



**LEGISLATIVE
BUDGET
COMMISSION**

Joe Negron, Chair

Lisa Carlton, Vice Chair

**MEETING PACKET
Thursday, April 14, 2005
3:00 p.m. – 4:30 p.m.
212 Knott Building**

**(Please bring this packet to the committee meeting.
Duplicate materials will not be available.)**

LEGISLATIVE BUDGET COMMISSION AGENDA

April 14, 2005
3:00 p.m. – 4:30 p.m.
Room 212, Knott Building

MEMBERS

Senator Lisa Carlton
Senator JD Alexander
Senator Jeffrey Atwater
Senator Mike Fasano
Senator Les Miller
Senator Burt Saunders
Senator Rod Smith

Representative Joe Negron
Representative Gustavo Barreiro
Representative Kim Berfield
Representative Don Davis
Representative Ron Greenstein
Representative Will Kendrick
Representative Stan Mayfield

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I. Consideration of the following budget amendments:

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II. Other Business

Department: Agriculture and Consumer Services

EOG Number: B0458

Problem Statement: The 2004 Hurricane Season extensively damaged wildlands in each of Florida's 67 counties. Over 4.4 million acres are estimated to have been directly impacted by one of the five storms that struck the state between August 10 and October 1, 2004. These hurricanes also increased the risk of dangerous wildfires as downed and damaged timber has increased the amount of fuel available to burn. Additional fire prevention work is necessary in the immediate future to maintain the safety of Florida's citizens from the dangers of wildfire.

To address this situation, on October 13, 2004, President Bush signed H.R. 4837, the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act of 2005 (P.L. 108-324). This bill included \$12,576,690 for the State of Florida to implement programs through two components of the Cooperative Forestry Protection Program: the State Fire Assistance Program and the Volunteer Fire Assistance Program. These funds are available for these two programs over a three-year contract period, from October 13, 2004, through September 1, 2007. Approximately 80-100% of available funds should be granted by October 1, 2005. The department does not have sufficient budget authority in Fiscal Year 2004-2005 to carry out the intent of the federal appropriation.

Agency Request: \$6,054,900 in additional Contracts and Grants Trust Fund budget authority is requested to mitigate increased dangers of wildfires during the upcoming fire season by purchasing and putting in place wildfire equipment and other resources for the protection of our firefighters and the citizens of Florida.

<u>FY 2004-2005 budget:</u>	
State Fire Assistance Program	4,499,900
Volunteer Fire Assistance Program	<u>1,555,000</u>
	\$6,054,900

State Fire Assistance Program funds are allocated with the intent that the funds provide financial assistance, technical training and equipment to ensure federal, state and local fire agencies deliver a coordinated response to a catastrophic event such as wildland fire. Hurricane supplemental appropriations are intended for emergency purposes and this program will allow the department to purchase heavy equipment for debris removal, clean-up, opening fire lanes and conducting Firewise programs to educate communities about wildfire prevention and dangers associated with outdoor burning.

The **Volunteer Fire Assistance Program** has a primary focus to assist rural communities under 10,000 in population to improve their fire protection capabilities against the threat of wildfire. The USDA Forest Service, in partnership with states, provides cost-share grants to volunteer fire departments for training, purchasing equipment and organizational development. Volunteer firefighters in rural communities are in critical need of training and equipment, and this need can be met through this assistance. Many of these small organizations will be supplied with the necessary wildland personal protection equipment and hand tools to more effectively combat wildland fires.

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Governor's Recommendation: Recommend approval to increase budget authority by \$6,054,900 in the Contracts and Grants Trust Fund for federal funds received from the USDA Forest Service to purchase wildfire equipment and other resources which includes \$1,555,000 in grants to rural communities with populations under 10,000.

Commission Staff Comments: Recommend approval as recommended by the Governor's Office.

<p>Senate Committee: General Government Senate Analyst: Sandra Blizzard Phone Number: (850) 487-5140 or SunCom 277-5140 E-mail Address: sandra.blizzard@laspbs.state.fl.us</p>	<p>House Committee: Agriculture & Environment Appropriations House Analyst: Greg Davis Phone Number: (850) 488-6204 or SunCom 278-6204 E-mail Address: greg.davis@laspbs.state.fl.us</p>
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Line Item No.	Budget Entity / Fund / Appropriation Category Title	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
	LAS/PBS Account Number	Appropriation	Appropriation	Appropriation
NA	AGRICULTURE & CONSUMER SERVICES <u>Forest and Resource Protection</u> Wildfire Prevention and Management Contracts and Grants Trust Fund G/A-2004 Hurricanes-State Operations 42110200-109839-00-2133	6,054,900	6,054,900	

Department: Children and Family Services

EOG Number: B0577

Problem Statement: As a result of the declared disasters in the aftermath of Hurricanes Frances and Ivan, the Department of Children and Family Services submitted applications for federal funding of Crisis Counseling Immediate Services Program grants. The Federal Emergency Management Agency (FEMA) has approved three separate requests for \$1,207,168, \$358,452 and \$1,991,354 (current request) to provide immediate crisis counseling services for the victims of both disasters. The most recent grant of \$1,991,354 comprises \$1,252,598 related to Hurricane Frances and \$738,756 related to Hurricane Ivan. Services provided are focused on assistance from mental health professionals who provide initial responses and crisis counselors to help survivors who were directly affected by these storms. The department will hire temporary employees and contractors to conduct the outreach and crisis counseling services funded by this grant.

In addition, the department submitted applications for federal grants to provide crisis counseling beyond the 60-day immediate services grant. On March 30, 2005, FEMA approved the department's requests for both disasters under the Regular Service Grant as follows: Hurricane Frances - \$5,265,077 and Hurricane Ivan - \$3,617,968 (for a total of \$8,883,045). This grant provides funding for counseling assistance for the longer term, to provide assistance to residents of the affected areas in coping with the aftermath of the storms. The department will partner with community groups to address long-term impacts, and to continue outreach and counseling activities.

Agency Request: The department requests \$1,991,354 in budget authority in the Program Management and Compliance budget entity of the Mental Health Program to use federal grant funds to continue providing immediate crisis counseling to victims of Hurricanes Frances and Ivan.

The department requests \$3,729,730 in budget authority in the Program Management and Compliance budget entity of the Mental Health Program to use federal grant funds to continue providing crisis counseling under the regular services program to victims of these catastrophic events for FY 2004-05 as follows: Hurricane Frances - \$ 2,155,644 and Hurricane Ivan - \$1,574,086 (for a total of \$3,729,730). Budget authority for the balance of the grant award will be requested by the department for Fiscal Year 2005-2006.

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<p>Governor's Recommendation: Recommend approval to increase budget authority by \$5,721,084 in the Federal Grants Trust Fund to extend the Immediate Services Grants (ISG) and regular services program for Crisis Counseling as a result of Hurricanes Frances and Ivan.</p>	<p>Commission Staff Comments: Recommend approval as recommended by the Governor's Office.</p>
<p>Senate Committee: Health and Human Services Appropriations Senate Analyst: Marta Hardy Phone Number: (850) 487-5140 or SunCom 277-5140 E-mail Address: marta.hardy@laspbs.state.fl.us</p>	<p>House Committee: Health Care Appropriations House Analyst: Lynn Ekholm Phone Number: (850) 488-6204 or SunCom 278-6204 E-mail Address: lynn.ekholm@laspbs.state.fl.us</p>

Line Item No.	Budget Entity / Fund / Appropriation Category Title	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
CF	I, AS/PBS Account Number	Appropriation	Appropriation	Appropriation
	CHILDREN AND FAMILIES			
N/A	DEPARTMENT OF CHILDREN AND FAMILIES <u>Program Management & Compliance</u> Federal Grants Trust Fund			
N/A	G/A Major Disaster 2004-05 - Hurricane Frances - FEMA Declaration #1545 - State Operations 60910505-109829-00-2261	3,408,242	3,408,242	
N/A	G/A Major Disaster 2004-05 - Hurricane Ivan - FEMA Declaration #1551 - State Operations 60910505-109831-00-2261	2,312,842	2,312,842	

Department: Department of Community Affairs

EOG Number: B0550

Problem Statement: As a result of the 2004 hurricanes, Congress and the U.S. Department of Housing and Urban Development (HUD) have awarded the State of Florida \$100,915,626 in Supplemental Disaster Recover Funds for the Small Cities Community Development Block Grant (CDBG) Program for housing, infrastructure and economic development projects. Congress has directed that these funds go "to areas facing the greatest need" and provide that at least 50 percent of the funds benefit residents with low and moderate income.

The Department of Community Affairs has developed an "Action Plan" for the use of these supplemental federal funds. Although all 67 counties were included in at least one of the four disaster declarations, only the fifteen hardest-hit counties will receive funding. This allocation was based on the department's compilation of hurricane damage assessment data from FEMA (infrastructure), the Agency for Workforce Innovation (business) and the Governor's Hurricane Housing Work Group (housing). Seven counties will receive \$9,000,000 each (Charlotte, St. Lucie, Indian River, Escambia, DeSoto, Santa Rosa, and Hardee counties) and eight counties will receive \$4,375,000 each (Brevard, Martin, Palm Beach, Polk, Orange, Okeechobee, Volusia and Osceola counties). \$98.0 million will be distributed to the fifteen identified counties, and the remaining funds (\$2,915,626) will be available for administrative costs and technical assistance in fiscal years 2005-06 and beyond.

The Division of Housing and Community Development in the Department of Community Affairs will provide grants to the local governments of the fifteen identified counties for major construction projects including housing rehabilitation and relocation, new construction of affordable housing, neighborhood revitalization repairs and improvements to streets, water and sewer systems, repairs and improvements to public buildings in commercial or business areas with street paving, infrastructure to attract business, sidewalks, and lighting and business facade renovations and infrastructure projects in support of business and economic development.

The Supplemental Disaster Recover Funds require a 10 percent match from either state or local governments excluding administrative costs. The department has determined that adequate funding has been made available through the State Housing Initiative Partnership Program to meet the match requirements.

Attached is the Department of Community Affairs' Action Plan for the use of the disaster recovery funds as requested in this amendment.

<p>Agency Request: The department requests \$ 98,000,000 in increased budget authority in the Small Cities Community Development Block Grant Trust Fund to utilize the supplemental emergency funding provided by HUD for the CDBG Program. The department will use the emergency funding to award local government grants that will assist Florida's hurricane victims in the fifteen hardest-hit counties with efforts to rebuild communities.</p>	<p>Governor's Recommendation: Recommend approval to increase budget authority by \$98,000,000 in the Community Development Block Grant Trust Fund for emergency funding provided by the U.S. Department of Housing and Urban Development to assist with housing, water and sewer service repair and reconstruction, and infrastructure projects to help rebuild communities impacted by the hurricanes.</p>	<p>Commission Staff Comments: Recommend approval as recommended by the Governor's Office.</p>
<p>Senate Committee: Transportation & Economic Development Appropriations Senate Analyst: Tom Weaver Phone Number: (850) 487-5140 or SunCom 277-5140 E-mail Address: tom.weaver@laspbs.state.fl.us</p>	<p>House Committee: Transportation & Economic Development Appropriations House Analyst: Loretta Jones Darity Phone Number: (850) 488-6204 or SunCom 278-6204 E-mail Address: loretta.jonesdarity@laspbs.state.fl.us</p>	

Line Item No.	Budget Entity / Fund / Appropriation Category / Title	LAS/PBS Account Number	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
		CF	Appropriation	Appropriation	Appropriation
COMMUNITY AFFAIRS					
N/A	<p>Housing and Community Development Affordable Housing & Neighborhood Redevelopment Florida Small Cities Community Development Block Grant Program Trust Fund Housing and Urban Development Disaster Grants 52800100-146555-05-2109</p>		98,000,000	98,000,000	

Disaster Recovery Initiative

U.S. Department of Housing and Urban Development (HUD)

[Docket No. FR-4959-N-01]

Federal Register / Volume 69, Number 237

**Military Construction Appropriations and Emergency Hurricane
Supplemental Appropriations Act, 2005**

Florida Department of Community Affairs

Action Plan for the Use of Disaster Recovery Funds



**Jeb Bush
Governor**

**Toni Jennings
Lieutenant Governor**



**Thaddeus L. Cohen, AIA
Secretary**

**Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100**

<http://www.floridacommunitydevelopment.org/disasterrecovery.cfm>

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THE IMPACT OF THE STORMS AND FLORIDA'S RECOVERY NEEDS

In the wake of Hurricanes Charley, Frances, Jeanne and Ivan, as well as Tropical Storm Bonnie, 21 disaster declarations covering 13 states and Puerto Rico were issued. Thousands of Federal Emergency Management Agency (FEMA) employees, along with staff from other federal, state and local agencies, provided immediate assistance in the affected communities. The Red Cross, Salvation Army and numerous private parties and volunteers supported the effort. FEMA reported receiving over one million registrations in 2004 for disaster assistance from individuals seeking aid for hurricane disaster recovery, and damage estimates were reported to be in the billions of dollars.

The 2004 Atlantic Hurricane Season was one of the most destructive in history. Typhoons in the South Pacific also caused considerable damage. In Florida, all 67 counties were impacted by the storms within a two-month period. State agency staff deployed to assist the local emergency management coordinators reported that many areas were devastated and virtually unrecognizable to their own residents.

Overall, mobile homeowners, especially those living in homes manufactured before 1994, suffered the most devastation. The majority of the people living in manufactured housing are low and moderate-income (LMI) or very low-income (VLI). A high percentage of these individuals had no homeowner's or renter's insurance. Elderly persons living in manufactured housing in retirement communities were also heavily impacted.

Thousands lost their homes completely. And, many LMI residents whose homes were damaged did not have the money to pay insurance premium deductibles. In some cases, households used all of the resources that they had to prepare for the storms and did not have funds after the storm to pay their monthly obligations. Overall, a large percentage of homes were destroyed in those areas that were hurricane-impacted. A majority of the homes that were destroyed were owned by homeowners that had or would have qualified to finance their homes through federal, state and/or local affordable housing programs, meaning the state lost an enormous amount of affordable housing as a result of the storms.

Both the state and federal governments responded quickly to the people of Florida. Beginning with Tropical Storm Bonnie on August 10, Governor Bush issued executive orders that declared a state of emergency covering each disaster and invoked such resources as the Statewide Mutual Aid Agreement¹, the authority to direct all state and local government and law enforcement agencies, and to utilize all personnel needed to assist in meeting the needs created by the emergency. The Florida National Guard was called upon to assist with numerous activities.

The federal effort was led by President Bush who declared a state of emergency in affected communities following each storm, and as quickly as possible, the Federal Emergency Management Agency (FEMA) determined which communities were eligible for individual assistance (*assistance to individuals and households*) and for public assistance (*assistance to state and local governments for the repair or replacement of disaster-damaged public facilities*). Federal resources were deployed, and several agencies, including FEMA, the U.S. Department of Housing and Urban Development (HUD), and the U.S. Department of Agriculture (USDA), provided invaluable assistance to the state. The U.S. Corps of Engineers implemented a "Blue Roof" initiative to provide temporary covering for damaged roofs.

More than 27 recovery centers were set up in disaster impacted counties so that residents could apply for immediate assistance, meet with Small Business Administration loan specialists, and get information about available federal and state assistance. In addition, "comfort stations" were established to provide water and ice since drinking water was contaminated. Shelters were made available to thousands of

¹ Statewide mutual aid agreements are agreements between states to respond with resources and assistance in the event of disaster.

Floridians both during and after the storms. Many people remained in shelters for weeks due to the loss of their homes, and a large number are still living in temporary quarters or travel trailers (recreational vehicles).

At least 10 hospitals sustained damage. Schools, nursing homes, and governmental buildings were damaged across the state. Other infrastructure damage was also significant. A portion of U.S. Interstate Highway 10 collapsed, and numerous streets and roadways were damaged or destroyed. Water and sewer systems failed and utility systems, both publicly and privately owned, were damaged. Mold made many homes uninhabitable.

It is estimated that the four hurricanes and flooding left more than 40 million cubic feet of debris in their wake. Over 27 million cubic yards of debris, enough to fill more than 50 college football stadiums from top to bottom, has been removed from counties struck by the hurricanes. FEMA committed to pay 100 percent of the eligible costs of debris removal during the first 72 hours following a hurricane. For debris removal after that period, FEMA committed to pay 90 percent of the eligible costs. The remaining 10 percent is anticipated to come from state and local funds. The actual removal, storage and disposal of debris was performed by local governments, private contractors selected by the local governmental entities, and volunteers from other states. The costs associated with the storage and disposal of the debris continues to place a hardship on many local governments.

Within this document, it is impossible to fully describe the devastation that Florida experienced and what the state must do to recover. Damage estimates are in the billions of dollars. Aside from the financial burden, many Floridians are experiencing great anxiety due to the loss of their homes and personal belongings and the lack of financial resources to address personal needs.

FEDERAL AND STATE IMMEDIATE RESPONSE

Disaster medical teams treated at least 9,633 patients. Of that number, 3,872 patients were given medical attention resulting from Charley, 1,461 from Frances, 3,339 from Ivan, and 961 from Jeanne.

FEMA made available nearly 1,600 travel trailers and approximately 1,200 mobile homes for those needing housing. Temporary repairs to roofs in many cases were accomplished by the use of tarps and/or plastic sheeting. These temporary fixes were designed to provide protection from the elements until permanent repairs could be arranged by the homeowner. Plastic sheeting installed on storm-damaged homes numbered 29,803 from Charley, 12,981 from Frances and Jeanne, and 12,886 from Ivan. The total number of plastic sheeting and tarps from all storms came to 55,670 and 481,513, respectively.

Cumulative registrations for FEMA housing assistance were near 1,000,000. This number did not include properties covered by homeowner insurance. Federal and state aid to hurricane and flood victims throughout Florida reached more than \$1.27 billion following Hurricanes Charley, Frances, Ivan and Jeanne. That figure includes costs for emergency assistance as well as financial assistance to homeowners, renters and business owners who sustained storm damages. A breakdown of the types of assistance and respective amounts of aid are:

- △ A total of \$542,900,000 in federal and state disaster assistance for Florida homeowners, renters and business owners. Of that amount, \$285,500,000 was in the form of grants for housing repair and rental assistance, and \$257,400,000 in grants to repair or replace personal property.
- △ A total of \$670,528,441 in emergency response to provide ice, water, food, temporary roofs and emergency services.
- △ The U. S. Small Business Administration has approved approximately \$175,000,000 in low-interest loans to repair storm-damaged homes and businesses. Businesses may also be eligible

for economic injury loans, loans to businesses which had no physical damage but lost revenue as a result of the hurricane.

The Florida Small Cities Community Development Block Grant (CDBG) Program responded quickly to the three counties that suffered the greatest devastation from Hurricane Charley. An emergency set-aside and deobligated funds totaling \$4.5 million was distributed to the Small Cities CDBG eligible communities within Charlotte, DeSoto and Hardee Counties.

Jurisdiction	Funding
Charlotte County	\$2,644,487.54
Arcadia	\$ 217,989.80
DeSoto County	\$ 584,088.70
Bowling Green	\$ 200,000.00
Hardee County	\$ 453,433.96
Wauchula	\$ 200,000.00
Zolfo Springs	\$ 200,000.00

These funds were earmarked for housing assistance activities due to the substantial loss of housing stock for LMI households. All assistance provided from these funds had to benefit LMI persons. An emergency rule was adopted that waived several normal requirements in order to provide funding to the communities as quickly as possible. Under the program, manufactured housing was allowed as replacement housing only if it met HUD standards and the Florida Building Code.

The Small Cities CDBG Program is currently awarding \$1.4 million in program income to the counties in the Florida Panhandle that were hit hardest by Hurricane Ivan. Program income funds in the amount of \$1,453,000 will go to local governments eligible for the Small Cities CDBG Program in Escambia and Santa Rosa Counties to address urgent housing needs.

<u>Eligible Jurisdiction</u>	<u>Maximum Available Funding</u>
Century	\$ 175,000.00
Gulf Breeze	\$ 175,000.00
Jay	\$ 175,000.00
Milton	\$ 175,000.00
Santa Rosa County	\$ 753,000.00

The Community Services Block Grant Program provided \$100,000 in emergency farmworker assistance as well as releasing its emergency set-aside funding.

In addition to this funding, the Florida Housing Finance Corporation (FHFC) allocated \$5,000,000 from the Local Government Housing Trust Fund in disaster relief to Charlotte, DeSoto and Hardee Counties. FHFC published four emergency rules for the State Housing Initiatives Partnership Program (SHIP), one following each of the four hurricanes, providing for more flexible use of SHIP funds along with a self-certification income qualification form for those without access to records or who have lost jobs due to either storm. The rule allows local governments that were declared disaster areas to use unencumbered SHIP funds from open fiscal years for disaster recovery. The rules include a simple disaster recovery strategy for local governments that have not adopted a plan as part of their SHIP housing assistance plan.

Florida Housing accelerated disbursement of SHIP funds to all counties so that local governments would receive immediately the amount of money that otherwise would have been advanced ahead of scheduled

distribution. As of September 20, 2004, \$15.7 million in SHIP funds, above what local governments would have normally received by this time of the year, have been provided.

The Internal Revenue Service agreed to provide relief from income requirements in Section 42 of the Internal Revenue Code until September 30, 2005. This allows currently available tax credit apartments to be rented at restricted rents to those with Area Median Incomes (AMIs) higher than those specified in Section 42. The FHFC issued guidance for owners who planned to rent vacant units temporarily to individuals displaced because of damage to their residence by a hurricane. A congressional initiative is being developed to amend the Internal Revenue Code in order to authorize the Secretary of HUD to designate counties that were declared disaster areas by the President to be designated Difficult Development Areas.

A congressional request is being developed to provide temporary relief (two years) from the requirement that those who use the Single Family Mortgage Revenue Bonds (mortgage program) must be first time homebuyers, thus allowing this program to be used by those whose homes have been destroyed by the storms. Additionally, and also on a temporary basis, a request is being made to allow the use of the single family bond program to be used for home repairs above the \$15,000 limit currently in place. Congressional approval is required.

A list of vacancies by number of bedrooms and contact information was developed and posted to the FHFC's website. The list was also provided to FEMA, HUD, the Department of Community Affairs, the Department of Elder Affairs and the state emergency operations center. The list is updated frequently.

The FHFC has pledged \$15 million in Home Investment Partnership Program (HOME) funds to provide short-term tenant-based rental assistance through the local public housing authorities. In addition, the Corporation is developing "HOME Again," a disaster relief program that will provide up to \$21 million statewide for the repair, reconstruction or replacement of homes damaged during the storms. The allocation will primarily focus on the most intensively storm-impacted areas of the state. The FHFC has also issued an emergency \$1.5 million Request for Proposal to fund temporary housing for migrant farmworkers.

The state expects to receive \$300 million from FEMA for the Hazard Mitigation Grant Program. These funds will be used for projects that serve to lessen the effects of future disasters, such as infrastructure, planning and public education/information or other innovative programs. In addition, FEMA Public Assistance funding is addressing many vital needs.

Moreover, the Legislature appropriates \$3.5 million annually for the Residential Construction Mitigation Program for projects that promote and/or ensure wind mitigation for residential properties.

The executive and legislative branches of government have made hurricane recovery a critical concern on a long-term basis. The Lieutenant Governor has asked the Affordable Housing Study Commission to make recommendations on long term recovery strategies related to affordable housing. The Commission plans to issue a series of recommendations before the next regular legislative session. Speaker of the House of Representatives, Allen Bense, formed a Hurricane Preparedness Work Group which will hold hearings during the regular 2005 Legislative Session.

Governor Bush also created the Hurricane Housing Work Group through Executive Order. This group, chaired by Lieutenant Governor Toni Jennings, was tasked with making recommendations on the best use of one-time state and federal dollars for housing and community needs and developing interim and long-term strategies to mitigate the impact of the hurricanes on the people and communities of this state. The work group will be identifying regulatory barriers that hinder the rebuilding of suitable housing; ensuring that state and federal resources for hurricane recovery are targeted as effectively as possible; and recommending appropriate market-based strategies that would help communities better meet the housing needs of their residents. The work group was directed to make recommendations

regarding the use of supplemental federal funds available for recovery as well as non-recurring State funds that may be available in response to these disasters.

With respect to more immediate and direct responses, Governor Bush and Lieutenant Governor Jennings have announced budget recommendations for state fiscal year 2005-2006 that include:

- △ \$354.4 million, above and beyond the \$192.9 million in recurring affordable housing funding (much of which will go to hurricane impacted areas based on normal distribution mechanisms), to implement the recommendations of the Hurricane Housing Work Group.
- △ \$10 million for the reauthorization of the Community Contribution Tax Credit program.

ELIGIBLE LOCAL GOVERNMENTS AND FEDERAL DISASTER DECLARATIONS

Every county in the state was included in one or more federal and state disaster declarations. 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 (August 11-30, 2004)

FEMA-1545-DR dated September 4, 2004
Hurricane Frances (September 3, 2004 and continuing)

FEMA-1551-DR dated September 16, 2004
Hurricane Ivan (September 13, 2004 and continuing)

FEMA-1561-DR dated September 26, 2004
Hurricane Jeanne (September 24, 2004 and continuing)

FEDERAL APPROPRIATIONS

The Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act (the Act), 2005 (Public Law 108-324, approved October 13, 2004) appropriated \$150 million in Community Development Block Grant funds 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 were 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 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 states that the use of these funds is consistent with the purpose of Title I of the Housing and Community Development Act of 1974, as amended, or the Cranston-Gonzalez National Affordable Housing Act, as amended. Further, the Act encourages CDBG disaster recovery grant recipients to engage in activities consistent with the overall objectives of the state consolidated plan and state and local comprehensive plans. The State of Florida was allocated \$100,915,626 million of the CDBG funds for hurricane recovery efforts. Entitlement communities, non-entitlement communities and federally recognized Indian Tribes are eligible to apply.

PROPOSED USE OF FLORIDA DISASTER RECOVERY FUNDS

How Funds Will Address Florida's Greatest Unmet Needs

Federal requirements clearly state that the funds can be used only for disaster relief, long-term recovery, and mitigation, in communities affected by the specified disasters. Requirements provide that the funds be directed to areas with the greatest need. Award recipients cannot use this disaster assistance for a project or activity that was underway prior to the Presidential disaster declaration, with the specified time period in the appropriations act, unless the disaster directly impacted the project. Elements of activities that are reimbursable by FEMA or available through the Small Business Administration (SBA) cannot be undertaken with these funds.

Damage assessment reports indicate that there is widespread unmet need in three main areas: public assistance (infrastructure), business assistance and housing. The allocation method is based on compilation of damage assessment data provided by the FEMA, the Agency for Workforce Innovation and the Governor's Hurricane Housing Workgroup on unmet public assistance, business assistance and housing needs in areas most affected by the storms.

Anticipated Accomplishments

The state expects to make repairs and improvements to public infrastructure; to assist with reversing the negative economic impact caused by the disasters and to restore affordable housing units that would otherwise be lost as a result of the storms. The state also anticipates that the majority of the beneficiaries of the funds will be low and moderate-income (LMI) residents. Applicants for the funds will be required to specify activities, proposed units of accomplishment and beneficiaries in the application. These anticipated accomplishments will be reported by the Department to HUD during the first quarter of reporting using the online Disaster Recovery Grant Reporting System.

Activities

This Action Plan outlines the state's framework for allocating funding. However, eligible applicants are being provided, and are also encouraged to read, the requirements set out in the Federal Register (Volume 69, No. 237). Unless otherwise stated in the Federal Register, statutory and regulatory provisions governing the Community Development Block Grant (CDBG) program for states, including 24 CFR part 570 subpart I, apply to the use of these funds.

The funds will be used for repairs, long-term recovery and mitigation. Infrastructure projects may include, but are not limited to, repairs and improvements to streets, water and sewer systems, drainage facilities and public buildings. Business assistance may include, but is not limited to, repairs and improvements to public buildings in commercial or business areas, street paving, infrastructure to attract business, sidewalks, and lighting. Housing activities may include, but are not limited to, rehabilitation, relocation, and new construction of affordable housing. The Department of Community Affairs will provide a complete listing of eligible activities in the application.

Should an applicant wish to pursue an activity that is not listed in the application, the local government should contact the Department for approval. Eligible activities focus on housing assistance, public infrastructure destroyed or damaged and assistance for displaced or economically impacted businesses.

A limited waiver of the anti-pirating clause allows the flexibility to provide assistance to a business located in another state if the business was displaced from the community by the disaster and the business wishes to return. This waiver allows grantees affected by a major disaster to rebuild the community's employment base.

HUD has waived the one-for-one replacement of LMI housing units demolished or converted using CDBG funds. This waiver allows grantees to acquire, convert or demolish disaster-damaged housing without having to provide a unit for unit replacement.

Additional waivers may be considered on a case-by-case basis if a subgrantee chooses to fund a flood buyout program with both HUD and FEMA funds and needs the waiver to develop a workable program design. Applicants must contact the Department of Community Affairs if they believe further waivers are required to ensure the success of the recovery effort.

National Objective

All activities must meet one of the three national objectives set out in the Housing and Community Development Act (address slum and blight, urgent need, primarily benefit LMI persons). Up to 50 percent (rather than the 30 percent allowed by regular program regulations) of a grant may fund activities under the "urgent need" or "prevention or elimination of slums and blight" national objectives. At least 50 percent (rather than the 70 percent required under regular program regulations) must be utilized to serve LMI beneficiaries.

Citizen Participation and Public Comment

Since Hurricane Charley made landfall, state agencies and local governments have interacted with citizens regarding damage and loss in local communities. Applications for FEMA assistance, homeowner insurance claims, visits to local disaster recovery centers, and requests for emergency shelter, food and financial assistance, confirm that the public has played a role in communicating needs to federal, state and local agencies. Further, as Department staff visited local communities that were hit hardest by the storms, various forums were provided for the sharing of information concerning financial assistance that is needed. Many of the visits were followed up by telephone calls to the Department with questions about possible funding sources that could be used to address unmet needs.

In addition, the Hurricane Housing Work Group appointed by Governor Bush provided valuable input to the Department on the proposed use of all funding earmarked for disaster recovery, particularly as related to housing. This work group represents diverse segments of the state's population and governmental leadership and has also been involved with local communities around the state.

A public hearing was held on February 1, 2005, in Tallahassee, Florida to announce the proposed Action Plan. The Department's notice of the public hearing was published in the Florida Administrative Weekly (FAW) on January 15, 2005.

Comments from the public on the Action Plan were accepted from the date of the public hearing on February 1 until February 15, 2005. Most comments requested clarification of various elements of the Action Plan or expressed the desire to concentrate funding to areas that were most severely impacted by the storms. Appendix B is a summary of public comments received.

The notice of funding availability was published in the FAW and posted to the Department's web site. The Department also alerted local governments of the availability of funding through the use of email, regular mail and the Department's website. In addition, the Department will also make information available to other state agencies and nonprofit organizations by publishing notices on its web site.

The notice of funding availability announced the application workshop to be conducted on March 7, 2005, in Gainesville. The funding cycle will open on March 7 and close on April 4, 2005.

Applicants will not be required to conduct public hearings or meetings to receive comments from residents of the community. Applicants will be required to post a public notice in a newspaper of general

circulation that states the type of project to be undertaken, the amount of funding available for the activities, and a date by which public comments must be made.

The state, local governments and federally recognized Indian Tribes receiving awards must allow citizens access to grant information pursuant to Florida's Government in the Sunshine Law as well as federal requirements. Records should be made available for public inspection during normal business hours. In addition, if possible, information should be posted to websites. Upon request, information must be provided in a format accessible to persons with disabilities. Retention of records must meet existing public record requirements.

Consolidated Plan

The state is currently preparing the Consolidated Plan that will cover federal fiscal years 2005-2010. This plan, to be submitted in May 2005, will include general information relating to this disaster recovery effort.

Certifications and Documentation

The use of the disaster funding is contingent upon certain requirements, and both the state and local government will be expected to certify that these requirements will be met or carried out. Applicable federal and state laws, rules and regulations are listed in the application form, and the chief elected official, or designee authorized by the local governing authority, of the local government applying for funds will be required to certify in writing that the grant will be carried out in accordance with the stated requirements.

In addition, local governments will be required to submit or maintain documentation that fully supports the application that is submitted to the Department. Requirements relating to documentation are set out in the application form. Failure to document that the project is needed as a result of the disaster(s) or to mitigate the effects of future disasters will result in an application being declared ineligible. If this discovery is made after an award has been made, the contract with the local government may be terminated and the local government may have to repay any funds expended.

Reporting

Each subgrantee must report on a quarterly basis (on a form provided by the Department) on the status of the activities undertaken and the funds drawn. Quarterly status reports will be due to the Department within 15 calendar days following the end of the quarter. The state will then report to HUD using the online Disaster Recovery Grant Reporting system.

METHOD OF ALLOCATION

General Information

The Department of Community Affairs will administer the \$100,915,626 allocated by HUD. Entitlement communities, non-entitlement communities and federally recognized Indian Tribes are eligible to apply for assistance. Congress has directed that funds go "to areas facing the greatest need" and provide overall benefit to at least 50 percent LMI persons. Applicants must certify that there is no other funding available to address the need.

Eligible applicants may submit multifaceted (housing, public assistance, and business needs) applications. This plan does not limit funding by project category; however, project categories are ranked. Local governments are encouraged to give special consideration to the unmet needs of the elderly, people with disabilities, and persons living in poverty.

The state anticipates that two percent of the funding will be used for administrative expenses and an additional one percent for technical assistance to applicants. The remaining funds will be awarded to local governments.

Match Requirement

Supplemental Disaster Recover Funds require a 10 percent match from either state or local revenue as long as it does not include administrative functions. The Department has determined that the funding made available for the State Housing Initiatives Partnership Program as a result of the disasters is more than adequate to meeting the match requirements. As of September 20, 2004, the Florida Housing had provided \$15.7 million in SHIP funds above what local governments would have normally received to date at this time in the year. This amount, excluding administration, not only meets, but exceeds, the federal 10 percent match requirement. Since HUD monitors several programs administered by the Florida Housing Finance Corporation, verification of the expenditure of SHIP funds for disaster-related activities should not be overly cumbersome.

Allocation of Funds to Areas of Greatest Need

Although all 67 counties were included in at least one of the four disaster declarations, only the fifteen hardest-hit counties are targeted to receive funding. This allocation is based on the Department's compilation of hurricane damage assessment data from FEMA (infrastructure), the Agency for Workforce Innovation (business) and the Governor's Hurricane Housing Work Group (housing). The Department has worked diligently to collect comprehensive damage assessment data from authoritative sources. The Department coordinated with Governor's Hurricane Housing Workgroup, the Florida Housing Finance Corporation, and the Governor's Office of Planning and Budgeting to review the results of the data compilation and ensure accuracy.

Directing funding to the "hardest hit" areas ensures that counties with the greatest disaster recovery needs are targeted for funding in amounts adequate to make a significant impact on the severity of local circumstances. The allocation of funding is provided below.

Allocation of Funds

	HOUSING	INFRASTRUCTURE	BUSINESS	DISASTER IMPACT SCORE		
County	% multiplied by 100	% multiplied by 100	% multiplied by 100		COUNTY CAP	Maximum # of Applicants
Charlotte	0.97	0.96	0.99	2.92	\$9,000,000.00	2
St. Lucie	0.83	0.78	0.60	2.20	\$9,000,000.00	3
Indian River	0.66	0.72	0.71	2.08	\$9,000,000.00	6
Escambia	1.00	0.46	0.58	2.04	\$9,000,000.00	3
DeSoto	0.82	0.36	0.67	1.85	\$9,000,000.00	2
Santa Rosa	0.80	0.39	0.45	1.64	\$9,000,000.00	4
Hardee	0.59	0.54	0.48	1.61	\$9,000,000.00	4
Brevard	0.51	0.28	0.27	1.06	\$4,375,000.00	16
Martin	0.37	0.34	0.31	1.02	\$4,375,000.00	5
Palm Beach	0.30	0.35	0.28	0.93	\$4,375,000.00	38
Polk	0.49	0.22	0.16	0.87	\$4,375,000.00	18
Orange	0.17	0.50	0.16	0.83	\$4,375,000.00	14
Okeechobee	0.48	0.11	0.20	0.79	\$4,375,000.00	2
Volusia	0.21	0.29	0.27	0.76	\$4,375,000.00	16
Osceola	0.31	0.30	0.13	0.74	\$4,375,000.00	3

Scoring Factors

A minimum application score (fundable application) based on project type (infrastructure, business, housing), LMI benefit, outstanding performance in fair housing and application workshop attendance is required for funding. **The fundable application score is 50 points overall.**

Should the total funds requested by fundable applications exceed the county cap, no single fundable application will receive more than the county cap divided by the number of fundable applications submitted by eligible county applicants.

The score will be based on the following criteria:

a. Funding Priorities (20 Point Maximum)

Significant housing funds are anticipated to be provided by the Florida Legislature during the upcoming 2005 session; therefore, infrastructure and business assistance categories are established as funding priorities. Applicants may claim up to 20 points for addressing a priority as listed below:

Priority 1	At least 40% of Application Budget Request Utilized in the Infrastructure / Public Assistance Category (not covered by FEMA or Hazard Mitigation Funds)	20 points
Priority 2	At least 30% of Application Budget Request Utilized in the Economic Development / Business Assistance Category and includes either job creation or retention	15 points
Priority 3	At least 20% of Application Budget Request Utilized for Housing Assistance	10 points

b. LMI Benefit (20 Point Maximum)

The federal register requires that 50 percent of the supplemental funds benefit low and moderate-income citizens. Points will be awarded as described below:

If 50% or above of the total beneficiaries are LMI	20 points
If 25% -49% of the beneficiaries are LMI	10 points

The Department will review all fundable applications to ensure that the federal 50% LMI benefit requirement is met on a statewide basis.

c. Outstanding Performance in Fair Housing (15 Point Maximum)

The federal regulation does not waive the requirements relating to Fair Housing and Equal Opportunity. To encourage and ensure that applicants meet federal requirements related to Fair Housing, up to 15 points will be awarded for fair housing actions taken by the local government.

1. If, before the application deadline, the local government has adopted a Fair Housing Ordinance that covers all of the federally protected classes (race, color, familial status, handicap, national origin, religion, and sex), the local government may claim five points.

2. The local government may also claim five points if it has conducted a training or educational program within twelve months before the application deadline that meets all of the following conditions:
 - a. Public notice was provided;
 - b. The training was conducted at a meeting of the local governing body and was designed for the general public and local elected officials;
 - c. An agenda and training manual/materials were provided; and
 - d. An attendance log was maintained.

3. The local government can claim five points if it has conducted a training or educational program within twelve months before the application deadline that meets all of the following conditions:
 - a. Notice was provided by mail or e-mail to appropriate professionals and property owners;
 - b. The training was designed and conducted for professionals such as bankers, realtors, insurance agents, or property owners, agents, brokers, etc.;
 - c. An agenda and training manual/materials were provided; and
 - d. An attendance log was maintained.

If both options are claimed, the training and educational programs must be conducted at two different times. Documentation must be available for review during the site visit. Local governments from within the same county who are applying for CDBG funding may conduct joint trainings.

d. Application Workshop Attendance (10 Point Maximum)

An applicant may claim 10 points if a local government employee or elected official attends the application workshop conducted for the purpose of explaining the uses of the funds and the related requirements.

GRANT ADMINISTRATION

Administration and Staffing

The Department plans to hire additional employees to carry out the administrative functions associated with the funding. An Operations and Management Consultant and Grant Managers (Field Monitors) will work under the guidance of regular program staff. Staff will be provided with the training that is necessary to ensure the proper administration of the grants.

Administrative Costs

A grantee may use no more than 15 percent of the grant award for planning and program administrative costs, including administration and planning.

Amendments

The Department encourages all applicants to carefully plan projects that meet the stated requirements and to specify activities, associated costs and proposed accomplishments and beneficiaries in order to reduce the need for amending contracts. The Department will award two-year contracts. No amendment will be approved that will keep the state from meeting the four year expenditure of funds requirement.

The Department will follow its established process for amendments. Local governments should contact the Department prior to requesting an amendment or contract modification that affects the budget, activities, beneficiaries or timeframe for accomplishing the work. Should a proposed amendment result in

the need for modification of this action plan, the state will follow the process required by HUD for this disaster recovery funding.

Applicants are not required to identify unmet needs within the application. Should initially proposed projects be completed under budget, applicants are advised to contact the Department for approval to undertake additional eligible activities.

Anti-Displacement and Relocation

Local governments must minimize displacement of persons or entities and assist any persons or entities displaced in accordance with the Uniform Anti-Displacement and Relocation Act and local policy.

Citizen Complaints

Funded applicants having adopted procedures for dealing with citizens' complaints under the Florida Small Cities CDBG or Entitlement programs must follow such adopted procedures. The funded applicant must provide a written response to every citizen complaint within 15 working days of the complaint, if practicable.

Definitions

The terms and definitions that are normally associated with Community Development Block Grants apply to this funding. This includes the definition of low and moderate income, very low income, and income limits. In addition, definitions and descriptions contained in the federal register are applicable.

Environmental Review

Applicants must comply with the Intergovernmental Coordination and Review (IC&R) process and 24 CFR 58. Specific instructions concerning this process will be made available to all grantees. Some projects will be exempt from the environmental assessment process, but all grantees will be required to submit the Request for Release of Funds and Certification (HUD Form 70.15). Funds will not be released for expenditure until the Department is satisfied that the appropriate environmental review has been conducted.

Flood Buyouts

Disaster recovery grant recipients have the discretion to pay pre-flood or post-flood values for the acquisition of properties located in a flood way or floodplain. In using CDBG disaster recovery funds for such acquisitions, the grantee must uniformly apply the valuation method it chooses.

Any property acquired with disaster recovery grants being used to match FEMA Section 404 Hazard Mitigation Grant Program funds is subject to Section 404(b)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, which requires that such property be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices. In addition, with minor exceptions, no new structure may be erected on the property and no subsequent application for federal disaster assistance may be made for any purpose. A deed restriction or covenant must require that the property be dedicated and maintained for compatible uses in perpetuity.

Flood insurance is mandated for any assistance provided within a floodplain. The federal requirements set out for this funding provide further guidance on activities that are to be conducted in a flood plain. The Department will provide further guidance regarding work in the floodplain upon request.

Housing Assistance

The local government must adopt a policy for selecting beneficiaries and housing units for housing assistance. The local government must follow this policy when selecting beneficiaries and housing units to be addressed. Local governments are encouraged to use their existing Housing Assistance Plan. Modifications to the plan can only be made with the Department's approval. The application sets out the specific requirements for the Housing Assistance Plan. A copy of the plan must be included with the application for funding if housing assistance activities are to be undertaken.

Monitoring

The Department will utilize its existing monitoring process to ensure that all contracts funded under this disaster recovery allocation are carried out in accordance with federal and state laws, rules and regulations. The Department will monitor the compliance of grantees, and HUD will monitor the state's compliance with this requirement. Expenditures may be disallowed if the use of the funds does not address disaster-related needs or are clearly not for the greatest needs. In such case, the local government receiving the funding would be required to refund the amount of the grant that was disallowed.

In determining appropriate monitoring of the grant, the Department will consider prior CDBG grant administration, audit findings, as well as factors such as complexity of the project. The Department will determine the areas to be monitored, the number of monitoring visits, and their frequency. All grants will be monitored at least once a year for the duration of project activities. The monitoring will address program compliance with contract provisions, including national objective, financial management, and the requirements of 24 CFR Part 85. The Department will utilize the checklists similar to those used in monitoring regular program activities. The monitoring process typically consists of the following:

- △ The Department determines the schedule for monitoring and the program areas to be monitored.
- △ The Department contacts the grantee by phone to schedule a monitoring visit.
- △ The date and purpose of the visit is confirmed in writing.
- △ Staff arrives on the scheduled date and conducts the monitoring.
- △ Staff prepares and mails to the recipient a written monitoring report within 30 days of the monitoring visit.
- △ The grantee must respond within 35 days. It may request a 15-day extension if it cannot resolve the findings within the 35-day period.
- △ The Department approves the extension and/or responds to recipient's report on actions taken or to be taken to address grant findings.
- △ The Department clears the findings or requires further action.
- △ All findings must be cleared before the grant can be closed.

Program Income

Any program income earned as a result of activities funded under this grant must be reported to the Department, but may be retained by the local government and used to continue the CDBG disaster recovery activity from which the funds were generated.

Timeframe for Completion

The federal government has established a period of four years in which to expend these disaster recovery funds. All grants provided to local governments will be in the form of a contract between the local government, and the state and will adhere to the federal time limitation.

TECHNICAL ASSISTANCE

The state will provide technical assistance to local governments requesting assistance in developing applications for funding under the HUD Disaster Recovery Initiative. At a minimum, this technical assistance will provide information on: the eligible uses of funds, the application or method of fund distribution, and an explanation of rules and regulations governing the grants funded under the Disaster Recovery Initiative. Technical assistance may take the form of workshops, telecommunication, on-site assistance, written correspondence, or manuals and guidebooks.

HUD has indicated that one percent of the funds may be used by the state for technical assistance. The state anticipates that it will utilize this percentage of the funds for technical assistance activities.

The Department is working with FEMA and other state agency partners to ensure that the projects funded under this initiative are related to the long-term recovery plans of communities. The Department recognizes the importance of having a long-term recovery plan and will continue to assist local governments in structuring meaningful plans.

APPENDIX A

CERTIFICATIONS

In accordance with applicable statutes, regulations, and notices:

- a. The state certifies that it will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (*See* 24 CFR 570.487(b)(2)(ii).)
- b. The state certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.
- c. The state certifies that it is complying with requirements regarding drug-free workplace required by 24 CFR part 24, subpart F, together with the appropriate forms.
- d. The state certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by that part.
- e. The state certifies that the Action Plan for Disaster Recovery is authorized under state law and that the state possesses the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this notice.
- f. The state certifies that it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for this grant.
- g. The state certifies that it will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
- h. The state certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 (except as provided for in notices providing waivers and alternative requirements for this grant), and that each unit of general local government that is receiving assistance from the state is following a detailed citizen participation plan that satisfies the requirements of Sec. 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).
- i. The state certifies that:
 - (1) It has consulted with affected units of local government in counties designated in covered major disaster declarations in the nonentitlement, entitlement and tribal areas of the state in determining the method of distribution of funding; and
 - (2) Each unit of general local government to be distributed funds will be required to identify its disaster recovery needs, including the needs of low-income and moderate-income families, and the disaster recovery activities to be undertaken to meet these needs.

The state certifies that it has complied with each of the following criteria:

- (1) Funds will be used solely for disaster relief, long-term recovery, and mitigation related to a major disaster declared by the President between August 31, 2003, and October 1, 2004.

- (2) Funds will be provided to areas facing the greatest need.
 - (3) With respect to activities expected to be assisted with CDBG disaster recovery funds, the action plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.
 - (4) The aggregate use of CDBG disaster recovery funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 50 percent of the amount is expended for activities that benefit such persons during the designated period.
 - (5) The state will not attempt to recover any capital costs of public improvements assisted with CDBG disaster recovery grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless (A) disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than that under this title; or (B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (A).
- j. The state certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601–3619) and implementing regulations.
 - k. The state certifies that it will require units of general local government that receive grant funds to certify that they have adopted and are enforcing:
 - (1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - (2) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
 - l. The state certifies that each state grant recipient has the capacity to carry out disaster recovery activities in a timely manner, or the state has a plan to increase the capacity of any state grant recipient(s) who lacks such capacity.
 - m. The state certifies that it will comply with applicable laws.

Signed By:

Thaddeus L. Cohen, AIA, Secretary
Florida Department of Community Affairs

Date:

APPENDIX B

**PUBLIC COMMENTS ON DRAFT ACTION PLAN
CDBG DISASTER RECOVERY INITIATIVE**

Date	Received From	Comments	Action Taken
01/26/05	George Tokesky for Secretary of Department of Elder Affairs	Asked that the Department specifically reference the elderly in the action plan.	DCA made a reference to the elderly as suggested.
02/03/05	Van McNeill, City of West Palm Beach	Mr. McNeill said he doesn't believe cities in their county would agree on projects. Prefers formula distribution similar to SHIP.	Acknowledgement sent. Since no damage assessment data exists on a city level, the Department must ask local governments to determine priority projects. This was explained in both the action plan and application.
02/03/05	Cynthia Godbey, Summit (consultant)	Wanted to know how applications would certify greatest need and clarification on other funding contributed to project.	Response sent. As application indicates, the chief elected official makes certifications regarding need and relationship to disaster.
02/03/05	Lisa Blair, Meridian (consultant)	Lisa asked some general questions concerning the allocation of funding and timeframe for completing applications.	DCA staff clarified in telephone conversation and in the action plan and application.
02/04/05	Debbie Belcher (consultant)	Doesn't want points for leverage, wants to eliminate points for employment impact; clarification regarding LMI beneficiaries; high points for LMI targets housing projects; make counties lead agencies.	Acknowledgement sent. Action Plan did not include points for leverage; employment excluded; LMI revised. All of Ms. Belcher's comments were responded to in the action plan and/or application.
02/09/05	Steve Weeks (consultant) (sent his email to the Secretary, Lieutenant Governor, etc.)	Wrote on behalf of Arcadia; wants to know how they can become SHIP provider; questions about cap and splitting the funding with the county.	Response drafted. Referred Mr. Weeks to FHFC regarding SHIP and provided clarification in action plan and application concerning the cap and splitting the funding.
02/09/05	Tom LeGros	Greater share should go to Charlotte and DeSoto, comments about housing.	Response sent. Pursuant to the federal regulation, only the hardest hit communities will receive funds.
02/09/05	Mrs. N. M. Collier, Charlotte County	Housing in Charlotte County, SHIP funds, family has special needs and can't get help.	Forwarded to Public Information Office since it was not related to the action plan.
02/09/05	Bob Sween	Says funds should go to Charlotte County due to housing loss; other comments about bureaucracy.	Forwarded to Public Information Office since she did not comment on action plan.
02/09/05	Stacy Webb, consultant from Washington County	Wanted to know where Washington County fit in; has a project that isn't really disaster related.	Explained that project must be disaster related and that they did not appear to have significant damage and probably would not receive funding since the hardest hit areas were being targeted.
02/09/05	Ted Flystra, consultant for	Consultants attending workshop for points should earn local governments	Response sent. Explained that DCA want local officials to be aware of the rules and

Date	Received From	Comments	Action Taken
	Angie Brewer	they represent.	regulations since our contract will be with them, not the consultant, and they have the legal responsibilities.
02/09/05	Jim Hencin, City of Gainesville	Wanted to know if DCA would compute disaster impact score and if it would be made available.	Response sent. Explained in action plan and application that DCA computed scores and included the detailed information in the document(s).
02/09/05	Robert Page, Punta Gorda	Charlotte and Desoto shouldn't have to compete with richer, more populated counties for funding.	Response drafted. Explained that funds are targeting the hardest hit areas (and they fall within that category).
02/10/05	Theresa Hill, Hernando County	Wanted to be sure she was on mailing list.	Response sent; added to mailing list.
02/10/05	Joe	Wanted to know if Warrington was a local government.	Response sent indicating that it is not a local government, just a community.
02/11/05	Glenn Morris, City of Palm Bay	Clarification regarding cap, grant ceiling, cities and counties working together.	Action plan and application explain county cap and need for coordination.
02/14/05	Lex Albritton, Hardee County Manager	Clarification regarding city/county share, caps, disaster impact score, time to complete application, LMI benefit, alternative projects, workshop attendance points.*	Revised action plan and application includes clarification.
02/14/05	Marilyn Aker, Mayor of Zolfo Springs	Same as above*	Revised action plan and application includes clarification.
02/14/05	Gordon Norris, Chairman of Hardee County Commission	Same as above*	Revised action plan and application includes clarification.
02/14/05	Perry Knight, Mayor of Bowling Green	Same as above*	Revised action plan and application includes clarification.
02/15/05	Congresswoman Ginny Brown-Waite	Allocation should get funds to areas with greatest need; clarification regarding damage assessment date.	Action plan and application clarifies areas with greatest need will receive funding and sources of damage assessment data.
02/15/05	Marsha West forwarded letter from Terry Beaudry, Polk County	Points out Polk County's damage and does not believe action plan is reflective of actual losses; feels plan doesn't direct funds to areas of greatest need; does not believe scoring criteria are meaningful.	Action plan and application reflects areas of greatest need based on damage assessment data.
02/15/05	Carol Beck for Ginny Brown-Waite	Wanted background information; mistakenly thought she had received fax from the Department requesting assistance.	Response sent explaining that DCA had not contacted her.
02/15/05	Congressman Adam Putnam	Indicates that plan favors small counties over larger ones that doesn't believe that funds are going to areas with the greatest need; wants per capita factors removed from allocation formula.	Action plan and application reflects areas of greatest need based on damage assessment data. Clear indication that small counties are no longer given any preference.
02/15/05	Nancy Phillips	Requested copy of application, disaster	DCA provide the requested data and

Date	Received From	Comments	Action Taken
	(consultant)	impact scores, etc. Asked questions about surveys and length of time for submitting application.	explained that the application process is not as comprehensive as it normally is for the Small Cities program.
02/15/05	Representative Dennis Ross	Wrote on behalf of Polk County regarding their damage and need for funding.	Action plan and application reflects areas of greatest need based on damage assessment data. County will receive funds.
02/15/05	Betty Jordan (consultant)	Concerned about LMI scoring criteria that caused housing to be favored.	Revised action plan no longer causes housing to be targeted.
02/15/05	Kimberly Daniels (consultant)	Clarification regarding length of time for applications, total funds, cap, applicants, LMI benefit, preference for housing.	Provided the requested clarification. Revised action plan and application also addresses issues.
02/15/05	Ray Schauer, Solid Waste Authority of Palm Beach County	Clarification regarding FEMA coverage of costs for debris removal and comments on greatest needs.	Response sent. Incorporated corrections.
02/15/05	Senator Paula Dockery	Wrote on behalf of Polk County regarding their damage and need for funding.	Action plan and application reflects areas of greatest need based on damage assessment data. County will receive funds..
02/15/05	Mandy Hines, DeSoto County Coordinator	County damage and need for funds.	Action plan and application reflects areas of greatest need based on damage assessment data. County will receive funds.
02/15/05	Senator John Stargel	Wrote on behalf of Polk County regarding their damage and need for funding.	Action plan and application reflects areas of greatest need based on damage assessment data. County will receive funds.
02/15/05	David W. Drury, Interim City Manager/Cherry Cash Prewitt, Community Development City of Punta Gorda	Scoring criteria, Punta Gorda's needs.	Action plan and application reflects areas of greatest need based on damage assessment data. City will receive funds.
02/16/05	Bruce Loucks, Charlotte Co. Administrator	Scoring criteria, unmet need, workshop attendance points.	Action plan and application reflects areas of greatest need based on damage assessment data. County will receive funds.
02/18/05	Susie Perez for Congressman Bill Nelson	Disaster impact score and program contact.	Response drafted. Explained sources of information and provided contact name and phone number.

* identical letter

Appendix C

DAMAGE ASSESSMENT DATA

The following table represents the Department of Community Affairs compiled damage assessment data related to infrastructure, business and housing. For the infrastructure data, the Department used FEMA's county level damage assessments. Business data relates to disaster unemployment compensation paid during the last quarter of 2004. This data was provided by the Agency for Workforce Innovation. Housing data represents damaged or destroyed units as a percentage of all housing units by county. This information was provided by the Hurricane Housing Work Group.

Each data set was converted to a percentage of total units by county, and then the highest ranking percentage was converted to a scale of one. Each county's categorical score was compiled for an overall highest possible damage assessment score of three.

County	# Units Damaged	% of Total Units	HOUSING		Total	Population	\$/Capita	Per Capita Converted To %	INFRA-STRUCTURE		2004 Annual Labor Force	\$ Per Labor Force Participant	% of Total \$ Multiplied by 100	BUSINESS	COUNTY CAP	Maximum # of Applicants
			% Multiplied by 100	% Multiplied by 100					% Multiplied by 100	% Multiplied by 100						
Charlotte	34,077	47.99%	0.97		\$198,720,000	148,521	\$1,337.99	10.52%	0.96		54,605	\$24.22	20.64%	0.99	\$9,000,000.00	2
St. Lucie	51,627	60.36%	0.83		\$193,889,798	203,360	\$953.43	7.50%	0.78		92,350	\$12.52	10.67%	0.60	\$9,000,000.00	3
Indian River	29,460	53.50%	0.66		\$127,585,602	118,149	\$1,079.87	8.49%	0.72		55,398	\$17.25	14.71%	0.71	\$9,000,000.00	6
Escambia	51,876	42.66%	1.00		\$138,395,393	299,485	\$462.11	3.63%	0.46		129,888	\$10.72	9.13%	0.58	\$9,000,000.00	3
DeSoto	7,506	64.25%	0.82		\$23,182,350	32,798	\$706.82	5.56%	0.36		8,796	\$20.50	17.47%	0.67	\$9,000,000.00	2
Santa Rosa	23,196	46.86%	0.80		\$71,529,200	124,956	\$572.44	4.50%	0.39		57,310	\$10.96	9.34%	0.45	\$9,000,000.00	4
Hardee	5,570	64.10%	0.59		\$29,637,266	27,437	\$1,080.19	8.49%	0.54		9,373	\$14.61	12.45%	0.48	\$9,000,000.00	4
Brevard	56,698	25.97%	0.51		\$101,791,700	494,102	\$206.01	1.62%	0.28		231,187	\$3.79	3.23%	0.27	\$4,375,000.00	16
Martin	19,343	32.10%	0.37		\$64,401,719	131,051	\$491.42	3.86%	0.34		57,795	\$7.51	6.40%	0.31	\$4,375,000.00	5
Palm Beach	84,001	16.25%	0.30		\$161,127,138	1,183,197	\$136.18	1.07%	0.35		598,400	\$2.00	1.71%	0.28	\$4,375,000.00	38
Polk	49,809	23.44%	0.49		\$81,926,363	502,385	\$163.07	1.28%	0.22		223,321	\$2.29	1.95%	0.16	\$4,375,000.00	18
Orange	63,732	16.98%	0.17		\$221,121,586	955,865	\$231.33	1.82%	0.50		562,824	\$1.21	1.03%	0.16	\$4,375,000.00	14
Okeechobee	7,668	53.43%	0.48		\$8,092,703	36,551	\$221.41	1.74%	0.11		16,881	\$5.85	4.99%	0.20	\$4,375,000.00	2
Volusia	41,973	20.94%	0.21		\$103,356,885	459,737	\$224.82	1.77%	0.29		205,355	\$3.91	3.33%	0.27	\$4,375,000.00	16
Osceola	29,799	40.57%	0.31		\$72,572,596	193,355	\$375.33	2.95%	0.30		106,733	\$2.59	2.20%	0.13	\$4,375,000.00	3
Lee	20,761	9.43%	0.18		\$77,956,142	475,073	\$164.09	1.29%	0.21		226,516	\$4.15	3.54%	0.30		
Seminole	20,167	13.12%	0.08		\$139,548,000	387,626	\$360.01	2.83%	0.41		230,013	\$1.06	0.90%	0.08		
Highlands	9,428	22.65%	0.23		\$11,711,025	89,038	\$131.53	1.03%	0.08		31,352	\$3.16	2.69%	0.12		
Dixie	789	13.58%	0.11		\$3,150,169	14,459	\$217.87	1.71%	0.10		4,427	\$4.96	4.23%	0.16		
Calhoun	93	1.86%	0.04		\$8,300,000	13,231	\$627.31	4.93%	0.30		4,872	\$0.63	0.54%	0.02		
Levy	1,253	7.92%	0.08		\$6,482,048	36,013	\$179.99	1.42%	0.09		14,831	\$3.65	3.11%	0.12		
Putnam	5,080	16.50%	0.13		\$8,069,100	71,329	\$113.13	0.89%	0.07		30,549	\$1.47	1.25%	0.05		
Alachua	4,083	4.17%	0.06		\$44,837,370	228,607	\$196.13	1.54%	0.17		118,301	\$0.37	0.32%	0.02		
Glades	505	11.61%	0.10		\$2,929,800	10,664	\$274.74	2.16%	0.13		3,795	\$0.28	0.24%	0.01		
Okaloosa	9,036	11.87%	0.11		\$7,323,895	176,671	\$41.45	0.33%	0.03		94,686	\$1.97	1.68%	0.09		
Marion	9,660	7.97%	0.11		\$19,451,862	271,096	\$71.75	0.56%	0.07		108,423	\$0.83	0.71%	0.04		
Flagler	2,510	10.01%	0.07		\$6,195,445	56,758	\$109.16	0.86%	0.06		22,611	\$2.24	1.91%	0.08		
Lake	7,077	6.95%	0.08		\$19,948,868	231,072	\$86.33	0.68%	0.07		101,943	\$0.72	0.62%	0.04		
Liberty	19	0.76%	0.03		\$2,390,180	7,157	\$333.96	2.63%	0.15		3,324	\$0.00	0.00%	0.00		
Gilchrist	638	11.25%	0.07		\$2,093,058	15,023	\$139.32	1.10%	0.07		5,672	\$1.42	1.21%	0.05		
Walton	1,398	6.20%	0.06		\$5,624,320	45,521	\$123.55	0.97%	0.07		22,247	\$1.43	1.22%	0.05		
Sumter	2,023	7.95%	0.08		\$5,832,820	61,348	\$95.08	0.75%	0.05		19,781	\$0.98	0.83%	0.03		
Hendry	1,317	11.28%	0.11		\$1,289,178	36,154	\$35.66	0.28%	0.02		15,373	\$0.81	0.69%	0.03		
Broward	6,932	0.98%	0.01		\$44,082,718	1,669,153	\$26.41	0.21%	0.09		899,880	\$0.16	0.13%	0.03		
Hillsborough	7,555	1.72%	0.06		\$24,385,500	1,055,617	\$23.10	0.18%	0.05		637,122	\$0.10	0.08%	0.01		

County	# Units Damaged	HOUSING		Total	Population	\$/Capita	Per Capita Converted To %	INFRA-STRUCTURE	2004 Annual Labor Force	\$ Per Labor Force Participant	% of Total \$ Multiplied by 100	BUSINESS	COUNTY CAP	Maximum # of Applicants
		% of Total Units	% Multiplied by 100											
Union	363	9.64%	0.07	\$722,023	13,794	\$52.34	0.41%	0.02	4,098	\$1.06	0.91%	0.03		
Citrus	2,683	4.60%	0.06	\$5,647,660	123,008	\$45.91	0.36%	0.03	42,246	\$0.93	0.79%	0.04		
Sarasota	1,077	0.64%	0.04	\$5,746,048	339,684	\$16.92	0.13%	0.02	172,475	\$0.85	0.72%	0.05		
Suwannee	701	4.69%	0.06	\$1,660,244	35,727	\$46.47	0.37%	0.02	13,879	\$0.76	0.65%	0.03		
Bradford	1,183	12.76%	0.08	\$442,100	26,517	\$16.67	0.13%	0.01	10,933	\$0.49	0.41%	0.02		
Bay	1,332	1.91%	0.04	\$5,584,626	152,186	\$36.70	0.29%	0.03	73,217	\$0.73	0.62%	0.03		
Columbia	1,951	8.31%	0.07	\$2,237,510	58,372	\$38.33	0.30%	0.02	26,104	\$0.19	0.16%	0.01		
Lafayette	43	1.87%	0.04	\$863,000	7,205	\$119.78	0.94%	0.06	2,890	\$0.00	0.00%	0.00		
Holmes	387	5.24%	0.06	\$752,390	18,708	\$40.22	0.32%	0.02	6,390	\$0.44	0.38%	0.01		
Jefferson	31	0.58%	0.03	\$1,583,495	13,261	\$119.41	0.94%	0.06	5,420	\$0.02	0.02%	0.00		
Duval	3,967	1.19%	0.03	\$18,830,413	809,394	\$23.26	0.18%	0.04	430,560	\$0.11	0.09%	0.01		
Miami-Dade	9,481	1.13%	0.04	\$11,108,162	2,312,478	\$4.80	0.04%	0.02	1,120,123	\$0.10	0.08%	0.02		
Pasco	5,143	3.13%	0.04	\$5,905,262	361,468	\$16.34	0.13%	0.02	159,729	\$0.32	0.27%	0.02		
Baker	259	3.37%	0.03	\$2,104,332	22,992	\$91.52	0.72%	0.04	10,659	\$0.05	0.04%	0.00		
Hernando	2,244	3.59%	0.03	\$7,302,000	136,484	\$53.50	0.42%	0.04	53,591	\$0.20	0.17%	0.01		
Manatee	1,763	1.39%	0.04	\$6,170,094	277,362	\$22.25	0.17%	0.02	143,872	\$0.13	0.11%	0.01		
Jackson	317	1.69%	0.04	\$480,490	47,707	\$10.07	0.08%	0.01	18,838	\$0.65	0.56%	0.02		
Madison	102	1.41%	0.04	\$999,942	18,932	\$52.82	0.42%	0.03	6,671	\$0.00	0.00%	0.00		
Hamilton	137	2.89%	0.04	\$702,350	13,925	\$50.44	0.40%	0.02	3,148	\$0.00	0.00%	0.00		
Washington	207	2.31%	0.04	\$486,600	21,649	\$22.48	0.18%	0.01	9,277	\$0.28	0.24%	0.01		
St. Johns	2,017	3.50%	0.03	\$3,139,913	133,953	\$23.44	0.18%	0.02	71,259	\$0.31	0.26%	0.01		
Gulf	133	2.24%	0.04	\$475,805	15,202	\$31.30	0.25%	0.01	5,589	\$0.14	0.12%	0.00		
Taylor	75	0.92%	0.03	\$1,028,172	19,800	\$51.93	0.41%	0.03	7,520	\$0.05	0.04%	0.00		
Franklin	42	0.82%	0.04	\$59,130	10,161	\$5.82	0.05%	0.00	5,773	\$0.28	0.24%	0.01		
Pinellas	3,682	0.83%	0.01	\$11,235,000	933,994	\$12.03	0.09%	0.03	509,296	\$0.12	0.10%	0.01		
Gadsden	56	0.33%	0.03	\$1,164,300	45,911	\$25.36	0.20%	0.01	19,626	\$0.01	0.01%	0.00		
Monroe	25	0.07%	0.03	\$375,982	81,140	\$4.63	0.04%	0.00	49,340	\$0.24	0.20%	0.01		
Clay	1,670	2.92%	0.01	\$4,847,910	149,901	\$32.34	0.25%	0.02	78,787	\$0.04	0.04%	0.00		
Collier	334	0.28%	0.01	\$2,162,500	277,457	\$7.79	0.06%	0.01	126,528	\$0.20	0.17%	0.01		
Wakulla	23	0.23%	0.01	\$751,320	24,217	\$31.02	0.24%	0.02	13,776	\$0.07	0.06%	0.00		
Leon	97	0.09%	0.01	\$2,428,700	248,039	\$9.79	0.08%	0.01	141,142	\$0.01	0.01%	0.00		
Nassau	177	0.69%	0.00	\$665,690	61,094	\$10.90	0.09%	0.01	31,254	\$0.20	0.17%	0.01		

Department: Department of Community Affairs

EOG Number: B0597

Problem Statement: During the 2004 Hurricane Season the Department of Community Affairs (DCA) incurred significant response costs for Hurricanes Charley, Frances, Ivan and Jeanne. As the state agency which coordinated the efforts for these statewide response activities, DCA incurred significant costs related to these efforts such as: the establishment and operation of Logistical Staging Areas throughout the state which included phone line installation and service, office equipment rental, utilities; rental and transportation costs of heavy equipment such as generators, light sets, cranes, forklifts, fuel and security services; support costs for the Regional Relief Center for dissemination of volunteered goods; payment of sister states for their assistance provided under the Emergency Management Assistance Compact; general operational expenses for extended 24-hour Emergency Operations Center (EOC) activation; and staff deployment, involving overtime pay, lodging, transportation, meals, cell phone service and other costs of extended deployment.

All these activities resulted in hundreds of individual payments for bills that are received over an extended period of time. Approximately once a month, the department prepares a Project Worksheet (PW) reflecting these actual costs by event for submission to the Federal Emergency Management Agency (FEMA) in order to begin the process of reimbursement of 90% of the eligible costs. Once received by FEMA, the requests undergo multiple and extensive reviews before being approved for reimbursement. This federal process is lengthy and can take many months. In the meantime, the department must make these payments in a timely fashion long before the federal reimbursements for such expenditures are received. In order to keep track of the departmental payments that have and have not yet been reimbursed by FEMA, these costs are purposely recorded separately from the other department costs in new accounts established in the Emergency Planning budget entity. Since there was no existing budget authority for these new accounts, negative appropriation balances are created when the department makes payments with existing departmental cash using these new accounts. Prior to March 22, 2005 the Governor's Executive Order of Emergency allowed the department to expend funds in this manner due to the extraordinary emergency circumstances. Since the current executive order does not continue this flexibility for the department after March 22, 2005, this request is needed to provide the necessary temporary budget authority in the appropriate state operations categories to process hurricane response related payments through the end of the current fiscal year.

It should be noted that this request also addresses the previously allowed negative appropriation balances incurred prior to the expiration of Executive Order 2005-13.

Line Item No.	Budget Entity / Fund / Appropriation Category Title	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
L.A.S.PBS Account Number		CF	Appropriation	Appropriation
COMMUNITY AFFAIRS				
DIVISION OF EMERGENCY MANAGEMENT				
Emergency Planning Grants & Donations Trust Fund				
N/A	G/A-MD-CHARLEY/04-05-OP 52600200-109827-00-2339	9,833,510	9,833,510	
N/A	G/A-MD-FRANCES/04-05-OP 52600200-109829-00-2339	2,968,935	2,968,935	
N/A	G/A-MD-IVAN/04-05-OP 52600200-109831-00-2339	8,025,875	8,025,875	
N/A	G/A-MD-JEANNE/04-05-OP 52600200-109836-00-2339	4,874,187	4,874,187	

Department: Education

EOG Number: B0582

Problem Statement: Section 1003.03(4)(a), F.S., provides the statutory framework for making adjustments to appropriations for school districts that fail to meet required class size reductions. In this regard, any school district that has not reduced its average district class size by the required amount at the time of the third FEFP calculation, which takes place in December, faces a transfer from the Class Size Reduction operating category to the Class Size Reduction fixed capital outlay category, proportionate to the amount of class size reduction not accomplished. The calculation compares actual class sizes as determined from the October 2004 student enrollment survey to those established by the base line February 2003 student enrollment survey.

The transfer amount was calculated by the Department of Education and verified by the Florida Education Finance Program Appropriation Allocation Conference on January 15, 2005. There were eighteen school districts that did not meet the current year class size reduction requirements on a district average basis, thereby facing a potential total transfer in the amount of \$11,354,475. The amount of the funds actually transferred is the lesser of the amount calculated or the undistributed balance of the district's Class Size Reduction operating category.

Pursuant to section 1003.03(4)(a), F.S., the State Board of Education on February 15, 2005, reviewed evidence presented by those districts that were unable to meet class size reduction requirements, despite appropriate effort to do so. The State Board of Education determined that nine school districts experienced unexpected student growth and twelve school districts had data reporting errors or had hired teachers after the October 2004 student enrollment survey. After the districts' class size averages were adjusted for these factors, it was determined that nine school districts did not meet class size reduction requirements and have a transfer amount of \$1,076,719. The transfer amount was eliminated for the remaining nine school districts.

Transfer Amount

Flagler	\$170,958	Suwannee	\$21,100
Gadsden	\$239,147	Union	\$1,203
Hernando	\$268,930	Walton	\$103,934
Putnam	\$164,128	<u>Washington</u>	<u>\$14,117</u>
Santa Rosa	\$93,202	Total	\$1,076,719

The Commissioner of Education recommends that the Legislative Budget Commission approve the alternate amount of \$1,076,719 for transfer from the Class Size Reduction operating category to the Class Size Reduction fixed capital outlay category.

**Legislative Budget Commission Meeting
April 14, 2005**

<p>Agency Request: The department requests the transfer of \$1,076,719 in General Revenue Fund budget authority from the Florida Education Finance Program's Class Size Reduction operating category to the Education Fixed Capital Outlay category for Class Size Reduction Projects. This transfer is based upon the calculations provided by the Florida Education Finance Program Appropriation Allocation Conference and recommended by the Commissioner of Education and approved by the State Board of Education on February 15, 2005, pursuant to sections 216.292(13) and 1003.03(4)(a), F.S.</p>
<p>Governor's Recommendation: Recommend approval to transfer \$1,076,719 in general revenue funds from the Florida Education Finance Program's Class Size Reduction operating category to the Education Fixed Capital Outlay category for Class Size Reduction Projects pursuant to subsections 216.292(13) and 1003.03(4)(a), Florida Statutes.</p>
<p>Commission Staff Comments: Recommend approval as recommended by the Governor's Office.</p>

<p>Senate Committee: Education Appropriations</p>		<p>House Committee: Education Appropriations</p>
<p>Senate Analyst: John Newman</p>		<p>House Analyst: Kurt Hamon</p>
<p>Phone Number: (850) 487-5140 or SunCom 277-5140</p>		<p>Phone Number: (850) 488-6204 or SunCom 278-6204</p>
<p>E-mail Address: john.newman@laspbs.state.fl.us</p>		<p>E-mail Address: kurt.hamon@laspbs.state.fl.us</p>

Line Item No.	Budget Entity / Fund / Appropriation Category Title	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
	LAS/PBS Account Number	CF Appropriation	Appropriation	Appropriation
EDUCATION				
DEPARTMENT OF EDUCATION				
General Revenue				
28A	<u>Program: Education - Fixed Capital Outlay</u> Class Size Reduction Projects 48150000-148045-04-1000	1,076,719	1,076,719	
82	Division of Public Schools <u>Program: State Grants/K12-FEFP</u> Grants and Aids - Class Size Reduction 48250300-050566-00-1000	(1,076,719)	(1,076,719)	

Department: Health

EOG Number: B0482

<p>Problem Statement: The Children's Medical Services Program in the Department of Health administers the Early Steps Program (formally known as the Infants and Toddlers Early Intervention Program). The Early Steps Program, in accordance with the federal Department of Education, Individuals with Disabilities Education Act (IDEA) Part C, serves infants and toddlers, birth to 36 months with a developmental delay or a condition that places them at risk for developmental delay. Sixteen contracted local Early Step providers coordinate with community agencies and other providers for the delivery of needed supports and services to ameliorate or prevent a disabling condition.</p> <p>The Children's Medical Services (CMS) Federal Grants Trust Fund has multiple federal funding sources (one of which is IDEA, Part C) that support its programs and services. These funding sources total \$32,140,530 for Fiscal Year 2004-2005. The current appropriation for the CMS Federal Grants Trust Fund is \$28,099,419, resulting in a need for an additional \$4,041,111 in budget authority to use the available grant award. The additional authority requested is attributed to federal Department of Education, IDEA, Part C grant increases.</p>	<p>Agency Request: The department requests an additional \$4,041,111 in Federal Grants Trust Fund budget authority, \$338,232 in the Expenses category and \$3,702,879 in the Developmental Evaluation and Intervention/Part C category, to provide necessary services to eligible children and their families. If this action is not approved, the department will be unable to provide additional services needed to ameliorate or prevent disabling conditions.</p>	<p>Governor's Recommendation: Recommend approval to increase budget authority by \$4,041,111 in the Federal Grants Trust Fund to provide services to infants and toddlers with established conditions and developmental delays or at high risk for developmental disabilities and to avoid a projected deficit.</p>	<p>Commission Staff Comments: Recommend approval as recommended by the Governor's Office.</p>
<p>Senate Committee: Health and Human Services Appropriations Senate Analyst: Ross Fabricant Phone Number: (850) 487-5140 or SunCom 277-5140 E-mail Address: ross.fabricant@laspbs.state.fl.us</p>	<p>House Committee: Health Care Appropriations House Analyst: Wayne Money Phone Number: (850) 488-6204 or SunCom 278-6204 E-mail Address: wayne.money@laspbs.state.fl.us</p>		

Line Item No.	Budget Entry / Fund / Appropriation Category Title	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
	LAS/PBS Account Number	CF	Appropriation	Appropriation
HEALTH				
558E	Children's Special Health Care Federal Grants Trust Fund Expenses 64300100-040000-00-2261	338,232	338,232	
558V	Developmental Evaluation and Intervention/Part C 64300100-103629-00-2261	3,702,879	3,702,879	

Department: Transportation

EOG Number: W0037

Problem Statement: The Florida Department of Transportation (FDOT) continues to incur expenditures associated with the repair of damages sustained by Hurricanes Charley, Frances, Ivan and Jeanne. State agencies have been operating under the Governor's Emergency Executive Orders which, among other things, allowed state agencies to expend funds without having sufficient budget authority at the time the disbursements were recorded. The Governor's last Emergency Executive Order 2005-56 expires May 21, 2005, and FDOT will be required to have budget authority to cover both past and future expenditures. FDOT estimates that budget authority needed for the total cost of repairs including a reserve for contingencies is approximately \$1.25 billion. Currently, FDOT has expended approximately \$318 million and has an additional \$630 million of encumbrances remaining on existing contracts.

As of April 1, 2005, FDOT anticipates receiving \$1,012 million from Federal Highway Administration (FHWA) Emergency Funds. This estimate changes daily as more federal reimbursement approvals are received. After each hurricane, damage assessments were made throughout the state by FDOT staff in conjunction with FHWA staff, and damage survey summary reports were prepared and forwarded to FHWA Headquarters in Washington, DC. Because of the extensive nature of the damage it was necessary for Congress to pass a supplemental appropriations bill to provide additional funding for the FHWA Emergency Funds. Congress appropriated approximately \$1.2 billion in FHWA Emergency Funds, specifying the first priority was to fund the I-10 bridge over Escambia Bay (approximately \$325 million), and that the remainder of funds are to be allocated on a pro rata basis to all the states incurring damage from the storms. According to FDOT, FHWA will not allocate any of the Emergency Funds appropriated by Congress until damage reports are submitted by all the affected states.

As of April 1, 2005, FDOT also anticipates receiving \$87.5 million from the Federal Emergency Management Administration (FEMA). In order to receive FEMA reimbursements, FDOT must document all FEMA eligible damages and submit estimated costs of repairs to the Florida Department of Community Affairs. FDOT also expects to receive \$2 million from the Federal Aviation Administration.

The total amount of federal funds FDOT expects to receive is \$1,101.5 million. The \$150.3 million difference between the \$1,251.8 million of requested budget authority and the \$1,101.5 of expected federal funds represents state funds required to match federal funds, and to pay for repairs not eligible for federal reimbursement. The amount of state funds required changes constantly as FDOT learns which projects are eligible for FHWA and FEMA funds, and what, if any, the required match will be. In the current year work program, FDOT has set aside \$250 million in state funds as a reserve to cover the state share of costs for these hurricane-related projects.

Agency Request: The department requests increased budget authority of \$1,251,811,477 in the State Transportation (Primary) Trust Fund and \$136 in the Turnpike General Reserve Trust Fund in both operating and fixed capital outlay categories to continue the restoration work associated with the damages sustained by Hurricanes Charley, Frances, Ivan and Jeanne.

**Hurricane Damages By Major Category
(as of March 8, 2005)**

Project Category	Fed / State	State Only	TOTAL
Debris Removal	315,888,339		315,888,339
Signs, Signals and Lighting	103,072,541		103,072,541
Roads and Bridges	637,737,656	2,974,275	640,711,931
Railroad Crossings	3,364,647		3,364,647
Airports (funds via FDOT)	2,000,000	13,683,665	15,683,665
Service Patrols/Protective Measures	15,021,195		15,021,195
Work by Locals on Federal roads	50,265,925		50,265,925
Subtotal	\$1,127,350,303	\$16,657,940	\$1,144,008,243
Contingencies	107,803,370		107,803,370
Total	\$1,235,153,673	\$16,657,940	**\$1,251,811,613

* Fed /State Total Includes:
 Federal Highway Administration: \$1,012.0 million
 Federal Emergency Management Administration: \$87.5 million
 Federal Aviation Administration: \$2.0 million
 State contingency funds: \$107.8 million
 State matching funds: \$25.9 million

** The total of \$1,251,811,613 includes \$136 from the Turnpike General Reserve Trust Fund and \$1,251,811,477 from the State Transportation Primary Trust Fund.

Governor's Recommendation: Recommend approval to increase budget authority by \$1,251,811,477 in the State Transportation Trust Fund for operating, fixed capital outlay (FCO), and Work Program (FCO) impacted by hurricanes Charley, Frances, Ivan and Jeanne, and \$136 in the Turnpike General Reserve Trust Fund.

Commission Staff Comments: Recommend approval as recommended by the Governor's Office.

Senate Committee: Transportation & Economic Development
 Appropriations
Senate Analyst: Tom Weaver
Phone Number: (850) 487-5140 or SunCom 277-5140
E-mail Address: tom.weaver@laspbs.state.fl.us

House Committee: Transportation & Economic Development
 Appropriations
House Analyst: John McAuliffe
Phone Number: (850) 488-6204 or SunCom 278-6204
E-mail Address: john.mcauliffe@laspbs.state.fl.us

Line Item No.	Budget Entity / Fund / Appropriation Category Title	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
	LAS/PBS Account Number	CF	Appropriation	Appropriation
TRANSPORTATION				
HIGHWAY & BRIDGE CONSTRUCTION				
State Transportation Trust Fund				
N/A	G/A - Major Disaster 2004-05 - Hurricane Charley - FEMA #1539 ST-OP 55100100-109827-00-2540	270,302	270,302	
N/A	G/A - Major Disaster 2004-05 - Hurricane Frances-FEMA #1545 ST-OP 55100100-109829-00-2540	141,348	141,348	
N/A	G/A - Major Disaster 2004-05 - Hurricane Ivan FEMA #1551 ST-OP 55100100-109831-00-2540	202,169	202,169	
N/A	G/A - Major Disaster 2004-05 - Hurricane Jeanne-FEMA #1561 ST-OP 55100100-109836-00-2540	192,305	192,305	
N/A	G/A Major Disaster 2004/05 Hurricane Charley FEMA Declaration #1539 - DOT Work Program 55100100-089929-05-2540	57,311,649	57,311,649	

Line Item No.	Budget Entity / Fund / Appropriation Category Title	CF	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
	LAS/PBS Account Number		Appropriation	Appropriation	Appropriation
TRANSPORTATION					
<u>INFORMATION TECH</u>					
State Transportation Trust Fund					
N/A	G/A - Major Disaster 2004-05 - Hurricane Ivan FEMA #1551 ST-OP 55150600-109831-00-2540		2,387	2,387	
N/A	G/A - Major Disaster 2004-05 - Hurricane Jeanne-FEMA #1561 ST-OP 55150600-109836-00-2540		2,773	2,773	
<u>TURNPIKE ENTERPRISE</u>					
State Transportation Trust Fund					
N/A	G/A - Major Disaster 2004-05 - Hurricane Charley - FEMA #1539-SO 55180100-109827-00-2540		41,335	41,335	
N/A	G/A - Major Disaster 2004-05 - Hurricane Frances-FEMA #1545 ST-OP 55180100-109829-00-2540		10,301	10,301	
N/A	G/A - Major Disaster 2004-05 - Hurricane Ivan FEMA #1551 ST-OP 55180100-109831-00-2540		367,852	367,852	
N/A	G/A - Major Disaster 2004-05 - Hurricane Jeanne-FEMA #1561 ST-OP 55180100-109836-00-2540		8,701	8,701	

Line Item No	Budget Entity / Fund / Appropriation Category Title	CF	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
	LEAS/PBS Account Number		Appropriation	Appropriation	Appropriation
TRANSPORTATION					
<u>EXECUTIVE DIRECTION</u>					
State Transportation Trust Fund					
N/A	G/A - Major Disaster 2004-05 - Hurricane Charley - FEMA #1539 ST-OP 55150500-109827-00-2540		58,371	58,371	
N/A	G/A - Major Disaster 2004-05 - Hurricane Frances-FEMA #1545 ST-OP 55150500-109829-00-2540		26,797	26,797	
N/A	G/A - Major Disaster 2004-05 - Hurricane Ivan FEMA #1551 ST-OP 55150500-109831-00-2540		48,263	48,263	
N/A	G/A - Major Disaster 2004-05 - Hurricane Jeanne-FEMA #1561 ST-OP 55150500-109836-00-2540		94,355	94,355	
<u>INFORMATION TECH</u>					
State Transportation Trust Fund					
N/A	G/A - Major Disaster 2004-05 - Hurricane Charley - FEMA #1539 ST-OP 55150600-109827-00-2540		14,579	14,579	
N/A	G/A - Major Disaster 2004-05 - Hurricane Frances-FEMA #1545 ST-OP 55150600-109829-00-2540		5,574	5,574	

Line Item No.	Budget Entry / Fund / Appropriation Category / Title	CF	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
	LAS/PBS Account Number		Appropriation	Appropriation	Appropriation
TRANSPORTATION					
HIGHWAY OPERATIONS (continued)					
State Transportation Trust Fund					
N/A	Major Disaster 2004/05 Hurricane Charley FEMA Declaration #1539-AGY MGD 55150200-089928-05-2540		534,355	534,355	
N/A	Major Disaster 2004/05 Hurricane Frances FEMA Declaration #1545-AGY MGD 55150200-089933-05-2540		1,249,752	1,249,752	
N/A	Major Disaster 2004/05 Hurricane Jeanne FEMA Declaration #1561-AGY MGD 55150200-089947-05-2540		1,307,530	1,307,530	
N/A	G/A Major Disaster 2004/05 Hurricane Charley FEMA Declaration #1539 - DOT Work Program 55150200-089929-05-2540		139,538,404	139,538,404	
N/A	G/A Major Disaster 2004/05 Hurricane Frances FEMA Declaration #1545-DOT Work Program 55150200-089934-05-2540		100,981,565	100,981,565	
N/A	G/A Major Disaster 2004/05 Hurricane Ivan FEMA Declaration #1551-DOT Work Program 55150200-089938-05-2540		118,882,622	118,882,622	
N/A	G/A Major Disaster 2004/05 Hurricane Jeanne FEMA Declaration #1561-DOT Work Program 55150200-089948-05-2540		301,916,472	301,916,472	

Line Item No	Budget Entity / Fund / Appropriation Category Title	L.A.S./P.B.S. Account Number	REQUESTED BY	RECOMMENDED BY	APPROVED BY THE
			AGENCY	GOVERNOR	LEGISLATIVE BUDGET COMMISSION
			CF	Appropriation	Appropriation
TRANSPORTATION					
PUBLIC TRANSPORTATION (continued)					
State Transportation Trust Fund					
N/A	G/A Major Disaster 2004/05 Hurricane Charley FEMA Declaration #1539- DOT Work Program 55100300-089929-05-2540		13,915,775	13,915,775	
N/A	G/A Major Disaster 2004/05 Hurricane Frances FEMA Declaration #1545-DOT Work Program 55100300-089934-05-2540		1,471,283	1,471,283	
N/A	G/A Major Disaster 2004/05 Hurricane Ivan FEMA Declaration #1551-DOT Work Program 55100300-089938-05-2540		296,607	296,607	
HIGHWAY OPERATIONS					
State Transportation Trust Fund					
N/A	G/A - Major Disaster 2004-05 - Hurricane Charley - FEMA #1539 ST-OP 55150200-109827-00-2540		3,877,554	3,877,554	
N/A	G/A - Major Disaster 2004-05 - Hurricane Frances-FEMA #1545 ST-OP 55150200-109829-00-2540		5,165,445	5,165,445	
N/A	G/A - Major Disaster 2004-05 - Hurricane Ivan FEMA #1551 ST-OP 55150200-109831-00-2540		2,576,027	2,576,027	
N/A	G/A - Major Disaster 2004-05 - Hurricane Jeanne-FEMA #1561 ST-OP 55150200-109836-00-2540		2,738,784	2,738,784	

Line Item No.	Budget Entity / Fund / Appropriation Category Title L.A.S./P.B.S. Account Number	REQUESTED BY	RECOMMENDED BY	APPROVED BY THE
		AGENCY	GOVERNOR	LEGISLATIVE BUDGET COMMISSION
		C.F. Appropriation	Appropriation	Appropriation
TRANSPORTATION				
HIGHWAY & BRIDGE CONSTRUCTION (continued)				
State Transportation Trust Fund				
N/A	G/A Major Disaster 2004/05 Hurricane Frances FEMA Declaration #1545-DOT Work Program 55100100-089934-05-2540	24,789,084	24,789,084	
N/A	G/A Major Disaster 2004/05 Hurricane Ivan FEMA Declaration #1551-DOT Work Program 55100100-089938-05-2540	443,999,699	443,999,699	
N/A	G/A Major Disaster 2004/05 Hurricane Jeanne FEMA Declaration #1561-DOT Work Program 55100100-089948-05-2540	22,091,001	22,091,001	
PUBLIC TRANSPORTATION				
State Transportation Trust Fund				
N/A	G/A - Major Disaster 2004-05 - Hurricane Charley - FEMA #1539 ST-OP 55100300-109827-00-2540	12,466	12,466	
N/A	G/A - Major Disaster 2004-05 - Hurricane Frances-FEMA #1545 ST-OP 55100300-109829-00-2540	967	967	
N/A	G/A - Major Disaster 2004-05 - Hurricane Ivan FEMA #1551 ST-OP 55100300-109831-00-2540	6,839	6,839	
N/A	G/A - Major Disaster 2004-05 - Hurricane Jeanne-FEMA #1561 ST-OP 55100300-109836-00-2540	6,333	6,333	

Line Item No.	Budget Entity / Fund / Appropriation Category Title	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
	LAS/PBS Account Number	CF	Appropriation	Appropriation
TRANSPORTATION				
<u>TURNPIKE ENTERPRISE (continued)</u>				
State Transportation Trust Fund				
N/A	G/A Major Disaster 2004/05 Hurricane Charley FEMA Declaration #1539 - DOT Work Program 55180100-089929-05-2540	1,535,815	1,535,815	
N/A	G/A Major Disaster 2004/05 Hurricane Frances FEMA Declaration #1545-DOT Work Program 55180100-089934-05-2540	3,095,122	3,095,122	
N/A	G/A Major Disaster 2004/05 Hurricane Ivan FEMA Declaration #1551-DOT Work Program 55180100-089938-05-2540	6,277	6,277	
N/A	G/A Major Disaster 2004/05 Hurricane Jeanne FEMA Declaration #1561-DOT Work Program 55180100-089948-05-2540	3,016,638	3,016,638	
Turnpike Gen Reserve Trust Fund				
N/A	G/A - Major Disaster 2004-05 - Hurricane Charley - FEMA #1539-SO 55180100-109827-00-2326	136	136	

