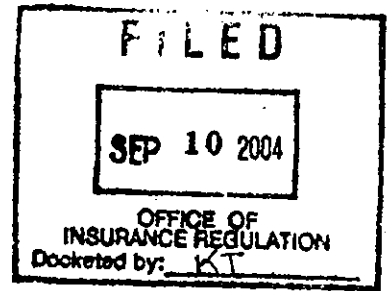




OFFICE OF INSURANCE REGULATION



KEVIN M. MCCARTY
COMMISSIONER

IN THE MATTER OF:

**Suspension of Certain Rules and Statutes
Based on State of Emergency- Natural Disaster**

Extension of Grace Period, Claims Filing,
Reinstatement and Miscellaneous Periods;
Limitation on Cancellations and Nonrenewals

CASE NO.: 78059-04-CO

Property and Casualty; Deemers
Prior Approval of Rate Increases; Suspension
of Use and File Rate Filings

AMENDED EMERGENCY ORDER

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

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

NOW THEREFORE, the Commissioner hereby **FINDS** as follows:

JURISDICTION AND FINDINGS OF FACT

1. The Office of Insurance Regulation (the "Office") has the duty, pursuant to s. 624.307(2), Florida Statutes, to enforce the provisions of the Insurance Code (Chapters 624-632, 634, 635, 636, 641, 642, 648, and 651, henceforth, the "Code"). The

Office shall have the powers and authority expressly conferred upon it by, or reasonably implied from, the provisions of the Code, pursuant to s. 624.307(2), Florida Statutes.

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

3. This Emergency Order is being issued pursuant to sections 120.569(2)(n), and 252.46, Florida Statutes, because the facts as stated herein demonstrate that there is an immediate threat to the public health, safety and welfare, as a result of the direct effects of the statewide impact of Hurricane Frances. Further, this Emergency Order is being issued pursuant to S. 8, paragraphs A and F of Governor Jeb Bush's Executive Order Number 04-192, declaring a state of emergency in Florida on September 1, 2004, and the Supplemental Order of the State Coordinating Officer entered on September 2, 2004. Executive Order 04-192 is attached as **Exhibit 1**.

4. On September 2, 2004, the State Coordinating Officer under Executive Order 04-192, issued a Supplemental Order related to Hurricane Frances, and determined that the Office will be hindered in the proper performance of its duties and responsibilities in meeting this emergency without the authority to suspend certain statutes in the Florida Insurance Code and the rules that implement the Florida Insurance Code governing the rate and form filings relating to insurance, and the running of the time for the cancellation of homeowners, automobile, health, and other types of insurance coverage subject to the Florida Insurance Code. The Supplemental Order gives the

Office authority to issue emergency rules and orders as outlined specifically in the Order.

See **Exhibit 1**. The Supplemental Order is attached as **Exhibit 2**.

5. By this Order, and in accordance with the authority listed in the paragraphs above, the Commissioner of the Office of Insurance Regulation, is suspending the operation of certain statutes in the Florida Insurance Code and the rules that implement the Florida Insurance Code governing the rate and form filings relating to insurance, and the running of the time for the cancellation of homeowners, automobile, health, and other types of insurance coverage subject to the Florida Insurance Code.

6. This Emergency Order is intended to supersede, from this date forward, Emergency Order 77677-04 ("In the Matter of Hurricane Charley"), Emergency Rule 690ER04-05 (Limits on Cancellation and Nonrenewal of Insurance Policies), and Emergency Rule 690ER04-09 (Supplemental Provisions) issued by the Office following the aftermath of Hurricane Charley.

7. Florida Governor Jeb Bush has found that Hurricane Frances, alone and in combination with the destruction by Hurricane Charley, threatened the State of Florida with a catastrophic disaster and therefore declared that a state of emergency exists in the State of Florida and on September 1, 2004, Florida Governor Jeb Bush, issued Executive Order 04-192, declaring a state of emergency and activated the State Comprehensive Emergency Management Plan.

8. On August 10, 2004, the Governor issued Executive Order 04-182 to declare a state of emergency because of Hurricane Charley. Hurricane Charley came ashore in the southwestern portion of the State as a Category 4 hurricane and

devastated communities in the southwestern and central portions of the State; and the State is now trying to recover from the impact of Hurricane Charley.

9. Hurricane Frances has affected a number of communities in the State of Florida with extreme weather conditions, which has created an immediate danger to the lives, and property of persons in those communities. Thirteen (13) deaths in Florida have been attributed to Hurricane Frances.

10. In the ordinary course of business, insurance companies and premium finance companies send notices to insureds, many of which are required by statute, giving the insured certain limited periods of time within which to pay premium or otherwise respond. Because of the storm damage, disruption of mail and inability of many of the insureds to stay in their homes, the storm victims are currently unable to timely act or respond and need additional time within which to act in response to these notices. Some insurers and premium finance companies may cancel or nonrenew insurance policies including homeowners' insurance policies on homes which have suffered partial losses. This action leaves the insured uncovered and potentially uninsurable until the dwelling is rebuilt. Other types of coverage such as auto insurance may also be in peril because of the disruption in mail and inability of the insured to receive and respond to mail in a timely manner. This Order provides temporary emergency relief to the insureds so that they are not left uninsured during the remainder of this crisis.

11. The issuance of this Emergency Order and the procedural safeguards set forth herein are fair under the circumstances due to the potential grave harm described above. As indicated in the Notice of Rights herein, Respondents are afforded an

opportunity for a review of this Order. Procedures set forth therein will afford the Respondents an opportunity to challenge these actions.

WHEREFORE, pursuant to the Florida Insurance Code and other applicable statutes, including, s.s 120.569(2)(n) and 252.46(2), Florida Statutes, s. 8, paragraphs A and F, of Governor Jeb Bush's Executive Order Number 04-192, and the Supplemental Order of the State Coordinating Officer entered on September 2, 2004, the OFFICE finds that as a result of the direct effects of the statewide impact of Hurricane Frances an immediate danger to the public health, safety and welfare exists so as to require the issuance of this Emergency Order.

Accordingly, IT IS HEREBY ORDERED:

**Extension of Grace Period, Claims Filing,
Reinstatement, and Miscellaneous Periods;
Limitation on Cancellations and Nonrenewals**

(1) This Emergency Order is intended to supersede, from this date forward, Emergency Order 77677-04 ("In the Matter of Hurricane Charley"), Emergency Rule 690ER04-05 (Limits on Cancellation and Nonrenewal of Insurance Policies), and Emergency Rule 690ER04-09 (Supplemental Provisions).

(2) This Order applies statewide to all contracts of insurance and other contracts that are subject to regulation under the Florida Insurance Code including, but not limited to:

- (a) All policies referenced in Chapter 440, 624, 626, and 627, Florida Statutes;
- (b) All policies or contracts issued pursuant to Chapters 641 and 651, Florida Statutes;

(c) Contracts issued by Multiple Employer Welfare Arrangements and Commercial Self-Insurance Trusts; and

(d) Premium Finance Company contracts issued, delivered, or covering a risk located in the State of Florida.

(e) Reinsurance contracts are not subject to this Order, however, ceding insurers shall, within ten (10) days, notify the Office, in writing, of the cancellation or nonrenewal of any reinsurance contract reinsuring property risks located in the State. The notice should be directed to the Bureau of Property and Casualty Solvency.

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

References herein to "policy" or "contract of insurance" includes all agreements regulated under the Insurance Code.

(3) The primary purpose of this Emergency Order is to provide temporary and emergency relief to persons and risks located in the State of Florida, including those in the 12 counties listed in the Emergency Order 77677-04 ("In the Matter of Hurricane Charley"), Emergency Rule 690ER04-05 (Limits on Cancellation and Nonrenewal of Insurance Policies), and Emergency Rule 690ER04-09 (Supplemental Provisions), issued by the Office following the aftermath of Hurricane Charley.

(4) As to any policy provision, notice, correspondence, or law which imposes a time limit upon an insured to perform any act or transmit information or funds with respect to a contract of insurance, which act was to have been performed on or after September 1, 2004, the time limit shall be extended to and including October 15, 2004. This extension of time shall not relieve a policyholder who has a claim resulting from

Hurricanes Charley and/or Frances from compliance with the policyholder's obligations to provide information and cooperate in the claim adjustment process relative to the property damage claim. No interest, penalties, or other charges, shall accrue or be assessed, as the result of the extensions required herein. Interest that is owed pursuant to premium financing plans with premium finance companies or insurers or their affiliates may be assessed.

(5) Except as provided in paragraph (6), from September 1, 2004, to and including October 15, 2004, no insurer or regulated entity shall cancel or nonrenew a policy or contract of insurance or issue a notice of cancellation or nonrenewal, covering a person, property or risk in this State unless requested by the insured.

(6) No insurer shall cancel or nonrenew or issue a notice of cancellation or nonrenewal of any personal residential or commercial residential policy from September 1, 2004, to and including November 30, 2004. Policies cancelled due to the request of the insured are not subject to this prohibition.

(7) A cancellation or nonrenewal may occur prior to October 15, 2004, at the written request or written concurrence of the policyholder.

(8) Except as provided in paragraphs (5) and (6) with respect to a notice of cancellation or nonrenewal which, but for this Order, would have taken effect from September 1, 2004, to and including October 15, 2004, (November 30, 2004, for personal residential and commercial residential policies) such notice is not made invalid by this Order; however,

a. The insurer shall extend the coverage to and including October 15, 2004, (November 30, 2004, for personal residential and commercial residential policies) or a later date specified by the insurer;

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

(9) An insurer that was unable to cancel or nonrenew a policy due to the operation of this Order, may upon proper notice, cancel or nonrenew such policy, effective on the date the policy would have otherwise been cancelled or nonrenewed, in the event the insured has not filed a claim under the policy or paid outstanding premium due.

(10) No policy shall be cancelled or nonrenewed solely because of a claim resulting from Hurricanes Charley and/or Frances.

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

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

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

(14) Replacement of a policy in a subplan of the Florida Workers' Compensation Joint Underwriting Association with a policy in the tier structure of the association as

created pursuant to Ch. 2004-266, Laws of Florida, or any other action required to implement Ch. 2004-266, is not subject to this Order.

(15) This Emergency Order shall not apply to new policies issued on or after September 7, 2004.

(16) If the contract of insurance was financed by a premium finance company, the following provisions apply:

(a) Premium finance companies will issue 10-day notices of intent to cancel and cancellation notices in accordance with the terms of the premium finance agreement signed by the insured. In addition, the premium finance company shall be responsible to obtain proof of receipt of each such notice by the insured, which may be accomplished through mailing by certified mail, return receipt requested, or through any other legally admissible method in a court of law. In addition, each such notice shall prominently contain the following statement:

"If you have been displaced through the loss of your home or damage to your home which has caused you to reside elsewhere on a temporary basis, or if you have temporarily become unemployed due to the destruction caused by Hurricanes Charley and/or Frances, please contact this office at once:

Victims of Hurricanes Charley and/or Frances will receive an automatic extension of time to and including October 15, 2004, to bring their accounts up to date and no late charges will be applied to any late payments received which were due on their accounts during the period of September 1, 2004, to and including October 15, 2004.

Therefore, if you are a victim of Hurricanes Charley and/or Frances, please contact us at once at the number provided at the bottom of this notice so that we may advise you of the status of your account.

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

(b) Upon receipt of a notice of cancellation from the premium finance company, the insurer will process the cancellation requests in accordance with current law, and in accordance with the notice provisions contained in this Order.

(c) The insurer will hold all refunds until October 15, 2004, and proceed as follows:

1. If the insurer receives notice of a claim that occurred on or before October 15, 2004, on the cancelled policy, the coverage that would have been available had the policy not been cancelled shall be extended for that claim.

2. If the premium finance company receives payment from the insured or the insured's agent on behalf of the insured to bring the account up-to-date on or before October 15, 2004, the premium finance company will send a request for reinstatement to the insurer. Upon receipt of same, the insurer will immediately reinstate the policy with no lapse in coverage.

3. No late charges shall be assessed for any insured who qualifies for protection under this Emergency Order.

4. If the insurer does not receive a claim of loss on a policy for which it has received a notice of cancellation under subparagraph 1. above, nor a request for reinstatement from the premium finance company pursuant to subparagraph 2. above, the insurer will

issue the return premium checks to the premium finance company no later than October 23, 2004, (or December 8, 2004 in the case of personal residential and commercial residential policies) based upon the requested cancellation date.

Paragraph (16) also applies to any insurer who finances its' own premiums.

(d) However, with respect to any personal residential or commercial residential policy subject to paragraph (6), the October 15, 2004, dates in paragraph (16) shall be replaced by November 30, 2004.

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

II

**Hurricane Frances
Property and Casualty; Deemers
Prior Approval Of Rate Increases; Suspension of
Use and File Rate Filings**

(18) The Office will continue to accept "file and use filings", but in the interest of the public, "use and file filings" are suspended.

(19) Notwithstanding the "use and file" provisions contained in sections 627.0651 and 627.062, Florida Statutes, all rate changes filed with the Office having an effective date for new and/or renewal business on or after September 1, 2004, shall be filed and subject to the approval of the Office prior to implementation for the duration of this Order.

(20) Any "use and file" rate change implementing new rates without an official filing to the Office shall be withdrawn from use and the previous rates shall be reinstated immediately.

(21) The time period in which any application, filing, or document, required to be filed with the Office of Insurance Regulation, pursuant to the Florida Insurance Code, which by statute would be deemed approved if not approved or denied within a specific time period, shall be tolled for a period commencing on September 1, 2004, the date the Governor issued the State of Emergency, and ending 90 days thereafter.

(22) Nothing in this Order shall prohibit the Office from issuing an Order, as needed, suspending all filings required by the Florida Insurance Code, as authorized under the Supplemental Order issued on September 2, 2004.

(23) Any insurer that becomes impaired or insolvent due to Hurricane Charley and/or Hurricane Frances or the operation of the subsequent rules and orders has a duty to report the resulting financial condition to the Office as soon as possible. Notwithstanding any other provisions contained herein, OIR may exempt any insurer from compliance with this Emergency Order if OIR determines that compliance with this Emergency Order may be reasonably expected to result in such insurer being subject to financial regulatory action levels by the OIR.

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

DONE and ORDERED this 10th day of September, 2004.






Kevin M. McCarty
Commissioner
Office of Insurance Regulation

EXHIBITS:

1. Executive Order 04-192, September 1, 2004
2. Supplemental Order, September 2, 2004

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to S. 120.68, *Florida Statutes*, and Rule 9.110, *Fla.R.App.P.* Review proceedings must be instituted by filing a petition or notice of appeal with the General Counsel, acting as the agency clerk, at 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333, and a copy of the same with the appropriate district court of appeal, within thirty (30) days of rendition of this Order.

A handwritten signature in black ink, appearing to read 'SUSAN DAWSON', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

SUSAN DAWSON
FBN: 0076848

Office of Insurance Regulation
Division of Legal Services
200 East Gaines Street, 6th Floor
Tallahassee, Florida 32399
Telephone: 850/ 413-4195
Facsimile: 850/922-2543

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001



JEB BUSH
GOVERNOR

EXECUTIVE ORDER NUMBER 04-192
(Emergency Management)

WHEREAS, on August 10, 2004, the Governor issued Executive Order 04-182 to declare a state of emergency because of Hurricane Charley; and

WHEREAS, Hurricane Charley came ashore in the southwestern portion of the State as a Category 4 hurricane and devastated communities in the southwestern and central portions of the State; and

WHEREAS, the State is now trying to recover from the impact of Hurricane Charley, although it may take years to do so; and

WHEREAS, on September 1, 2004, the National Hurricane Center advised that Hurricane Frances has continued to strengthen into a Category 4 hurricane, with sustained surface winds exceeding 135 mph, and that it may strengthen even further; and

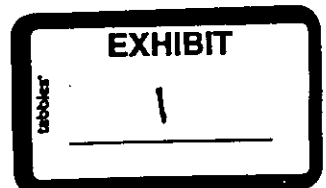
WHEREAS, Hurricane Frances threatens a number of communities in the State of Florida with extreme weather conditions which pose an immediate danger to the lives and property of persons in those communities; and

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

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

WHEREAS, emergency measures in addition to those needed for Hurricane Charley may be needed to protect the lives and property of persons in the threatened communities, and the general welfare of the State of Florida; and

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



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

Section 1. Because of the foregoing conditions, I hereby find that Hurricane Frances, alone and in combination with the destruction by Hurricane Charley, threatens the State of Florida with a catastrophic disaster. I therefore declare that a state of emergency exists in the State of Florida, and that the evacuation of multiple counties in the State may be necessary because of Hurricane Frances. I further find that central authority over the evacuation of these counties is needed to coordinate these evacuations, that these evacuations exceed the capability of the local governments in these communities, and that shelters in other counties are needed to accommodate the evacuees. I therefore declare that a state of emergency also exists in all destination counties that open shelters to accommodate evacuees from the communities threatened by Hurricane Frances.

Section 2. I hereby incorporate Executive Order 04-182, as amended, by reference into this Executive Order, and all mission assignments and orders issued by the State Coordinating Officer and Deputy State Coordinating Officers in connection with Hurricane Charley under the authority of Executive Order 04-182, as amended, are hereby ratified and extended as if issued on this date. Executive Order 04-182, as amended, is also hereby extended, so that its date of expiration will coincide with the expiration of this Executive Order.

Section 3. I hereby designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and as my Authorized Representative. In exercising the powers delegated by this Executive Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. In accordance with Sections 252.36(1)(a) and 252.36(5), Florida Statutes, I hereby delegate to the State Coordinating Officer the following powers, which he shall exercise as needed to meet this emergency:

- A. The authority to activate the Comprehensive Emergency Management Plan;
- B. The authority to invoke and administer the Statewide Mutual Aid Agreement, and the further authority to coordinate the allocation of resources under that Agreement so as best to meet this emergency;

- C. The authority to invoke and administer the Emergency Management Assistance Compact and other Compacts and Agreements existing between the State of Florida and other States, and the further authority to coordinate the allocation of resources from such other States that are made available to the State of Florida under such Compacts and Agreements so as best to meet this emergency;
- D. The authority to seek direct assistance from any and all agencies of the United States Government as may be needed to meet the emergency;
- E. The authority to distribute any and all supplies stockpiled to meet the emergency;
- F. In accordance with Sections 252.36(5)(a) and 252.46(2), Florida Statutes, the authority to suspend existing statutes, rules, ordinances, and orders for the duration of this emergency to the extent that literal compliance with such statutes, rules, ordinances, and orders may be inconsistent with the timely performance of disaster response functions;
- G. The authority to direct all state, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the needs created by this emergency, and to place all such personnel under the direct command of the State Coordinating Officer to meet this emergency;
- H. The authority to activate the Continuity of Operations Plans of all state, regional and local governmental agencies;
- I. The authority to seize and utilize any and all real or personal property as needed to meet this emergency, subject always to the duty of the State to compensate the owner;
- J. The authority to order the evacuation of all persons from any portions of the State threatened by the disaster, the authority to direct the sequence in which such evacuations shall be carried out, and the further authority to regulate the movement of persons and traffic to, from, or within any location in the State to the extent needed to cope with this emergency;
- K. The authority to reverse the flow of traffic on any and all highways or portions of highways of the State Highway System as needed to facilitate the evacuation of the affected communities;
- L. The authority to regulate the return of the evacuees to their home communities;
- M. The authority to designate such Deputy State Coordinating Officers as the State Coordinating Officer may deem necessary to cope with the emergency; and

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

Section 4. I hereby order the Adjutant General to activate the Florida National Guard for the duration of this emergency, and I hereby place the National Guard under the authority of the State Coordinating Officer for the duration of this emergency.

Section 5. I hereby direct each county in the State of Florida, at the discretion of the State Coordinating Officer, to activate its Emergency Operations Center and its County Emergency Management Plan, as needed to ensure an immediate state of operational readiness, and I further direct each county in the State, at the discretion of the State Coordinating Officer, to open and activate all shelters to accommodate all evacuees.

Section 6. I hereby direct all state, regional and local agencies to place any and all available resources under the authority of the State Coordinating Officer as needed to meet this emergency.

Section 7. I hereby designate all state, regional and local governmental facilities including, without limiting the generality of the foregoing, all public elementary and secondary schools, all Community Colleges, and all State Universities, for use as shelters to ensure the proper reception and care of all evacuees.

Section 8. I find that the special duties and responsibilities resting upon some state, regional and local agencies and other governmental bodies in responding to the disaster may require them to deviate from the statutes, rules, ordinances, and orders they administer, and I hereby give such agencies and other governmental bodies the authority to take formal action by emergency rule or order in accordance with Sections 120.54(4) and 252.46(2), Florida Statutes, to the extent that such actions are needed to cope with this emergency. Without limiting the generality of the foregoing, I hereby order the following:

A. I hereby give all agencies of the State, including the collegial bodies within those agencies, the authority to suspend the effect of any statute, rule, ordinance, or order of any state, regional, or local governmental entity, to the extent needed to procure any and all necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes and rules which affect budgeting, printing, purchasing, leasing, and the conditions of employment and the compensation of employees, but any such statute, rule, ordinance, or

order shall be suspended only to the extent necessary to ensure the timely performance of disaster response functions.

B. I hereby direct the Department of Transportation to waive the collection of tolls and other fees and charges for the use of the Turnpike and all other transportation facilities, regardless of whether such facilities are components of the State Highway System, to the extent such waiver may be needed to facilitate the evacuation of the affected communities; to reverse the flow of traffic on any and all highways or portions of highways of the State Highway System as may be needed to facilitate the evacuation of the affected communities; to close any and all highways or portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties the State Coordinating Officer may designate as destination counties for evacuees in this emergency; to waive fuel taxes levied on vehicles registered in other States that are owned or operated by governmental agencies of those States, or by public utility companies or parties under contract with them, and to waive by special permit the registration requirements and the hours of service requirements for such vehicles; to waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services and supplies, and by special permit to designate alternate size and weight restrictions for all such vehicles for the duration of the emergency; and to waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services, to the extent such waivers are needed to meet this emergency.

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

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

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

F. I hereby give all agencies of the State, including the collegial bodies within those agencies, the authority to abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such applications are deemed to be approved unless disapproved in writing by specified deadlines, and all such time requirements that have not yet expired as of the date of this Executive Order are hereby suspended and tolled to the extent needed to meet this emergency.

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

Section 9. I hereby find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies may be inadequate to pay the costs of this disaster. In accordance with Section 252.37(2), Florida Statutes, to the extent that funds appropriated to the agencies of the State and to local agencies may be inadequate to defray the costs of this disaster, I hereby direct the transfer of sufficient funds from any unappropriated surplus funds, or from the Working Capital Fund, or from the Budget Stabilization Fund.

Section 10. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by States other than the State of Florida shall be allowed to render such services in the State of Florida during this emergency for persons affected by the disaster, with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross.

Section 11. In accordance with Sections 501.160(2) and 501.160(3), Florida Statutes, I hereby place all persons on notice that it is unlawful for any person in the State of Florida to rent or sell, or offer to rent or sell at an unconscionable price, any essential equipment, services, or supplies whose consumption or use is necessary because of the emergency. Such services shall include, without limiting the generality of the foregoing, any rental of hotel, motel, or other transient lodging facilities, and any

rental of storage facilities. In accordance with Section 501.160(1)(b), Florida Statutes, any price exceeding the average price for such essential equipment, services, or supplies for the thirty (30) days immediately preceding the date of this Executive Order shall create a presumption that the price is unconscionable unless such increase is caused by actual costs incurred in connection with such essential equipment, services, or supplies, or is caused by national or international economic trends.

Section 12. All state agencies that enter emergency final orders or rules, or take other final actions based on the existence of this emergency shall advise the State Coordinating Officer in writing of the action taken as soon as practicable, but in no event later than the expiration of sixty (60) days from the date of this Executive Order.

Section 13. This Executive Order shall be deemed to have taken effect on September 1, 2004, and all actions taken by the Director of the Division of Emergency Management with respect to Hurricane Frances before the issuance of this Executive Order are hereby ratified. This Executive Order shall expire sixty (60) days from the date hereof unless extended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 1st day of September, 2004.


GOVERNOR

ATTEST:

SECRETARY OF STATE

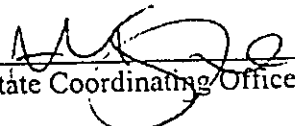
SUPPLEMENTAL ORDER (Hurricane Frances)

In accordance with the authority vested in me as State Coordinating Officer under Executive Order 04-192, I hereby determine that the Office of Insurance Regulation will be hindered in the proper performance of its duties and responsibilities in meeting this emergency without the authority to suspend certain statutes in the Insurance Code and the rules that implement the Insurance Code governing the rate and form filings relating to insurance, and the running of the time for the cancellation of homeowners, automobile, health, and other types of insurance coverage subject to the Insurance Code. Therefore, the following statutes in the Insurance Code are hereby suspended to the extent needed to meet this emergency:

1. The requirements of the Insurance Code and the rules that implement the Code are hereby suspended to the extent needed to give the Office of Insurance Regulation the authority to issue such emergency rules and orders as may be needed to place a moratorium on the cancellation of homeowners, automobile, health, and other types of insurance coverage governed by the Insurance Code. This waiver shall be automatically extended when Executive Order 04-192 is extended, but shall expire in any event ninety (90) days after the issuance of Executive Order 04-192.

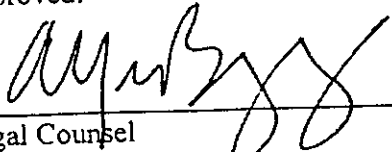
2. The requirements of the Insurance Code and the rules that implement the Code are hereby suspended to the extent needed to give the Office of Insurance Regulation the authority to issue such emergency rules and orders as may be needed to place a moratorium on rate and form filings relating to insurance. This waiver shall be automatically extended when Executive Order 04-192 is extended, but shall expire in any event ninety (90) days after the issuance of Executive Order 04-192.

September 2, 2004



State Coordinating Officer

Approved:



Legal Counsel

EM Tracker No. _____

