

CHAPTER 9G-19 BASE FUNDING FOR COUNTY EMERGENCY MANAGEMENT AGENCIES, EMERGENCY MANAGEMENT COMPETITIVE GRANT PROGRAM AND MUNICIPAL COMPETITIVE GRANT PROGRAM RULE

- 9G-19.001 Purpose. (Repealed)
- 9G-19.002 Definitions.
- 9G-19.003 Limitations.
- 9G-19.004 Base Grant Eligibility.
- 9G-19.005 Base Grant Distribution Formula.
- 9G-19.006 Reallocation of Base Grant Funds.
- 9G-19.007 Competitive Awards Eligibility.
- 9G-19.008 Procedures for Awarding Competitive Grants.
- 9G-19.009 Selection Criteria for Competitive Grants.
- 9G-19.010 Disbursement.
- 9G-19.011 Match Requirements.
- 9G-19.012 Reporting. (Repealed)
- 9G-19.013 Procurement, Subcontracts and Subgrants. (Repealed)
- 9G-19.014 Noncompliance.

9G-19.002 Definitions.

(1) "Base Grant" means those funds allocated in accordance with the formula in Rule 9G-19.005, F.A.C., as a minimum allocation to County Emergency Management Agencies.

(2) "Competitive Awards" means those funds available for awards pursuant to the competitive award process identified in Rule 9G-19.007, F.A.C.

(3) "County Emergency Management Agency" means one of the sixty-seven (67) emergency management agencies authorized, established and maintained by each county pursuant to Section 252.38, Florida Statutes.

(4) "Department" means the Florida Department of Community Affairs.

(5) "Division" means the Division of Emergency Management, Department of Community Affairs.

(6) "Full-time Director" means a single professional emergency management program Administrator working full-time as identified in the position description established by the Board of County Commissioners.

(7) "Municipal Emergency Management Program" means an emergency management program authorized, established and maintained by a legally constituted municipality in Florida, which has signed the Statewide Mutual Aid Agreement and supplied all required information and documentation such that it is ready to be signed by the Division as of the date of the application deadline.

(8) "Part-time Coordinator" means a professional managerial or staff employee, with demonstrated experience in the field of emergency management, who works in an emergency management capacity at least 20 hours a week. Clerical staff shall not qualify as a "Part-time Coordinator."

(9) "Review Committee" means the group of persons who will review competitive grant applications. The review committee shall consist of a minimum of three persons appointed by the Secretary of the Department. Not later than five days after the due date for applications as noticed in the Florida Administrative Weekly, the Florida Emergency Preparedness Association may appoint one representative to the review committee, for a minimum total of four members. The Florida Emergency Preparedness Association representative shall have the same powers and duties as other review committee members, but will abstain from scoring applications received from his/her respective county, including municipalities and non-profit organizations located in his/her county, or from the Florida Emergency Preparedness Association. Meetings of the committee shall be at the call of the committee's chairperson, who shall be designated by the Secretary.

(10) "Match" means, for purposes of the competitive grant programs only, contributions, both cash and in-kind, which meet the following requirements:

- (a) Are verifiable from the applicant's official records;
- (b) Are not used as required local contributions for any other state or federally assisted programs;
- (c) Are necessary and reasonable for proper and efficient accomplishment of the emergency management project objectives, as specified in the application;
- (d) Are allowable under OMB Circular A-87, and conform to OMB Circular A-102;
- (e) Are provided for in the approved project budget;
- (f) If indirect costs, have been approved by the Division and are directly attributable to the project;
- (g) Represent an unconditional commitment of currently available funds contingent only upon the award of a grant from the Program;
- (h) If the contributions are in-kind, the contributions are directly related to the project; and

(i) If the contributions are in-kind and consist of property, the contributions are based upon the actual value of the property, with allowance for depreciation. The value of employment time or equipment rental claimed as project match shall be identified specifically to the proposed project. All records supporting the treatment of a contribution as project match must be maintained and made available for public inspection, and must be furnished with the proposal.

(11) "Trust Fund" means the Emergency Management, Preparedness, and Assistance Trust Fund established pursuant to section 1 of Chapter 93-128, Laws of Florida.

(12) "Population" means that number identified in the Florida Estimates of Population published annually by the Population Division, Bureau of Economic and Business Research, University of Florida.

(13) "Recipient" means an Applicant that is offered and accepts an award from the Department.

(14) "Project" for purposes of the competitive grant programs, means a specifically defined and described activity undertaken to further state or local comprehensive emergency management plans including, but not limited to, preparedness, response, recovery and hazard mitigation activities, and priorities identified in the notice of fund availability. Every project shall be defined and described as provided in the program application packet. "Project" does not include financial support for recurring staffing needs.

(15) "Administrative Expenses" for purposes of the competitive grant programs only, means the direct costs of staff managing the project and other direct costs for managing the project, as well as the applicant's indirect rate, if any, applied to those direct costs of management. No more than 5% of the total Emergency Management Preparedness and Assistance program funds awarded for the project may be used for administrative costs as identified herein.

(16) "Applicant" means, for purposes of the competitive grant programs only, the State of Florida, any Florida state or regional planning agency, Florida local government, or any private non-profit organization providing emergency management services in the State of Florida, proposing, pursuant to this rule chapter, a project that will further state and local emergency management objectives pursuant to the provisions of the Program.

(17) "Application cycle" means, for purposes of the competitive grant programs only, the period beginning with the publication of the Notice of Fund Availability of competitive grants pursuant to this rule chapter in the Florida Administrative Weekly and ending with the allocation of awards, including resolution of any administrative proceedings. There can be more than one application cycle during a single fiscal year.

(18) "Local government" means any county, municipality, or other political subdivision of the State of Florida.

(19) "Private nonprofit organization" for purposes of the competitive grant programs, means a nongovernmental entity that is formally constituted, authorized to do business in the State of Florida, that has a history of providing emergency management services in the State of Florida, and that currently has an effective ruling letter from the U.S. Internal Revenue Service, granting a tax exemption under Sections 501(c), (d), or (e) of the Internal Revenue Service Code. Evidence demonstrating that an Applicant meets this definition shall be supplied with the application.

(20) "Regional planning agency" means the regional planning council created pursuant to Sections 186.501-186.515, Florida Statutes, to exercise responsibilities under Sections 186.001-186.031 and 186.801-186.911, Florida Statutes, in a particular region of the state.

(21) "State agency" means each separate agency or unit of Florida state government, as opposed to local government, created or established by law, and includes the Fish and Wildlife Conservation Commission, Water Management Districts and the Department of Military Affairs.

(22) "Program" for purposes of the competitive grant programs only, means the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant Program.

(23) "Application" for purposes of the competitive grant programs only, means the original 15 page summary that will be submitted at or before the published application deadline, and will consist of the transmittal letter, signed title page, table of contents, criteria narrative, and proposed budget only.

(24) "Proposal" for purposes of the competitive grant programs only, means the full complete presentation inclusive of all attachments or appendix items as referenced or identified in the original application. Applicants who receive notice that they will be receiving an award must submit a complete proposal with all identified documents within a specific time frame, to be sent to the Division of Emergency Management.

(25) "Project item(s)" for purposes of the competitive grant programs only, means the item(s) that are identified within the proposed application, which upon submission to the Division of Emergency Management will demonstrate that the project is complete. A complete listing of all applicable items must be submitted with the proposal as identified in subsection 9G-19.002(24), F.A.C.

(26) "Timeline" for purposes of the competitive grant programs only, means a document outlining the schedule and tasks that the applicant will perform in order to complete the project as identified within the proposed application within the twelve month contract period.

(27) "Critical Facilities" for purposes of the competitive grant programs only, means public hurricane evacuation shelters, emergency operations centers, structures for fire stations, rescue operations, or law enforcement facilities, hospitals, public works facilities, and any similar disaster response facility.

(28) "ARC 4496" for purposes of the competitive grant programs only, is a publication by the American Red Cross titled Standards for Hurricane Evacuation Shelter Selection (ARC 4496, Rev. January 2002).

(29) “Rural Economic Development Initiative (REDI) reduction or waiver” for purposes of the competitive grant programs only, means the reduction or waiver as identified in a Notice of Fund Availability published in the Florida Administrative Weekly, of financial match requirements pursuant to Section 288.0656(2)(b), Florida Statutes.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-11-98, 10-11-00, 10-22-02, 1-3-06.

9G-19.003 Limitations.

(1) The amount and availability of funds in the Trust Fund for allocation each year is subject to an annual appropriation by the Legislature.

(2) The amount of funds available pursuant to this rule chapter may be adjusted proportionally when necessary to meet any matching requirements imposed as a condition of receiving federal disaster relief assistance or planning funds. In the event the need arises to proportionally adjust the funds available pursuant to this rule chapter, the Division shall provide notice, as soon as practicable, to all affected entities, of the need to implement the proportional adjustment. Thereafter, each affected entity shall cease expenditures of funds as necessary to meet the proportional adjustment. If authorized by the Legislature, and in the event that funds are available from receipts to the Trust Fund, the Division shall provide funds, up to the amount reduced by the previous proportional adjustment, to those entities whose funding was decreased by a previous proportional adjustment.

(3) Funds received from the Emergency Management, Preparedness, and Assistance Trust Fund may not be used to supplant existing funding, nor shall funds from one program under the Trust Fund be used to match funds received from another program under the Trust Fund.

(4) All percentages used in this rule are to be applied to the amount appropriated after the deletion of any service charges applied to the Trust Fund.

(5) As relates to the competitive grant programs only, no more than 5 percent of any award made pursuant to this rule may be used for administrative expenses.

(6) An applicant that is not in compliance with the terms of a prior award shall not be eligible for additional awards until the issue or issues that are not in compliance are brought into compliance with the terms of the prior award.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.83 FS. History—New 1-12-94, Amended 11-13-96, 1-3-06.

9G-19.004 Base Grant Eligibility.

(1) To be eligible to receive the Base Grant, each County Emergency Management Agency shall annually certify their commitment to employ and maintain either a Full-time Director or Part-time Coordinator consistent with subsections 9G-19.005(4) and (5), F.A.C.

(2) Counties with population in excess of 75,000 shall have a Full-time Director in order to qualify for an allocation.

(3) Counties with a population less than 75,000, or which are parties to an inter-jurisdictional emergency management agreement entered into pursuant to Section 252.38(3)(b), Florida Statutes, shall have an emergency management coordinator or a Full-time Director in order to qualify for an allocation.

(4) County Emergency Management Agencies not in compliance with the terms of a prior award shall not be eligible for additional awards.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.83 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 10-11-00.

9G-19.005 Base Grant Distribution Formula.

(1) Base Grants shall be awarded to a county for the use and benefit of the County Emergency Management Agency.

(2) Funds shall be allocated to implement and administer county emergency management programs including management and administration, training, and operations. All allocations shall be subject to any pertinent Legislative appropriation.

(3) Base grant monies may be designated and retained by the Division in order to cover the operational costs associated with each of the county connections for the statewide communications system as administered and coordinated by the Division. For each county, this amount shall not exceed the individual cost of the county’s communication link. These funds will be identified and withheld following the base grant allocations. The amount of funds so retained by the Division shall be identified to each County Emergency Management Agency.

(4) Each County Emergency Management Agency with a Full-time Director shall receive a base grant allocation based on the amount available in subsection 9G-19.005(2), F.A.C., divided by 67, minus the amount determined for each county in subsection 9G-19.005(3), F.A.C.

(5) Each County Emergency Management Agency with a Part-time coordinator shall receive a base grant allocation based on the amount available in subsection 9G-19.005(2), F.A.C., divided by 67, multiplied by 65 percent, and minus the amount determined for each county in subsection 9G-19.005(3), F.A.C.

(6) All base grant allocations shall be made contingent upon the County's commitment to, and accomplishment of, a scope of work identified by the Division each year. Said commitment shall be embodied in a written grant agreement executed between the County and the Department. The agreement shall provide for reimbursement of costs up to the fixed amount of the award. Failure to agree to, execute or comply with the terms of the grant agreement shall constitute noncompliance.

Specific Authority 252.35, 252.373 FS. Law Implemented 216.052, 252.35, 252.373, 252.83 FS. History—New 1-12-94, Amended 6-21-95, 1-3-06.

9G-19.006 Reallocation of Base Grant Funds.

(1) Those funds available in subsection 9G-19.005(2), F.A.C., not allocated under subsections 9G-19.005(4) and (5), F.A.C., shall be identified by the Division prior to January 1 of each year for reallocation to County Emergency Management Agencies.

(2) 25 percent of those funds identified in subsection 9G-19.006(1), F.A.C., shall be divided equally among counties participating in the Statewide Mutual Aid Agreement as of January 1 of each year. Such Mutual Aid Agreements shall be submitted to and approved by the Division.

(3) 75 percent of those funds identified in subsection 9G-19.006(1), F.A.C., shall be divided proportionally among participating County Emergency Management Agencies based upon county population.

(4) Should any Base Grant funds which were originally allocated under subsections 9G-19.005(4) and (5), F.A.C., remain unspent after the annual closeout of each Base Grant award, they may be redistributed to the counties which spent all of that year's award plus carried forward amounts, if any, from the previous year's award. For purposes of this rule, any county which reverts \$250.00 or less will be considered to have spent all of its award. Also, for purposes of this rule, amounts approved by the Division for carry forward from the award year being redistributed, into the next award year, will be considered to have been spent. The funds identified for this redistribution will be reallocated by the Division in accordance with subsections (2) and (3) of this rule; 25% based on mutual aid participation and 75% based on population. Redistributed funds will be made available to eligible counties as soon as possible after Division closeout activities have been completed. The minimum total reversion amount set as a threshold to initiate this redistribution process is an amount equal to one (1) percent of the total initial allocation for the year being redistributed.

Specific Authority Section 3, Chapter 93-128, Laws of Florida. Law Implemented Section 3, Chapter 93-128, Laws of Florida. History—New 1-12-94, Amended 11-13-96, 11-10-97.

9G-19.007 Competitive Awards Eligibility.

(1) Non-recurring Competitive Awards may be made to state, regional and local governments and nonprofit organizations under the Emergency Management Competitive Grant Program and to Municipal Emergency Management Programs under the Municipal Competitive Grant Program. "Municipal Emergency Management Program" means an emergency management program authorized, established and maintained by a legally constituted municipality in Florida, which has signed the current Statewide Mutual Aid Agreement and supplied all required information and documentation such that it is ready to be signed by the Division as of the date of the application deadline.

(2) Awards shall be disbursed pursuant to the procedures set forth in Rule 9G-19.008, F.A.C.

(3) Funds shall be allocated for grants to implement projects that will further state and local emergency management objectives. These funds shall be identified for awards to Municipal Emergency Management Programs under the Municipal Competitive Grant Program and for awards to state, regional and local governments and nonprofit organizations under the Emergency Management Competitive Grant Program. All allocations shall be subject to Legislative appropriations.

(4) Under the Municipal Competitive Grant Program, each Municipal Emergency Management Program may apply for one competitive grant. The maximum award amount will be established annually by the Division in a Notice of Fund Availability and published in the Florida Administrative Weekly. Joint applications by two or more municipalities shall be permitted, however the total award for any municipality application shall be limited to the amount established annually by the Division in a Notice of Fund Availability and published in the Florida Administrative Weekly. Under the Emergency Management Competitive Grant Program, eligible applicants may submit multiple applications, however, no single application shall seek or receive an award in excess of the amount established annually by the Division in a Notice of Fund Availability and published in the Florida Administrative Weekly. All eligible applicants, with the exception of counties, shall be limited to no more than three (3) application submissions in an application cycle.

(5) The Division shall administer the competitive grants once awarded. All applicants awarded funding must submit to the Division a proposal as defined in subsection 9G-19.002(24), F.A.C. All awards shall be embodied in a written grant agreement. All awards shall be contingent upon commitment to and performance of a scope of work identified by the Division. The scope of work shall be based upon the project(s) identified in the grant application. The agreement shall provide for reimbursement of costs up to the fixed amount of the award. Failure to agree to, execute or comply with the terms of the grant agreement shall constitute noncompliance.

(6) Those funds not allocated under the rules pertaining to the Emergency Management Competitive Grant Program as prescribed in subsection 9G-19.009(2), F.A.C., shall be retained in the Trust Fund.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 10-14-98, 10-11-00, 10-22-02, 1-3-06.

9G-19.008 Procedures for Awarding Competitive Grants.

(1) Eligible applicants desiring to apply for a competitive grant shall submit their application to the Division by the deadline established annually by the Division in a Notice of Fund Availability in the Florida Administrative Weekly. Such notice shall be published at least 60 days prior to the application deadline date, shall also designate any priority projects and shall designate the location for submission of the applications. Municipalities desiring to apply for a competitive grant under the Municipal Competitive Grant Program must meet the applicable eligibility criteria in Rule 9G-19.007, F.A.C.

(2) Applications for a competitive award shall include a statement from the County Emergency Management Agency describing the extent to which the project is consistent with the county's Comprehensive Emergency Management Plan. A copy of the applicant's letter requesting this statement must be included in the application. The applicant shall supply a description of the project to the applicable County Emergency Management Agency(ies) at least thirty (30) days prior to the deadline for submitting the application. The applicable Emergency Management Agency(ies) will make a consistency determination of the project, and also address other issues that may be relevant to the project, such as duplication of an existing capability. When the applicable Emergency Management Agency(ies) determines that the project is consistent or inconsistent, or is unable to make a consistency determination for any reason, it (they) shall provide a written explanation to the Division. If a county fails to respond to an applicant's timely submitted request for such a statement, as evidenced by inclusion of a dated copy of the project description letter in the application, the application shall be considered consistent with the applicable Comprehensive Emergency Management Plan. The county's consistency determination shall be considered by the review committee, provided it is received at least thirty (30) days before the deadline for transmitting preliminary scores and resulting rankings. Failure to supply the project description to the County Emergency Management Agency at least thirty (30) days prior to the deadline for submitting application shall result in no award of points for consistency with local government plans and objectives.

(3) The Department hereby adopts by reference the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant Program Application Packet, Form No. 008, July 2005 version, which provides forms, instructions, and other information necessary for submission of an application for Competitive Grant funds submitted pursuant to Rule 9G-19.008, F.A.C.

(4) Application packets may be obtained from the website www.floridadisaster.org or from the Department of Community Affairs, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Attention: EMPATF Program. Requests should specify the Competitive Grant Program Application Packet.

(5) All applications shall conform to the following requirements, and shall be reviewed for technical conformity in accordance with the following procedures:

(a) All applications shall adhere to the format specified in the Application Packet, Form No. 008, July 2005 version.

(b) All applications shall be complete, accurate and legible when submitted.

(c) Any applicant may receive a preliminary technical review of its application by submitting the application not later than twenty-one (21) days before the published application deadline. Preliminary technical review shall be limited to signature authority, technical conformity to the instructions in the Application Packet, and other technical requirements. No application will be scored or otherwise evaluated for content during preliminary technical review. The Division will inform the applicant of any technical deficiencies in the application by telephone, e-mail or facsimile not later than ten (10) days in advance of the published application deadline to give the applicant an opportunity to rectify them before the deadline.

(d) All applications shall be submitted not later than 4:00 p.m. Eastern Time on the date of the published application deadline. With the exception in paragraph (e) of this rule, no application may be amended, added to, or otherwise modified after 4:00 p.m. Eastern Time on the date of the published application deadline, other than to provide clarifying information as requested by the Division.

(e) The Division shall inform the applicant by telephone, e-mail or facsimile not later than five (5) days after the date of the published application deadline if it intends to reject the application for failure to provide evidence of signature authority with the application, for technical noncompliance with the instructions in the Application Packet, or for noncompliance with other technical requirements. Notwithstanding any provision to the contrary elsewhere in this rule chapter, the applicant shall then have up to fifteen (15) days from the date of the published application deadline or to the close of the next business day thereafter to supplement its application with adequate written evidence of signature authority or rectify any other technical deficiencies.

(6) An original and five (5) copies of the application shall be submitted, unless submitted on-line and then one copy in a format and software as prescribed in the application packet shall be submitted.

(7) Applications submitted shall be executed by the chief elected official or the chairman of the governing board unless this authority has been delegated to the chief executive officer or other government official, who shall then endorse the application. Evidence of the delegation of authority shall be supplied with the application. If the governmental entity does not have a governing board or chief elected official, then the application shall be executed by the chief administrative officer and evidence of his or her authority to bind the governmental entity shall be supplied with the application. If the Applicant is not a governmental entity, then the application shall be executed by the governing board, or, if there is no governing board, then the application shall be executed by the chief executive officer. If the application is transmitted on-line, it shall be transmitted not later than three (3) days before the published application deadline. A hard copy of the title page containing the original authorized signature must be submitted by mail, and must be received by the Division by the published application deadline date.

(8) Applications shall be rejected if:

- (a) The Applicant has been found to have engaged in fraudulent actions or misrepresented facts in connection with the application;
- (b) The Applicant had previously been found to have engaged in fraudulent actions or misrepresentations within three years of the Notice of Fund Availability;
- (c) The application has not been submitted in accordance with the Application Packet and the accompanying instructions provided by the Division, or achieved the required threshold, or does not otherwise comply with this rule chapter;
- (d) The project is inconsistent with the purposes of the Program or does not conform to the application requirements specified in this rule chapter;
- (e) The application is not received before 4:00 p.m., Eastern Time, on the noticed application deadline date; or
- (f) The Applicant has been notified that it is not in compliance with the terms and conditions of any open contractual agreement from any funding administered by the Department.
- (g) The Applicant is ineligible.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-14-98, 10-11-00, 10-22-02, 11-27-03, 1-3-06.

9G-19.009 Selection Criteria for Competitive Grants.

(1) The review committee shall review all applications that are received by the noticed application deadline and that comply with the application procedures and requirements set forth in this rule. Applications that are either not received by the noticed application deadline or that do not comply with the application procedures and requirements set forth in this rule shall be rejected. Received means delivery by hand, certified mail, electronically transmitted (disk or on-line) or courier to the location designated in the Notice of Fund Availability no later than 4:00 p.m., Eastern Time, on the final day of the application period. Facsimile transmissions shall not be accepted.

(2) Applications shall be scored by the review committee independently and the scores shall be totaled and averaged. Thereafter, the committee shall evaluate the scores and arrive at preliminary scores and resulting rankings. Preliminary scores and resulting rankings shall be prepared within each category based upon the total number of points earned with the overall highest number of points determining priority for funding. The review committee shall, within 75 days of the application deadline date, post preliminary scores and resulting rankings on the Division of Emergency Management website www.floridadisaster.org. Upon determination, final scores and resulting rankings will be posted on the Division of Emergency Management website, www.floridadisaster.org. Funds shall be offered to the Applicant with the overall highest score, then to the Applicant with the next overall highest score, and so on, until all funds have been offered and accepted, or all eligible applications have been funded, or insufficient funds remain to fund an eligible project. The Division may offer to fund all or part of the project or all or part of the amount requested in an application. Applicants shall be given 21 days to accept or reject a proposed award. Written notice of acceptance shall be delivered to the Division offices designated in the notice of award along with a complete proposal, revised budget, timeline and a list of project items. In the event that an Applicant fails to accept or reject a proposed award offered for the Emergency Management Competitive Grant Program or the Municipal Competitive Grant Program within the specified time, then the funds offered shall revert to the Trust Fund.

(3) The review committee may use other Department staff, staff from other state and regional agencies and local governments that have not applied for funds, or professional consultants, to assist in reviewing an application.

(4) In the event of a tie, the review committee shall give first priority to the application which provides the largest amount of cash match of other funds for the project, and, if a tie still results, then preference shall be given in accordance with Section 18, Chapter 92-132, Laws of Florida, to the project exclusively located or to be performed in a county or municipality which has been adversely affected by an environmental cleanup initiative conducted by the state, or is located in a Front Porch Community.

(5) Applications will be accepted for awards in four separate categories. A municipality shall not apply for funding for the same project from both the funding available under the Emergency Management Competitive Grant Program and the funding available under the Municipal Competitive Grant Program. Each application must designate one, and only one, of the categories noted in this rule. Failure to designate a category, or designating a category that is unrelated to the proposed project, shall result in rejection of the application. If sufficient numbers of applications that achieve the minimum score are received, at least one application will be funded from each category. The categories are:

- (a) Projects that will promote public education on disaster preparedness and recovery issues.
- (b) Projects that will enhance coordination of relief efforts of statewide private sector organizations, including public-private business partnership efforts.
- (c) Projects that will improve the training and operations capabilities of agencies assigned lead or support responsibilities in the State Comprehensive Emergency Management Plan.
- (d) Other projects that will further state and local emergency management objectives designated as priorities in the applicable Notice of Fund Availability.

(6) Applications shall be awarded points and ranked using the following criteria:

- (a) Extent to which the proposed project is consistent with and furthers the State Comprehensive Emergency Management Plan and the applicable local comprehensive emergency management plan or plans. [Maximum score 100 points]

- (b) Proposed project method and approach. [Maximum score 100 points]
- (c) Amount of eligible match supplied by the applicant for the proposed project. [Maximum score 50 points]
- (d) Experience and ability applied to the project. [Maximum score 25 points]
- (e) Immediacy of tangible emergency management benefits (short term projects, i.e. – less than 12 months in duration), or, long term emergency management benefits coupled with the availability of resources to continue implementation of the project past the term of the award (long term projects, i.e. – duration of 12 months or longer). Identify the emergency management organizations or the targeted population area whose emergency management needs will be directly benefitted by the project or both if applicable. [Maximum score 75 points]
- (f) Extent to which the proposed project addresses a demonstrated emergency management need. [Maximum score 50 points]
- (g) Extent to which the proposed project addresses an emergency management priority, as identified in the Notice of Fund Availability. [Maximum score 100 points] These points are only available for applications submitted under paragraph 9G-19.009(5)(d), F.A.C.
- (7) Points shall be awarded based upon the evidence contained in the application. No points shall be awarded based upon information not contained in the application. Applicants shall supply in their project application all information which they desire to be evaluated for an award of points.
- (8) Regardless of their competitive ranking, applications that do not score at least 300 points shall be ineligible for funding.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History–New 1-12-94, Amended 6-21-95, 11-13-96, 10-11-98, 10-11-00, 10-22-02, 11-27-03, 1-3-06.

9G-19.010 Disbursement.

- (1) The amount of funds estimated as available for Base Grant and Competitive Award allocations shall be noticed prior to each grant cycle.
- (2) Base Grant Awards provided under this rule shall be offered to the Board of County Commissioners. Competitive Awards shall be offered to and accepted by the chief executive officer, or by the appropriate governing body, if a local government.
- (3) Funds disbursed to the Recipient for a competitive award by the Division that are not expended in implementing the project shall be returned to the Division, along with interest earned on the funds, within ninety (90) days of the expiration of the award agreement. If the Recipient succeeds in acquiring products or services for less than the budgeted amount, then it shall notify the Division and request authorization to apply the unexpended funds to the project, identifying the proposed use for the unexpended funds. If the unexpended funds can be applied to enhance the project through acquisition of additional equipment or services which will provide the same benefit as the approved project, then the Division may approve the use of the unexpended funds. Overbudgeting projects will result in a diminished score of the project.
- (4) Each Recipient may receive trust funds from the Division on a quarterly basis, based on the submittal of reports. Said reports shall be provided using the forms included in the grant agreement, as supplemented by any particular information requested in writing by the Division prior to the due date of the report. The term of a competitive grant shall be as set forth in the grant agreement, subject to any limitations imposed by the applicable legislative appropriation. Any extensions shall be governed by Section 287.057(11), Florida Statutes.
- (5) All recipients of trust funds shall cause a financial audit to be performed in accordance with Section 216.349, Florida Statutes. A report of the audit will be forwarded to the Department within 60 days of its completion.
- (6) Upon written request and accompanying documentation detailing exceptional circumstances justifying the need, not later than July 31 of each year, Base Grant Recipients receiving trust funds may carry forward up to twenty-five (25) percent of a single year grant award to the next fiscal year.
- (7) Recipients shall comply with all applicable procurement rules and regulations in securing goods and services to implement a proposed project. For purposes of the competitive grant programs only, the Recipient shall identify the applicable procurement rules, regulations and standards to be used in the first progress report to the Division following the notice of award.
- (8) The Recipient shall establish a separate account code in an interest bearing account for tracking all deposits, expenditures and interest pertaining to an award. A separate account code shall be established for each award received.
- (9) The Division shall be permitted to inspect and monitor the records and facilities of funded projects and award recipients. Such inspections may occur without notice at any reasonable time, which shall be presumed to be normal business hours on Monday through Friday.
- (10) The Division shall prescribe the type of information, timing and format in which project information shall be reported in the grant agreement. In the event that the Division determines that additional reports are necessary in order to demonstrate compliance with this rule chapter or the terms of the grant agreement, then the grant recipient shall supply said reports. Failure to meet the requirements related to reporting shall constitute noncompliance.
- (11) Allowable costs shall be determined in accordance with applicable Federal Office of Management and Budget Circulars, or, in the event no circular applies, by 48 C.F.R. part 31 CONTRACT COST PRINCIPLES AND PROCEDURES.

Specific Authority 252.35, 252.373 FS. Law Implemented 216.052, 252.35, 252.373, 252.83 FS. History–New 1-12-94, Amended 6-21-95, 11-13-96, 11-27-03, 1-3-06.

9G-19.011 Match Requirements.

(1) Base Grants shall be matched at an amount either equal to the average of the previous three years' level of county general revenue funding of the County Emergency Management Agency or the level of funding for the County Emergency Management Agency for the last fiscal year, whichever figure is lower. County general revenue funding for 911 services, emergency medical services, law enforcement, criminal justice, public works or other services outside the emergency management responsibilities assigned to the County Emergency Management Agency by Section 252.38, Florida Statutes, shall not be included in determining the "level of county funding of the County Emergency Management Agency." Each county shall certify compliance with this rule chapter and this rule, as a condition precedent to receipt of funding.

(2) If the Base Grant recipient demonstrates that exceptional financial circumstances prevent the Base Grant recipient from complying with the match requirements in subsection 9G-19.011(1), F.A.C., then the Base Grant recipient may request that the Division authorize a reduction in the amount of match required. The match required shall not be reduced by a percentage amount in excess of reductions in funding for county 911 services, emergency medical services, law enforcement, criminal justice, public works or other emergency management related services, and shall not be reduced below twenty-five (25) percent of the Base Grant award. To be eligible for any reduction, the Base Grant recipient shall demonstrate and certify that the reduction is due to reductions in county general revenue funding and that the amount of the requested reduction is equivalent to across the board reductions in all county budgets. County requests for reduction shall be signed by the county's chief elected officer and the certification of reduction in county budget funding shall be signed by the county's chief financial officer. Requests shall certify the intent to return to pre-reduced funding as soon as practicable, and shall provide an estimate of the date at which the county will return to the current level of funding. Requests for reduction shall also be accompanied by financial data for the previous three years indicating: the level of county funding for the County Emergency Management Agency budget; budget detail regarding all individual items of the County Emergency Management Agency budget; and the proposed level of funding, for all budget items, if the reduction is authorized by the Division. All requests for match reduction shall be submitted no later than forty-five (45) days prior to the beginning of the county fiscal year, or the opportunity to request shall be waived.

(3) Competitive Awards shall not have a minimum match requirement.

Specific Authority Section 3, Chapter 93-128, Laws of Florida. Law Implemented Section 3, Chapter 93-128, Laws of Florida. History--New 1-12-94, Amended 11-13-96.

9G-19.014 Noncompliance.

(1) If a recipient fails to comply with any term or condition applicable to an award under this rule chapter or any term or condition including, but not limited to, federal and state laws, rules and regulations, applicable to any other funding administered by the Division, then the Division shall take one or more of the following actions, as indicated by the attendant circumstances:

- (a) Temporarily withhold cash payments, pending correction of the deficiency;
- (b) Disallow all or part of the cost of the activity or action not in compliance;
- (c) Suspend or terminate the award;
- (d) Disallow future participation in the program or funding provided under this rule chapter;
- (e) Recover all funds provided under the current award.

(2) Costs of the recipient resulting from obligations incurred by the recipient during suspension or after termination of an award are not allowable, unless the Division determines that the recipient has substantially complied with, and has not knowingly violated, all applicable requirements, and thereafter expressly authorizes costs in writing. Other recipient costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:

(a) The costs result from obligations which were properly incurred by the recipient before the effective date of the suspension or termination, are not in anticipation of the suspension or termination, and, in the case of termination, are not cancelable, and

(b) The costs would be allowable if the award were not suspended or expired normally at the end of the period in which the termination occurs.

(3) Recipients of terminated grants shall remain obligated to provide all required closeout information.

(4) In the event that any audit determines that costs reimbursed or otherwise funded under this rule chapter should be disallowed, then the recipient shall return those disallowed funds to the Division. In the alternative, the Division may offset the disallowed amount against any current or future awards to the recipient.

Specific Authority Section 3, Chapter 93-128, Laws of Florida. Law Implemented Section 3, Chapter 93-128, Laws of Florida. History--New 1-12-94, Amended 11-13-96.