

## Insights

# Governor DeSantis Issues Presidential Request for Major Disaster Declaration

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### Related Attorneys

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On Monday, March 23, 2020, in a letter to President Donald Trump, Governor Ron DeSantis requested the President declare a Major Disaster in Florida and requested additional support and resources from the Federal Emergency Management Agency (FEMA).

In his letter, DeSantis invoked the Stafford Act and requested that the president include the following Individual Assistance Programs in his Declaration: Disaster Unemployment Assistance, Crisis Counseling, Community Disaster Loans and the Disaster Supplemental Nutrition Program.

DeSantis' letter outlined the factors used by FEMA prior to initiating the Individual Assistance Programs and argued that Florida has met such requirements. Per 44 C.F.R. 206.48(b), the primary factors utilized by FEMA include:

1. State Fiscal Capacity and Resource Availability;
2. Uninsured Home and Personal Property Losses;
3. Disaster Impacted Population Profile;
4. Impact to Community Infrastructure;
5. Casualties; and
6. Disaster-Related Unemployment

The letter went on to apply some of these factors to Florida's current situation, focusing on state fiscal capacity/resource availability, the population profile and unemployment.

### **State Fiscal Capacity**

Local government resources are strained even as current projected State coordination and response actions total more than \$208.7 million. Business revenue and tax receipts have suffered without federal assistance. The State has made an effort to address this shortfall through the Emergency

Bridge Loan Program, as more thoroughly explained here. The Small Business Administration granted the Governor's Economic Injury Damage Loan Program request and as of March 20, 2020, there have been negative impact reports by 6,617 businesses to the State Department of Economic Opportunity.

## **Disaster Impacted Population Profile**

DeSantis emphasized that persons 60 years and over make up roughly 20.5% of Florida's population and that the elderly population is expected to continue to grow faster than any other demographic. Early guidance has indicated that COVID-19 has a disproportionate impact on this demographic. The Governor also pointed to an increase in COVID-19 cases in nursing homes and assisted living facilities.

## **Unemployment**

Of the previously referenced 6,617 businesses that have reported negative impacts related to COVID-19, there have been 31,246 temporary lay-offs and 9,192 permanent lay-offs reported. Last week alone, the Florida Department of Economic Opportunity received 5,325 applications for reemployment (4,853 applications were received in the prior week).

In addition to the declaration and justifications, DeSantis also requested the following assistance from FEMA:

- Increase FEMA small project threshold for public assistance to \$250k with the ability to amend outside specified circumstances.
- 90-day extension of application deadline for specified grant programs.
- Suspension of appeal deadlines and information request deadlines related to the FEMA Public Assistance Program.
- Suspension of new determination memos for failure to meet the above referenced deadlines and extension of period to perform.

The letter concluded by reiterating the request for FEMA assistance and authorizing the Florida Division of Emergency Management to provide more information as requested.

We will continue to monitor the federal government's response to the letter and provide any relevant updates as they become available.