

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

In Re:

TEMPORARY SUSPENSION OF  
DUE DATE FOR LETTERS OF AGREEMENT

AHCA NO. 22-002

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**EMERGENCY ORDER**

**WHEREAS**, on September 23, 2022, the Governor of Florida, Ron DeSantis, declared a state of emergency for several Florida counties due to Tropical Depression Nine; and

**WHEREAS**, on September 24, 2022, Tropical Depression Nine strengthened into Tropical Storm Ian, and Governor DeSantis issued Executive Order 22-219 reaffirming his previous order and declaring a state-wide emergency; and

**WHEREAS**, on September 26, 2022, Tropical Storm Ian strengthened into Hurricane Ian with maximum sustained winds of 85 miles per hour; and

**WHEREAS**, in anticipation of Hurricane Ian, widespread evacuations were ordered, and the postponement of local government meetings was necessary to ensure safety and cope with the emergency; and

**WHEREAS**, Hurricane Ian made landfall in Florida on September 28, 2022; and

**WHEREAS**, Hurricane Ian inflicted catastrophic flooding, storm surge and wind damage across the State, and response efforts are still ongoing; and

**WHEREAS**, pursuant to sections 409.908(1) and (26), Florida Statutes, the Agency for Health Care Administration (Agency) may receive funds from state entities including, but not

limited to, local governments, for the purpose of making special exception payments and Low Income Pool Program payments; and

**WHEREAS**, in accordance with sections 409.908(1) and (26), Florida Statutes, local governments must submit a final executed letter of agreement to the Agency by October 1 of each fiscal year in order for the Agency to certify such local government funds and provide the total amount of local governmental funds authorized by the entity for that fiscal year; and

**WHEREAS**, in accordance with section 409.908(26), local funds outlined in the letters of agreement must be received by the Agency no later than October 31 of each fiscal year in which such funds are pledged, unless an alternative plan is specifically approved by the agency; and

**WHEREAS**, due to Hurricane Ian, and the associated evacuation and postponement of meetings to cope with the emergency, some local governments are unable to meet the above deadlines; and

**WHEREAS**, the Executive Orders 22-218 and 22-219 provided for State agencies to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency.

**NOW, THEREFORE**, I, Simone Marsteller, as Secretary of the Agency, pursuant to the authority granted by Executive Orders No. 22-218 and Order 22-219, find that strict compliance with certain provisions of Sections 409.908(1) and (26), Florida Statutes, prescribing the procedures for conduct of state business by the Agency will prevent, hinder, or delay necessary action in coping with Hurricane Ian. In order to effectively respond to the threat posed by Hurricane Ian, it is necessary to issue the following:

1. The requirement in sections 409.908(1) and (26), Florida Statutes, for a local government entity to submit a final, executed letter of agreement to the Agency which provides the total amount of local governmental funds authorized by the entity for that fiscal year by October 1, 2022, is suspended until October 31, 2022, for the current fiscal year.
2. The requirement in section 409.908(26), that local funds outlined in the letter of agreement must be received by the Agency by October 31, 2022, for the current fiscal year, unless an alternative plan is specifically approved by the Agency, is hereby suspended until November 30, 2022.

Executed this 30<sup>th</sup> day of September 2022, in Agency for Health Care Administration Offices, Tallahassee, Leon County, Florida.



**Simone Marstiller**  
Secretary  
Agency for Health Care Administration