(1) Each individual who makes a diagnosis of or provides medical services to a person with suspected or confirmed active tuberculosis shall report or cause to be reported such diagnosis to the department. Examples of individuals required to report include the following: persons licensed under Chapter 458, 459, 464, 465, or part II, part IV or part V of Chapter 468, F.S.; medical examiners appointed pursuant to Chapter 406, F.S.; administrators of health facilities where tuberculosis patients receive health care services; medical technologists; and infection control officers.

(2) A person has active tuberculosis when either of the following occur:

(a) A culture specimen taken from any source has tested positive for tuberculosis and the person has not completed an appropriate prescribed course of medication for tuberculosis disease, or

(b) There is current radiological, clinical, or laboratory evidence sufficient to establish a medical diagnosis of tuberculosis for which treatment is indicated and the person has not completed an appropriate prescribed course of medication for tuberculosis.

(3) The reporting individual shall provide to the department, to the fullest extent known at the time the report is made, the following information:

- (a) Patient's name;
- (b) Patient's address (including temporary living quarters);
- (c) Patient's home telephone number (including temporary living quarters);
- (d) Patient's date of birth;
- (e) Patient's sex;
- (f) Patient's race;
- (g) Pertinent diagnostic information including, but not limited to, results of Mantoux tuberculin skin tests, laboratory examinations, the 15 digit spoligotype (octal code), radiographic examinations, and physical examinations. If the

spoligotyping is not available, the isolate must be submitted to the department's laboratory in Jacksonville. The department will provide the mailing materials and pay mailing costs.

(h) Name, title, address, and telephone number of the diagnosing physician or the individual submitting the report.

(4) Initial reports shall be submitted confidentially by telephone, facsimile or in writing within 72 hours of diagnosis. Reports shall be submitted to the county health department office having jurisdiction for the area in which the office of the reporting individual or the patient's residence is located.

Specific Authority 381.0011(13), 381.003(2), 392.53(2), 392.66 FS. Law Implemented 381.0011, 381.003(1)(a), 392.53, 392.64, 392.65(1) FS. History--New 7-19-89, Amended 2-26-92, 5-20-96, Formerly 10D-3.10, Amended 9-17-98, \_\_\_\_\_.

64D-3.023 Reporting Requirements for Laboratories.

(1) Each person who is in charge of a laboratory which ~~performs cultures for *Mycobacterium* spp.~~ or which refers specimens to laboratories other than those operated by the department for mycobacterial cultures, shall report or cause to be reported all specimens positive for *Mycobacterium tuberculosis*, *Mycobacterium bovis*, or *Mycobacterium africanum* to the department. Reports shall be made confidentially by telephone, facsimile or in writing within 72 hours from the date of the test result. Reports shall be submitted to the county health department office having jurisdiction for the area in which the office of the submitting individual or the patient's residence is located.

(2) Identifying information required on the report is:

- (a) Patient's Name;
- (b) Patient's Address;
- (c) Patient's Date of birth;
- (d) Patient's Sex;
- (e) Patient's Race;
- (f) Name and address of submitting physician;
- (g) Name and address of laboratory performing test;
- (h) Type of specimen;
- (i) Date of specimen collection;

(j) Test(s) performed and result(s), including the 15 digit spoligotype (octal code). If the spoligotyping is not available, the isolate must be submitted to the department's laboratory in Jacksonville. The department will provide the mailing materials and pay mailing costs.

(3) The form on which the information will be reported will be furnished by the laboratory.

(4) Laboratories shall submit all test information to the local county health department having jurisdiction for the area in which the office of the reporting physician or the patient's residence is located and also to the department's Bureau of Tuberculosis and Refugee Health Control and Prevention office in Tallahassee.

Specific Authority 381.0011(13), 381.003(2), 392.53(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1)(a), 392.53, 392.65(1) FS. History--New 7-19-89, Amended 2-26-92, Formerly 10D-3.106, Amended 9-17-98,

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NO.: 690-170.003  
 RULE TITLE: Calculation of Investment Income  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 13, April 1, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by interested parties.

Paragraph 690-170.003(2)(f), F.A.C., is changed to read:

(f) "P/S" shall denote the relative risk relationship between sublines of insurances as indicated in subsection (9) below. A lower P/S value indicates more risk, and a higher value indicates less risk.

Subsection 690-170.003(9), F.A.C., will insert a new subline between Medical Malpractice – Occurrence and Mortgage Guaranty, and is changed to read:

<u>Medical Malpractice – Occurrence</u>	<u>0.80</u>
<u>Mobile Homes</u>	<u>1.20</u>
<u>Mortgage Guaranty</u>	<u>1.20</u>

The remainder of the reads as previously published.

**Section IV  
 Emergency Rules**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE TITLE: Community Development Block Grant  
 RULE NO.: 9BER05-2

Disaster Recovery Funding  
 During the 2004 hurricane season, four major hurricanes devastated many areas of the state. Thousands of homes were damaged or destroyed, and residents were severely impacted by flooding, damaged public facilities, downed power lines and debris. Many businesses suffered serious damage or were destroyed, along with governmental service buildings, public housing, nursing homes and hospitals. Other infrastructure was also seriously impacted.

The Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act (the Act), 2005 (Public Law 108-324, approved October 13, 2004) appropriated \$100,915,626 in Community Development Block Grant funds to the State of Florida for disaster relief, long-term recovery, and mitigation directly related to the effects of the disasters that occurred between August 31, 2003 and October 1, 2004 and covered by Presidential disaster declarations. The

availability of the funding was formally announced in the Federal Register (Volume 69, No. 237) on December 10, 2004, effective December 15, 2004.

The Act authorized the U.S. Department of Housing and Urban Development (HUD) to waive or specify alternative requirements for any statute or regulation that HUD administers in connection with the funds, except for requirements relating to fair housing, nondiscrimination, labor standards, and the environment, as long as the waiver facilitates the use the funds and is not inconsistent with the overall purpose.

The Act required the State of Florida to develop an Action Plan, to be approved by HUD, that sets out the parameters for allocating funds to areas of the state hit hardest by the hurricanes and related weather events.

Disaster impact data collected by the Federal Emergency Management Agency (FEMA), Florida Agency for Workforce Innovation, and the Governor’s Hurricane Housing Workgroup indicated that 15 counties, and the municipalities located therein, suffered the most devastation. These counties were targeted to receive the federal funding made available through HUD. The Action Plan, approved by HUD, specified the manner in which eligible communities could apply for the funding as well as eligible activities and other requirements.

As stated in the Action Plan, every county in the state was covered by one or more state and federal disaster declarations. Federal declarations by number and date that applied to the storms are listed below:

FEMA-1539-DR dated August 13, 2004 – Tropical Storm Bonnie and Hurricane Charley

FEMA-1545-DR dated September 4, 2004 – Hurricane Frances

FEMA-1551-DR dated September 16, 2004 – Hurricane Ivan

FEMA-1561-DR dated September 26, 2004 – Hurricane Jeanne

Counties eligible to receive funding are: Brevard, Charlotte, DeSoto, Escambia, Hardee, Indian River, Martin, Okeechobee, Orange, Osceola, Palm Beach, Polk, Santa Rosa, St. Lucie and Volusia. The Action Plan specifies a cap for each county, including the municipalities located therein, and states that collectively awards shall not exceed the stated cap. The Disaster Recovery Initiative Application for Funding was developed to correlate with the Action Plan. Applications were due to the Department of Community Affairs on April 4, 2005. **SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE:**

(1) The State of Florida, through the Department of Community Affairs, is responsible for the regular administration of the Small Cities CDBG Program under Rule Chapter 9B-43, Florida Administrative Code. This emergency rule is necessary in order to clearly differentiate between the Disaster Recovery Initiative funds and Florida Small Cities CDBG administrative requirements.