BOARD OF COMMISSIONERS EMERGENCY MEETING
MONDAY, AUGUST 28, 2023 – 5:00 PM
120 108TH AVENUE
TREASURE ISLAND, FL 33706

MEETING NOTICE AND AGENDA

A. ROLL CALL

B. EMERGENCY BOC MEETING

B1 PROCLAMATION DECLARING A STATE OF LOCAL EMERGENCY DUE TO TROPICAL STORM IDALIA
Proclamation Declaring State of Emergency - Tropical Storm Idalia 08282023 (02573681).docx
Pinellas County Final Local State of Emergency - Resolution No. 23-68.pdf
State of Florida EO-23-172-1.pdf
State of Florida EO-23-171-1.pdf

C. ADJOURNMENT

AGENDA ITEM NO. B1

Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: August 28, 2023

SUBMITTED BY: Celine Kidwell, Administration

ITEM TYPE: Proclamations

AGENDA SECTION: EMERGENCY BOC MEETING

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

BACKGROUND:

On August 26, 2023 Governor DeSantis issued Executive Order 23-171 declaring a state of emergency in approximately 33 counties including Pinellas County in the State of Florida due to Invest 93L. On August 28, 2023, Governor DeSantis issued Executive Order 23-172 declaring a state of emergency in multiple counties including Pinellas County in the State of Florida due to Tropical Storm Idalia; and

Also on August 28, 2023, the Board of County Commissioners of Pinellas County adopted Resolution 23-68, declaring a State of Local Emergency in Pinellas County due to Tropical Storm Idalia.

POLICY/PURPOSE: .

STRATEGIC PLAN RELEVANCE: .

ANALYSIS/DISCUSSION: As of August 28, 2023, Tropical Storm Idalia is projected to track up Florida's west coast and it is projected to bring about wind damage, rain, loss of power due to downed trees and limbs, a risk of 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 allot 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 the State of Florida and Pinellas County.

FUNDING: .

MOTION: I move to approve/deny and authorize the Mayor to execute the Proclamation Declaring a State of Local Emergency for the City of Treasure Island, Florida due to Tropical Storm Idalia.

ATTACHMENTS:
Proclamation Declaring State of Emergency - Tropical Storm Idalia 08282023 (02573681).docx
Pinellas County Final Local State of Emergency - Resolution No. 23-68.pdf
State of Florida EO-23-172-1.pdf
State of Florida EO-23-171-1.pdf

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 IDALIA AND PROVIDING FOR THE EXTENSION OF SUCH DECLARATION, AS NECESSARY

WHEREAS, on August 26, 2023, Governor DeSantis issued Executive Order 23-171 declaring a state of emergency in approximately 33 counties including Pinellas County in the State of Florida due to Invest 93L; and

WHEREAS, on August 28, 2023, Governor DeSantis issued Executive Order 23-172 declaring a state of emergency in multiple counties including Pinellas County in the State of Florida due to Tropical Storm Idalia; and

WHEREAS, on August 28, 2023, the Board of County Commissioners of Pinellas County adopted Resolution 23-68, declaring a State of Local Emergency due to Tropical Storm Idalia; and

WHEREAS, Tropical Storm Idalia 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; 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 of City of Treasure Island, after due consideration, has determined that declaring a state of local emergency due to Tropical Storm Idalia 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 IDALIA, 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 Idalia, 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 and a state of local emergency continues to exist in Pinellas County.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS this 28th day of August. 2023 at 5pm.

_____

Tyler Payne, Mayor

ATTEST:

_____

Celine Kidwell, City Clerk

RESOLUTION NO. 23 - 68

WHEREAS, the weather system presently identified as Tropical Storm Idalia by the National Hurricane Center ("Idalia") 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 Idalia to determine the threat level from wind damage or rain or the related protective measures required; and

WHEREAS, Idalia 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 23-171, 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 28th day of August 2023:

1) That in light of the serious threat to the lives and property of Pinellas County residents posed by Idalia, 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 10:00 a.m. on this 28th day of August 2023, 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 Flowers offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Latvala, and upon roll call the vote was:

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

NAYS: None.

ABSENT AND NOT VOTING: Peters.

10:14 A.M.
[time]

APPROVED AS TO FORM
By: *Miles Belknap*
Office of the County Attorney

PCAO 442112

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 23-172

(Amending Executive Order 23-171, Emergency Management – Tropical Storm Idalia)

WHEREAS, on August 26, 2023, I issued Executive Order 23-171, declaring a state of emergency for several counties in Florida due to the dangers presented by Invest 93L, a broad area of low pressure off the west coast of Central America; and

WHEREAS, as of 11:00 PM EDT on August 27, 2023, Invest 93L strengthened into Tropical Storm Idalia, with maximum sustained winds of 60 miles per hour and is moving north-northeast towards the southeastern Gulf of Mexico; and

WHEREAS, as of 5:00 AM EDT on August 28, 2023, Tropical Storm Idalia was approximately 124 miles south of the westernmost point of Cuba; and

WHEREAS, Tropical Storm Idalia is forecasted to become a major hurricane before making landfall along areas of the Florida Gulf Coast and portions of the Florida Panhandle; and

WHEREAS, the Florida Division of Emergency Management, working together with the National Hurricane Center to evaluate weather predictions, has determined that there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for the Florida Peninsula and portions of the Florida Big Bend; and

WHEREAS, the threat posed by Tropical Storm Idalia requires that timely precautions must be taken to protect the communities, critical infrastructure, and general welfare of the people of Florida; and

WHEREAS, as the 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 l of Executive Order 23-171 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, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hardee, Hernando, Hillsborough, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Nassau, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, and Wakulla Counties.

Section 2. Except as amended herein, Executive Order 23-171 is ratified and reaffirmed.

Section 3. This Executive Order is effective immediately and shall expire upon the expiration of Executive Order 23-171.

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 28th day of August, 2023.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2023 AUG 28 AM 9:25
DEPARTMENT OF STATE
TALLAHASSEE, FL

STATE OF FLORIDA

OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 23-171
(Emergency Management – Invest 93L)

WHEREAS, as of 8:00 AM EDT on August 26, 2023, the National Hurricane Center reported that a broad area of low pressure, which originated off the west coast of Central America, is projected to gradually develop into an organized storm as it moves northward over the Caribbean Sea and the Gulf of Mexico; and

WHEREAS, the National Hurricane Center predicts Invest 93L will intensify into a tropical depression over the weekend and continue to strengthen as it moves northward into the eastern Gulf of Mexico, and could affect portions of Florida's Gulf Coast, as well as previously impacted areas still recovering from Hurricanes Ian and Nicole, as early as Tuesday, August 29; and

WHEREAS, there is a risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for the Florida Big Bend and portions of Florida's Gulf Coast; and

WHEREAS, the threat posed by Invest 93L requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida, including relocating individuals, equipment, and supplies in areas still recovering from Hurricanes Ian and Nicole; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to 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, Calhoun, Charlotte, Citrus, Columbia, DeSoto, Dixie, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hardee, Hernando, Hillsborough, Jefferson, Lafayette, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, Sumter, Suwannee, Taylor, and Wakulla Counties.

Section 2. I designate the Executive Director of the Division of Emergency Management ("Executive 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. 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(1)-(2) 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.

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(1)-(2) 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(1)-(2) and 120.54(4), Florida Statutes, shall not apply to any such suspension issued by a state agency; however, 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)(b), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys from the Emergency Preparedness and Response Fund created under section 252.3711, Florida Statutes.

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 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 Executive 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 26th day of August, 2023.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2023 AUG 26 AM 11:34
DEPARTMENT OF STATE
TALLAHASSEE, FL