BOARD OF COMMISSIONERS EMERGENCY MEETING
WEDNESDAY, SEPTEMBER 25, 2024 – 9:00 AM
CITY HALL CHAMBERS
10451 GULF BLVD
TREASURE ISLAND, FL 33706

MEETING NOTICE AND AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. ITEMS OF BUSINESS

C.1 PROCLAMATION DECLARING A STATE OF LOCAL EMERGENCY DUE TO TROPICAL STORM HELENE
Proclamation_Declaring_State_of_Emergency_-_Tropical_Storm_Helene_092424__02759908_.docx
State of Florida Executive Order 24-209
State of Florida Executive Order 24-208
Pinellas County Executive Order 24-68

D. ADJOURNMENT

AGENDA ITEM NO. C.1

Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: September 25, 2024

SUBMITTED BY: Tia Payton, Administration

ITEM TYPE: Proclamations

AGENDA SECTION: ITEMS OF BUSINESS

SUBJECT: PROCLAMATION DECLARING A STATE OF LOCAL EMERGENCY DUE TO TROPICAL STORM HELENE

BACKGROUND:

On September 23, 2024, Governor DeSantis issued Executive Order 24-208 declaring a state of emergency in approximately 41 counties including Pinellas County in the State of Florida due to Potential Tropical Cyclone 9. On September 24, 2024, Governor DeSantis issued Executive Order 24-209, which amended to Executive Order 24-208 to add additional counties (totally 61 counties) to the declared state of emergency. Also, on September 24, 2024, the Board of County Commissioners of Pinellas County adopted Resolution 24-68, declaring a State of Local Emergency in Pinellas County due to Tropical Cyclone 9, now named Tropical Storm Helene.

POLICY/PURPOSE: .

STRATEGIC PLAN RELEVANCE: .

ANALYSIS/DISCUSSION: As of September 24, 2024, Tropical Storm Helene is projected to track up Florida's west coast and it is projected to bring about wind damage and rain, potentially cause flooding in coastal areas, loss of power due to downed trees and limbs, a risk of dangerous storm surge, hazardous seas, and the potential for isolated tornadic activity in Florida. The City of Treasure Island is a barrier island community with all boundaries lying in a coastal zone. Pursuant to Chapter 10, Article II of the City's Code and section 252.38, Florida

Statutes, the City Commission of the City of Treasure Island is authorized to declare a local state of emergency whenever it determines that a natural or manmade disaster or emergency has occurred or that the occurrence or threat of one is imminent and requires immediate and expeditious action. The proclamation declaring a state of local emergency would allow the City Manager, as the primary City executive responsible for emergency management to approve and authorize such actions as contemplated by Chapter 10, Article II of the City's Code and section 252.38, Florida Statutes. Further the proclamation would allow the Mayor to extend the duration of this declaration in seven-day increments, so long as it was requested by the City Manager and a state of emergency continued to exist in the State of Florida and Pinellas County.

FUNDING: .

MOTION: I move to approve and authorize the Mayor to execute the Proclamation declaring a State of Local Emergency for the City of Treasure Island, Florida in response to Tropical Storm Helene.

ATTACHMENTS:
Proclamation_Declaring_State_of_Emergency_-_Tropical_Storm_Helene_092424__02759908_.docx
State of Florida Executive Order 24-209
State of Florida Executive Order 24-208
Pinellas County Executive Order 24-68

CITY OF TREASURE ISLAND, FLORIDA
PROCLAMATION OF STATE OF EMERGENCY

DECLARING A STATE OF LOCAL EMERGENCY PURSUANT TO SECTION 252.38, FLORIDA STATUTES AND SECTION 10-79 OF THE CITY OF TREASURE ISLAND CODE OF ORDINANCES IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE DUE TO TROPICAL STORM HELENE AND PROVIDING FOR THE EXTENSION OF SUCH DECLARATION, AS NECESSARY

WHEREAS, on September 23, 2024, Governor DeSantis issued Executive Order 24-208 declaring a state of emergency in approximately 41 counties including Pinellas County in the State of Florida due to Potential Tropical Cyclone Nine; and

WHEREAS, on September 24, 2024, Governor DeSantis issued Executive Order 24-209 amending Executive Order 24-208 to include approximately 61 counties including Pinellas County in the State of Florida due to Potential Tropical Cyclone Nine; and

WHEREAS, on September 24, 2024, the Board of County Commissioners of Pinellas County adopted Resolution 24-68, declaring a State of Local Emergency due to Tropical Storm Helene; and

WHEREAS, the City of Treasure Island is a barrier island community with all boundaries lying in a coastal zone; and

WHEREAS, the City Commission of the City of Treasure Island is authorized to declare a local state of emergency whenever it determines that a natural or manmade disaster or emergency has occurred or that the occurrence or threat of one is imminent and requires immediate and expeditious action; and

WHEREAS, Chapter 10, Article 2 of the City of Treasure Island Code of Ordinances provides for civil emergencies and the declaring of a state of emergency when there is a threat of natural occurrence which may result in substantial injury or harm to the population or substantial damage to or loss of property; and

WHEREAS, Chapter 252, Florida Statutes, provides authority for a political subdivision, such as the City of Treasure Island, to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to:

1. Performing of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community;
2. Entering into contracts;
3. Incurring obligations;
4. Employing permanent and temporary workers;
5. Utilizing volunteer workers;

6. Renting of equipment;
7. Acquiring and distributing with or without compensation of supplies, materials, and facilities; and
8. Appropriating and expending of public funds.

WHEREAS, this is a rapidly evolving situation which may require the declaration to be extended in seven-day increments as provided in section 252.38(3)(a)5., Florida Statutes; and

WHEREAS, the City Commission desires through this Proclamation to authorize the Mayor to extend the duration of the state of local emergency in seven-day increments upon request from the City Manager, so long as a state of emergency continues to exist in the State of Florida and a state of local emergency continues to exist in Pinellas County; and

WHEREAS, the City Commission of City of Treasure Island, after due consideration, has determined that declaring a state of local emergency due to Tropical Storm Helene is in the best interest of the City of Treasure Island.

NOW, THEREFORE, WE, THE CITY COMMISSION OF THE CITY OF TREASURE ISLAND, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED, DO DECLARE A STATE OF LOCAL EMERGENCY AS A RESULT OF TROPICAL STORM HELENE, EFFECTIVE IMMEDIATELY WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF TREASURE ISLAND TO REMAIN IN EEFECT FOR SEVEN (7) DAYS UNLESS OTHERWISE EXTENDED AS PROVIDED HEREIN AND AUTHORIZE THE MAYOR TO SIGN THIS PROCLAIMATION.

IT IS FURTHER PROCLAIMED THAT the City hereby exercises its authority and hereby waives the procedures and formalities required by law of a political subdivision as provided in section 252.38(3)(a)(5), Florida Statutes, to respond to the emergency presented by Tropical Storm Helene, and the City Manager, as the primary City executive responsible for emergency management, to approve or authorize all such actions taken and publish this proclamation on a dedicated webpage accessible through a conspicuous link on the City's homepage. Further, the Mayor is hereby authorized to extend the duration of this declaration in seven-day increments by proclamation upon request from the City Manager, as the primary City executive responsible for emergency management, so long as a state of emergency continues to exist in the State of Florida.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS this 25th day of September 2024 after 9am.

_____

J. Tyler Payne, Mayor

ATTEST:

_____

Celine Kidwell, City Clerk

STATE OF FLORIDA

OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 24-209

(Emergency Management – Amending Executive Order 24-208 – Potential Tropical Cyclone Nine)

WHEREAS, on September 23, 2024, I issued Executive Order 24-208, declaring a state of emergency for forty-one counties across the State of Florida due to the dangers presented by Potential Tropical Cyclone Nine; and

WHEREAS, on September 24, 2024, Potential Tropical Cyclone Nine is located 120 miles west-southwest of Grand Cayman, or 395 miles south-southwest of Key West, Florida, and is moving northwest at 8 mph; and

WHEREAS, based on atmospheric and oceanic conditions, highly conducive environmental conditions are forecast to develop Potential Tropical Cyclone Nine into a tropical storm this afternoon over the northwestern Caribbean Sea, and become a hurricane over the eastern Gulf of Mexico on Wednesday; and

WHEREAS, computer forecast models indicate a likely possibility of significant to rapid intensification of this system, forming a major hurricane before it approaches the northeastern Gulf Coast on Thursday; and

WHEREAS, the forecast indicates that this system will become large and powerful before landfall, and there is a significant threat of life-threatening storm surge and damaging wind gusts for the Florida Gulf Coast; and

WHEREAS, due to the system's size, the accompanying storm surge, wind, and rainfall impacts will extend well away from its center, and the faster forward approach of this system will likely result in farther inland penetration of strong winds even after landfall; and

WHEREAS, there are Tropical Storm Watches in effect for eighteen Florida counties, Hurricane Watches in effect for eighteen Florida counties, and Storm Surge Watches extending from the Southwest Florida Coast to the central Florida Panhandle; and

WHEREAS, the water tables and riverine levels across much of north and west-central Florida remain in above normal stage due to recent Hurricane Debby and additional heavy rainfall could cause significant riverine flooding that may prolong impacts for an extended period of time; and

WHEREAS, these impacts could damage the operational capability of critical infrastructure including major interstates, roadways, bridges, airports, schools, hospitals, and power grids; and

WHEREAS, an amendment to Executive Order 24-208 is necessary because recovery efforts and those affected by this disaster require the continued support of the State of Florida; and

WHEREAS, as Governor of Florida, I am responsible to meet the dangers presented to the State of Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Section 1 of Executive Order 24-208 is amended to read as follows:

Because of the foregoing conditions, which are projected to constitute a major disaster, I declare that a state of emergency exists in Alachua, Baker, Bay, Bradford, Brevard, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough,

Holmes, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington counties.

Section 2. Except as amended herein, Executive Order 24-208 is ratified and reaffirmed.

Section 3. This Executive Order is effective immediately and shall expire upon the expiration of Executive Order 24-208.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 24th day of September, 2024.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2024 SEP 24 AM 8:47
DEPARTMENT OF STATE
TALLAHASSEE, FL

STATE OF FLORIDA

OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 24-208
(Emergency Management – Potential Tropical Cyclone Nine)

WHEREAS, as of 11:00 AM EDT on Monday, September 23, 2024, showers and thunderstorms located over the northwestern Caribbean Sea and portions of Central America have been associated with a broad area of low pressure, now identified as Potential Tropical Cyclone Nine; and

WHEREAS, based on atmospheric and oceanic data, highly conducive environmental conditions are forecast to organize and develop Potential Tropical Cyclone Nine into a tropical depression or tropical storm during the next day or two over the northwestern Caribbean Sea and southeastern Gulf of Mexico, where further development and strengthening is expected; and

WHEREAS, forecast models indicate that this system will have a vast areal extent, and its impact will likely extend well beyond its center, along the northeast Gulf Coast; and

WHEREAS, there is a significant threat of storm surge, coastal flooding and erosion, heavy rainfall and flash flooding, and damaging winds to the Florida Gulf Coast; and

WHEREAS, due to the impacts from Hurricane Debby, the water tables and riverine levels across North and West-Central Florida remain above normal, and the additional incoming heavy rainfall will likely cause significant riverine flooding for an extended period; and

WHEREAS, the incoming heavy rainfall, flooding, and gusty winds will cause widespread power outages due to fallen trees and powerlines; and

WHEREAS, these conditions could damage the operational capability of major interstates, roadways, bridges, airports, schools, hospitals, power grids and other critical infrastructure; and

WHEREAS, as Governor of Florida, I am responsible to meet the dangers presented to the State of Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, which are projected to constitute a major disaster, I declare that a state of emergency exists in Alachua, Bay, Bradford, Calhoun, Charlotte, Citrus, Collier, Columbia, Dixie, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Hillsborough, Holmes, Jackson, Jefferson, Lafayette, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Monroe, Okaloosa, Pasco, Pinellas, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, and Washington counties.

Section 2. I designate the Executive Director of the Division of Emergency Management ("Director") as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency, including any logistical, rescue or evacuation operations. Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(6)-(12), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Executive Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Invoke and administer the Emergency Management Assistance Compact ("EMAC") (sections 252.921-252.9335, Florida Statutes) and other compacts and agreements

existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as to best meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the federal government as may be needed to meet this emergency.

C. Direct all state, regional, and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the response, recovery, and mitigation needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Direct the actions of any state agency as necessary to implement the Federal Emergency Management Agency's National Disaster Recovery Framework.

E. Designate Deputy State Coordinating Officers and Deputy State Disaster Recovery Coordinators, as necessary.

F. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency. In accordance with section 252.3611(1), Florida Statutes, any such order, declaration, or other action shall specify each statute or rule being amended or waived, if applicable, and the expiration date for the order or action.

G. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer. No such order shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency. I further order the Director of the Florida State Guard to activate the Florida State Guard, as needed, to respond to this emergency.

Section 4. I find that the special duties and responsibilities resting upon some state, regional, and local agencies and other governmental bodies in responding to this emergency may require them to suspend or waive certain statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(6)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor. No such suspension shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

B. Each state agency may 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. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. In accordance with section 252.3611(1), Florida Statutes, any agency order, declaration, or other action suspending a statute or rule shall specify each statute or rule being amended or waived, if applicable, and the expiration date for the order or action. The requirements of sections 252.46 and 120.54(4), Florida Statutes, shall not apply to any such suspension issued by a state agency.

No such suspension shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

C. In accordance with section 252.38(3), Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

2) Following local procurement and contracting policies;

3) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without a ceiling as defined by 2 CFR 200.318(j) or cost plus a percentage of cost contracts prohibited by 2 CFR 200.324(d);

4) Incurring obligations;

5) Employment of permanent and temporary workers;

6) Utilization of volunteer workers;

7) Rental of equipment;

8) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and

9) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified as disaster service volunteers within the meaning of section 110.120(2)(d), Florida Statutes, may, in accordance with section 110.120(3), Florida Statutes, release any such employees for such service as requested by the employee to meet this emergency.

E. The Secretary of the Florida Department of Transportation (DOT) may:

1) Waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to provide emergency assistance or facilitate the evacuation of the affected counties;

2) Manage the flow of traffic or close any and all roads, highways, and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties that the State Coordinating Officer may designate as destination counties for evacuees in this emergency;

3) Suspend enforcement of the registration requirements pursuant to section 316.545(4), Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

4) Waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services; and

5) Waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, supplies, and agricultural commodities and citrus as recommended by the Commissioner of Agriculture, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. The DOT shall issue permits and such vehicles shall be subject to such special conditions as the DOT may endorse on any such permits.

Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive

Order, or from any statute, rule, order, or other legal requirement not specifically waived or suspended herein or by supplemental order by the State Coordinating Officer.

F. The Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) may:

1) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

2) Waive the hours-of-service requirements for such vehicles;

3) Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to chapter 207, Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;

4) Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, vehicle license plates, vehicle registration certificates, vehicle tag certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses, and replacement identification cards and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions; and

5) Defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed

offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions. Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this Executive Order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. In accordance with section 465.0275(2), Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state or local agency but who do not reside in an area or county covered by this Executive Order. In accordance with section 465.019(4)(b), Florida Statutes, a hospital that operates a Class II or Class III institutional pharmacy located in an area or county covered under this Executive Order may prescribe and dispense a supply of medicinal drug lasting up to 72 hours.

H. All state agencies responsible for the use of state buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each state agency to report the closure of any State building or facility to the WebEOC system utilized by the Division of Emergency Management. Under the authority contained in section 252.36, Florida Statutes, I direct each county to report the closure of any building or facility operated or maintained by the county or any political subdivision on a daily basis to the WebEOC system. Furthermore, I direct the Secretary of the Department of Management Services to:

1) Maintain an accurate and up-to-date list of all such closures; and

2) Provide that list daily to the State Coordinating Officer.

I. All State agencies may abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such application are deemed to be approved unless disapproved in writing by specified deadlines. All such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent necessary to meet this emergency.

J. All agencies shall implement Selected Exempt Services (SES) Extraordinary Payment Plans and Career Service Regular Compensatory Leave Payment Plans for:

1) All essential agency personnel who are required to work extraordinary hours when state-owned or state-operated facilities are closed in response to an emergency condition. Employees who are eligible to receive extraordinary pay under the agency's activated plan shall accrue special compensatory leave credits for work performed during facility closures up to the number of hours in the employee's established workday. For these employees, any additional time worked beyond the employee's established workday during facility closures will result in extraordinary pay;

2) All agency personnel who are assigned to the State Emergency Operations Center and are required to work extraordinary hours; and

3) All agency personnel who are deployed throughout the state in response to an emergency condition and are required to work extraordinary hours.

K. All State agencies may waive the forty-day time limit to issue a warrant pursuant to section 215.422(3)(b), Florida Statutes. This waiver applies to invoices and reimbursement requests arising from this emergency that were received, inspected, and approved by the agency prior to the expiration of this Executive Order, including any extension thereof. This

waiver of section 215.422(3)(b), Florida Statutes, and all waivers based upon this waiver shall expire upon the expiration of this Executive Order, including any extension thereof.

L. The provisions of section 934.50, Florida Statutes, excluding subsection (4), are waived for state and local agencies conducting emergency operations arising from the state of emergency for the limited purpose of capturing aerial evidence concerning the amount of damage sustained to private and public property; to assist in search, rescue, and recovery activities; and prevent imminent danger to life or serious damage to property.

Section 5. All public facilities, including elementary and secondary schools, community colleges, state universities, and other facilities owned or leased by the state, regional or local governments that are suitable for use as public shelters shall be made available at the request of the local emergency management agencies to ensure the proper reception and care of all evacuees. Under the authority contained in section 252.36, Florida Statutes, I direct the Superintendent of each public-school district in the State of Florida to report the closure of any school within its district to the Commissioner of the Florida Department of Education. Furthermore, I direct the Commissioner of the Department of Education to:

A. Maintain an accurate and up-to-date list of all such closures; and

B. Provide that list daily to the State Coordinating Officer.

Section 6. I find that the demands placed upon funds specifically appropriated to state and local agencies for disaster relief or response are unreasonably great and that such funds may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys from the Emergency Preparedness and Response Fund.

Section 7. All state agencies entering emergency orders, emergency rules, or other emergency actions in response to this emergency shall advise the State Coordinating Officer

contemporaneously or as soon as practicable thereafter, and, pursuant to section 252.36(3)(b), Florida Statutes, shall submit the order or declaration to the Division of Administrative Hearings within five (5) days of issuance.

Section 8. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 9. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204, Florida Statutes, for a person to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. Under the authority contained in sections 252.36(6)(a), (g), and (m), Florida Statutes, I direct that, for the purposes of this emergency, the term "essentials", as defined by section 252.359(2), Florida Statutes, shall be the same as and no more expansive than the term "commodity", as defined by section 501.160(1)(a), Florida Statutes (hereinafter referred to collectively or alternatively as "essential commodities"). Accordingly, any person who delivers essential commodities to a location in the area(s) declared to be under a state of emergency by this Executive Order, and when necessary to ensure that those commodities are made available to the public, may travel within evacuated areas and exceed curfews, provided the State Coordinating Officer determines, after consultation with the appropriate Emergency Support Function(s), that:

A. Law enforcement officials in the declared area(s) can provide adequate security to protect the essential commodities from theft;

B. The weight of a delivery vehicle will not jeopardize the structural integrity of any roadway or bridge located within the declared area;

C. Delivery vehicles will not negatively impact evacuation activities in the declared area(s); and

D. Delivery vehicles will not negatively impact any response or recovery activities occurring within the declared area(s).

After consulting with the appropriate Emergency Support Function(s), and after consulting with local officials, the State Coordinating Officer may dictate the routes of ingress, egress, and movement within the declared area(s) that drivers must follow when delivering essential commodities.

Provided he or she is actually delivering medications, any person authorized to deliver medications under chapter 893, Florida Statutes, qualifies as a person delivering essential commodities.

In order to qualify as a person delivering essential commodities under this section, a person must be in the process of delivering essential commodities only. If an individual is transporting both essential and non-essential commodities, then this section shall not provide any authorization for that individual to enter into or move within the declared area(s).

Section 11. Consistent with Executive Order 80-29, nothing in this Executive Order shall prevent local jurisdictions in any area not declared to be under a state of emergency by this Executive Order from taking prompt and necessary action to save lives and protect the property of their citizens, including the authority to compel and direct timely evacuation when necessary.

Section 12. I authorize the Florida Housing Finance Corporation to distribute funds pursuant to section 420.9073, Florida Statutes, to any county, municipality, or other political subdivision located within the area(s) declared to be under a state of emergency by this Executive Order. The authority of the Florida Housing Finance Corporation to distribute funds in connection with this emergency shall expire six months after the expiration of this Executive Order, including any extension thereof.

Section 13. All actions taken by the Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified.

Section 14. This Executive Order is effective immediately and shall expire sixty (60) days from this date unless extended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 23rd day of September, 2024.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2024 SEP 23 PM 12:00
DEPARTMENT OF STATE
TALLAHASSEE, FL

RESOLUTION NO. 24 - 68

WHEREAS, the weather system presently identified as Potential Tropical Cyclone Nine by the National Hurricane Center ("Cyclone Nine", which could potentially become named storm "Helene"), poses a serious potential threat to the residents and property of Pinellas County; and

WHEREAS, the current forecast error of the National Hurricane Center does not allow for a precise track of Cyclone Nine to determine the threat level from wind and surge damage or rain or the related protective measures required; and

WHEREAS, Cyclone Nine has the potential for causing substantial damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and

WHEREAS, the Governor of the State of Florida, in Executive Order 24-208, found that a state of emergency exists within specified Counties within the State of Florida, including Pinellas County; and

WHEREAS, Section 252.38(3)(a)5, Florida Statutes, provides authority for a political subdivision such as Pinellas County to declare a state of local emergency and to exercise emergency powers; and

WHEREAS, Pursuant to §252.38(1), Florida Statutes, and Pinellas County Charter section 2.04 (k), the County has jurisdictional authority over the entire county for emergency management purposes;

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the Board of County Commissioners of Pinellas County, Florida, this 24th day of September 2024:

1) That in light of the serious threat to the lives and property of Pinellas County residents posed by Cyclone Nine, the Board of County Commissioners hereby exercises its authority, and waives the procedures and formalities required by law of a political subdivision, as provided in Section 252.38(3)(a)5, Florida Statutes, by declaring a state of local emergency; and

2) That the state of local emergency shall exist as of 10:22 a.m. on this 24th day of September 2024, for all territory within the legal boundaries of Pinellas County. All unincorporated and incorporated areas shall be embraced by the provisions of this Resolution; and

3) That all provisions of the Comprehensive Emergency Management Plan (CEMP) relating to this type of event shall be implemented; and

4) That during the state of local emergency, the Sheriff is designated as the Chief Law Enforcement Officer for Pinellas County; and

5) That, in accordance with Section 252.38(2), Florida Statutes, actions of the several municipalities within Pinellas County must be coordinated with County Emergency Management and not conflict with any order of the Official Authority; and

6) That the Official Authority as designated pursuant to Pinellas County Code Section 34-27 is authorized to issue any necessary order; and

7) That residents of Pinellas County are urged to pay close attention to the news media for information for news regarding public safety and orders of evacuation should evacuation become necessary; and

8) That the County Administrator or his designee, is empowered to order mandatory evacuations as evolving conditions may require pursuant to the Board adopted Comprehensive Emergency Management Plan (CEMP). Any such evacuation shall remain in force until ended by further order. Any unauthorized person located in, or attempting to enter, an evacuation area after the stated completion time for an evacuation order issued as contemplated herein shall be in violation of F.S. §252.50, and subject to the penalties therein; and

9) That the County Administrator, or designee, will monitor disaster-related debris and, that even though debris removal from private rights-of-way remains the responsibility of the property owner, in the event of widespread debris, the County Administrator or designee is empowered to take necessary action to remove disaster-debris which: (a) presents an immediate threat to public health, safety, or life; or (b) poses an immediate threat of significant damage to improved public or private property; or (c) the removal of which is necessary to ensure economic recovery of the affected community to the benefit of the community at large, including but not limited to the restoration of bus and school bus services, scheduled trash collection, and postal and other delivery services; and

10) That the Board of County Commissioners hereby delegates authority to the County Administrator for the duration of this emergency declaration to appropriate funds from reserves as necessary to support emergency operations and response in a timely manner, and further, to suspend budgetary controls to the extent necessary to accomplish this purpose. The aforementioned authority is subject to after-the-fact ratification of the Board.

Commissioner Latvala offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Flowers, and upon roll call the vote was:

AYES: Peters, Scott, Eggers, Flowers, Justice, Latvala, and Long.

NAYS: None.

ABSENT AND NOT VOTING: None.

10:22 A.M.
[time]

APPROVED AS TO FORM
By: *Keiah Townsend*
Office of the County Attorney