



Marva Johnson, *Chair*  
Andy Tuck, *Vice Chair*  
*Members*  
Ben Gibson  
Tom Grady  
Michael Olenick  
Joe York

MEMORANDUM

TO: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Taylor, Wakulla, Walton, and Washington County School Districts

FROM: Richard Corcoran, Commissioner of Education

DATE: May 31, 2019

SUBJECT: Waiver of Rule 6A-1.007(1) and (2), Florida Administrative Code

As a result of Hurricane Michael, the Governor issued Executive Order 18-276, granting state agencies the authority to suspend orders, rules and statutes if strict compliance with these orders or laws would prevent, hinder or delay action necessary to cope with the emergency and the action is ordered by the State Coordinating Officer or prescribed in the State Comprehensive Emergency Management Plan. On May 24, 2019, Division Director of the Florida Division of Emergency management, acting as the State Coordinating Officer under the executive order, waived section 1011.06, Florida Statutes, to the extent necessary for eligible applicants to utilize FEMA's Public Assistance Alternative Procedures for Permanent Work, as authorized through Section 428 of the Stafford Act in Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Taylor, Wakulla, Walton, and Washington Counties. The State Coordinating Officer additionally requested that the Department review its rules and waive them to the extent necessary to implement the statutory waiver.

Rule 6A-1.007(1) and (2), Florida Administrative Code, specifically restrict school districts' authority to expend funds in excess of their budgeted appropriation. Application of that restriction would prevent utilization of FEMA's Public Assistance Alternative Procedures for Permanent Work. Inability to utilize that assistance would hinder and delay recovery from the effects of Hurricane Michael. I therefore waive Rule 6A-1.007(1) and (2) to the extent necessary to permit the school districts in Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Taylor, Wakulla, Walton, and Washington Counties to utilize FEMA's Public Assistance Alternative Procedures for Permanent Work, as authorized through Section 428 of the Stafford Act. This waiver shall remain in effect until the expiration of the final extension of Executive Order 18-276 unless terminated or modified by further action of the Department.

Richard Corcoran, Commissioner

cc: Jared Moskowitz, Director, Florida Division of Emergency Management



STATE OF FLORIDA

## DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis  
Governor

Jared Moskowitz  
Director

May 24, 2019

Commissioner Richard Corcoran  
Florida Department of Education  
325 West Gaines Street  
Tallahassee, Florida 32399-0400  
Phone: 850-245-0505  
Email: [Commissioner@fldoe.org](mailto:Commissioner@fldoe.org)

Re: Waiver of Certain Statutes for eligible applicants within Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Taylor, Wakulla, Walton, and Washington Counties for Hurricane Michael (DR-4399-FL)

Dear Commissioner Corcoran,

During the 2019 Governor's Hurricane Conference, Governor Ron DeSantis instructed the Director of the Florida Division of Emergency Management to waive certain statutes that would otherwise prohibit the ability of eligible applicants in the above referenced Counties, to utilize Federal Emergency Management Agency's (FEMA's) Public Assistance Alternative Procedures for Permanent Work, as authorized through Section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

On May 24, 2019, I, Jared Moskowitz, the Director of the Florida Division of Emergency Management, pursuant to Section 252.36, Florida Statutes, and pursuant to Executive Order No. 18-276, issued October 7, 2018 and subsequently extended, waived a limited number of statutes, including Section 1011.06, Florida Statutes, to the extent necessary for eligible applicants to utilize FEMA's Public Assistance Alternative Procedures for Permanent Work, as authorized through Section 428 of the Stafford Act.

The waiver of this and the other statutes is limited to eligible applicants within the Counties designated under Public Assistance, Categories A – G, for Hurricane Michael (DR-4399-FL), and includes the following: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Taylor, Wakulla, Walton, and Washington Counties. The waiver is intended to allow eligible applicants to utilize FEMA's Public Assistance Alternative Procedures for Permanent Work, as authorized through Section 428 of the Stafford Act.

Please review the Florida Department of Education Rule 6A-1.007, Florida Administrative Code, and any other Rules which implement Section 1011.06, Florida Statutes, and waive them to the extent necessary to accomplish the Governor's intent to allow eligible applicants under the Department's jurisdiction to utilize FEMA's Public Assistance Alternative Procedures for Permanent Work, as authorized through Section 428 of the Stafford Act.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "Jared Moskowitz".

Jared Moskowitz, Esq.  
Director, Florida Division of Emergency Management



STATE OF FLORIDA


## DIVISION OF EMERGENCY MANAGEMENT

Ron DeSantis  
Governor

Jared Moskowitz  
Director

### MEMORANDUM

**TO:** Erik L. Saylor, Deputy General Counsel, Florida Division of Emergency Management

**FROM:** Jared Moskowitz, Director, Florida Division of Emergency Management 

**DATE:** May 24, 2019

**SUBJECT:** Waiver of Certain Statutes for Eligible Applicants within Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Taylor, Wakulla, Walton, and Washington Counties for Hurricane Michael (DR-4399-FL)

During the 2019 Governor's Hurricane Conference, Governor Ron DeSantis instructed the Director of the Florida Division of Emergency Management to waive certain statutes that would otherwise prohibit the ability of eligible applicants in the above referenced Counties, to utilize Federal Emergency Management Agency's (FEMA's) Public Assistance Alternative Procedures for Permanent Work, as authorized through Section 428 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

I, Jared Moskowitz, the Director of the Florida Division of Emergency Management, pursuant to Section 252.36, Florida Statutes, and pursuant to Executive Order No. 18-276, issued October 7, 2018 and subsequently extended, hereby waive the following statutes to the extent necessary for eligible applicants to utilize FEMA's Public Assistance Alternative Procedures for Permanent Work, as authorized through Section 428 of the Stafford Act:

Section 166.241, Florida Statutes;  
Section 129.01, Florida Statutes;  
Section 129.06, Florida Statutes;  
Section 129.07, Florida Statutes;  
Section 218.70, Florida Statutes;  
Section 218.503, Florida Statutes; and  
Section 1011.06, Florida Statutes

The waiver of these statutes is limited to eligible applicants within the Counties designated under Public Assistance, Categories A – G, for Hurricane Michael (DR-4399-FL), and includes the following: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Taylor, Wakulla, Walton, and Washington Counties. The waiver is intended to allow eligible applicants to utilize FEMA's Public Assistance Alternative Procedures for Permanent Work, as authorized through Section 428 of the Stafford Act.

Please retain this Memorandum in the Division's Legal records related to Hurricane Michael (DR-4399-FL).