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District 3*

April 10, 2018

Office of Governor Rick Scott
State of Florida
The Capital
400 S. Monroe Street
Tallahassee, FL 32399-0001

Dear Governor Scott:

In September 2017, Hurricane Irma severely impacted Indian River County, requiring sheltering of more than 1,100 residents and visitors in five (5) shelters across the county. The shelters were managed and operated by employees from the Indian River County School Board with cooperation from the American Red Cross, as has been the practice for decades and as required by Florida Statute Chapter 252. These efforts, and nearly 23,000 meals, resulted in substantive sheltering costs to the taxpayers. As you may know, the School Board has submitted reimbursement requests to FEMA.

For decades, Indian River County, like most other counties and their school districts, have submitted separately for shelter costs and have been reimbursed accordingly, under the current statutory and regulatory framework.

We have recently received direction that the Florida Division of Emergency Management and FEMA have decided that this long-standing partnership approach is invalid, that the Florida Statute has been misinterpreted for decades, and that school districts are no longer eligible applicants to receive FEMA reimbursement for sheltering costs. This will require school districts to submit their sheltering costs to counties for payment, require counties to promptly pay those invoices and only after payment to the School Board will the counties be allowed to submit those costs to FEMA for reimbursement.

This will create an immediate financial impact to Indian River County for costs related to Hurricane Irma; this is on top of the millions of dollars in damages to public properties that have already been recognized. We are also concerned this change in policy will make the previous FEMA sheltering cost reimbursements vulnerable to deobligation. Your staff can attest that as late as July 2017, this county was appealing FEMA's deobligation decisions for the 2004 hurricane season (Hurricanes Frances and Jeanne).

This change in reimbursement creates a tremendous financial burden on county governments and school districts statewide. For all the reasons identified herein, we respectfully request that you intervene and direct the Florida Division of Emergency Management attorneys to ensure that this re-interpretation of Florida Statutes does not occur, and ask that the State be prepared to file appropriate legal argument in support of the counties for any resulting legal action that may be taken against FEMA if it does occur.

Respectfully,

Peter O'Bryan, Chairman
Indian River County Board of County Commissioners

cc: Jason Brown, County Administrator
Dylan Reingold, County Attorney
File