



STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

RON DESANTIS
Governor

KEVIN GUTHRIE
Director

MEMORANDUM

TO: Public Assistance Applicants
FROM: Kevin Guthrie, Director
DATE: January 9, 2023
SUBJECT: Public Shelter Reimbursement

A handwritten signature in blue ink, appearing to read "Kevin Guthrie".

The purpose of this memorandum is to update the Division's guidance concerning who is responsible for submitting public shelter reimbursement requests to the Federal of Emergency Management Agency (FEMA).

A recurring question that has come up during recent activations is whether a county's emergency management agency or its school board has the legal responsibility to seek reimbursement for sheltering costs incurred during a federally declared disaster within that county. In 2020, the Division's then-director, Jared Moskowitz, circulated the attached letter outlining the Division's guidance on this matter. At that time, the Division left it up to local officials to decide whether a county's emergency management agency or a county's school district would be the entity responsible for seeking reimbursement from FEMA for sheltering costs. In the event that local officials could not agree on which entity would seek reimbursement from FEMA for sheltering costs, the Division would step in at that point and determine which entity will pursue FEMA reimbursement.

After further consideration, the Division is updating its guidance to conform with the statutory mandate provided in section 252.385(4)(a), Florida Statutes. That statute provides that certain public facilities, including schools owned or leased by the state or local governments, are to be made available for sheltering purposes only at the request of local emergency management agencies. The statute makes it clear that the local emergency management agency is responsible for (1) coordinating with other entities to ensure designated facilities are ready to activate prior to a specific hurricane or disaster

and (2) coordinating with the appropriate school boards, universities, community colleges, state agencies, or local governing boards when requesting the use of such facilities as shelters.

Given the primary role afforded under Florida law to local emergency management agencies in coordinating the use of emergency shelters, I have determined that county emergency management agencies are the most appropriate local entities responsible for seeking federal reimbursement for such costs as well. Of course, that entity is free to transfer the responsibility to the school board by executing a written agreement that outlines the respective obligations of each entity and providing a copy to the Division. However, if a local jurisdiction chooses to transfer the responsibility of requesting sheltering reimbursement to the county's school board, the written agreement must also transfer the legal responsibility of sheltering citizens during an emergency to the county's school board. Furthermore, if a county and its school board are unable to come to an agreement as aforementioned, the Division will presume that the county and its school board are responsible for their own expenditures respectively.