

WINTER HAVEN

The Chain of Lakes City

SPECIAL CITY COMMISSION MEETING

FRIDAY, AUGUST 30, 2019

5:05 PM

City Hall, John Fuller Auditorium
451 Third Street NW
Winter Haven, FL 33881

1. **CALL TO ORDER** - Bradley T. Dantzler, Mayor
2. **ROLL CALL** - Vanessa Castillo, MMC, City Clerk
3. **RESOLUTION(S)**

3.A. R-19-30 – Declaration of Local State of Emergency due to Hurricane Dorian

Staff Contact: Staff, City of Winter Haven, www.mywinterhaven.com

[Summary - R-19-30 Hurricane Dorian State of Emergency.docx](#)

[Resolution R-19-30](#)

[COMP EXHIBIT A - EO-19-189 and EO-19-190.pdf](#)

[EXHIBIT B - Polk Co Declaration State of Local Emergency 19-01 8-30-19.pdf](#)

4. **ADJOURNMENT**

If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the Americans with Disabilities Act and Florida Statutes, Section 286.26, persons with disabilities needing special accommodations to participate in this proceeding, should contact the City Clerk's Office, 451 Third Street, NW, Winter Haven, Florida 33881, in writing, not later than 48 hours prior to the proceeding; if not in writing, then not later than four (4) days prior to the proceeding at (863) 291-5600. Vision or hearing impaired please call (800) 955-8771 for assistance.

CITY OF WINTER HAVEN FACT SHEET
CITY COMMISSION MEETING
August 30, 2019

DATE: August 30, 2019

TO: Honorable Mayor and City Commissioners

VIA: Mike Herr, City Manager

FROM: T. Michael Stavres, Assistant City Manager

SUBJECT: Resolution R-19-30 – Declaration of a Local State of Emergency

BACKGROUND:

On August 28, 2019, the State of Florida issued Executive Order 19-189, which was amended by Executive Order 19-190 on August 29, 2019, to include Polk County in a State-wide state of emergency in response to the impending landfall of Hurricane Dorian. Likewise, on August 30, 2019, Polk County adopted Resolution 19-01 declaring a County-wide State of Emergency.

The City Manager's Office, in consultation with the Emergency Management Executive Policy Group are recommending the City Commission also pass a resolution declaring a local state of emergency for Winter Haven, so as to help expedite any preparations, response and recovery efforts needed in response to Hurricane Dorian.

FINANCIAL IMPACT:

There is no financial impact associated with this action. Expenditures specific to preparation, response, and recovery will be tracked and filed for reimbursement through State and Federal agencies where eligible.

RECOMMENDATION:

Staff recommends the City Commission approve Resolution R-19-30.

ATTACHMENT(S):

Resolution R-19-30
State of Florida Executive Orders 19-189 and 19-190
Polk County Declaration of Local State of Emergency Resolution 19-01

RESOLUTION NO. R-19-30

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, FLORIDA; DECLARING A STATE OF LOCAL EMERGENCY.

WHEREAS, Hurricane Dorian was determined to have the potential for causing extensive damage to public utilities, public buildings, public communications system, public streets and roads, public drainage systems, commercial and residential building and areas; and

WHEREAS, the Governor of the State of Florida has issued Executive Orders numbered 19-189 and 19-190, attached hereto as Composite Exhibit "A" and incorporated herein by reference declaring, that a State of Emergency exists in every county in the State of Florida as a consequence of Hurricane Dorian; and

WHEREAS, the Polk County Board of County Commissioners declared a local state of emergency by Declaration 19-01 passed on August 30, 2019, attached hereto as Exhibit "B" and incorporated herein by reference, because of Hurricane Dorian; and

WHEREAS, Section 13 of the Charter of the City of Winter Haven and Section 252.38(3)(a)5 of the Florida Statutes, provides authority for a municipal corporation such as the City of Winter Haven to declare a State of Local Emergency and to waive the procedures and formalities of law otherwise required of municipal corporations pertaining to:

1. Performance 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. Employment of permanent and temporary workers;
5. Utilization of volunteer workers;
6. Rental of equipment;
7. Acquisition and distribution, with or without compensation, of supplies, materials and facilities; and
8. Appropriation and expenditure of public funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, that:

1. Hurricane Dorian poses a serious threat to the lives and property of residents of Winter Haven and that a State of Local Emergency shall be declared effective August 30, 2019 for all territory within the legal boundaries of the City of Winter Haven. Be it further resolved that the City Commission hereby

exercises its authority under the Charter of the City of Winter Haven and Chapter 252.38(3)(a)5, Florida Statutes.

2. That the City Manager of the City of Winter Haven is hereby authorized to invoke any and all measures he deems appropriate to fully and adequately perform his duties as prescribed in Section 23 of the Charter of the City of Winter Haven relating to any emergency matters associated with Hurricane Dorian including but not limited to utilizing all available resources of the City in reasonably necessary to cope with the emergency.
3. The Local State of Emergency declared herein shall expire within seven (7) days unless extended, as necessary, in seven (7) day increments.
4. This Resolution shall take effect immediately upon passage.

INTRODUCED AND PASSED by the City Commission of the City of Winter Haven, in Special Session, on this 30th day of August, 2019.

CITY OF WINTER HAVEN, FLORIDA

MAYOR – COMMISSIONER

ATTEST:

CITY CLERK

Approved as to form:

CITY ATTORNEY

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 19-189 (Emergency Management – Hurricane Dorian)

WHEREAS, as of 2:00 p.m. on Wednesday, August 28, 2019, the National Hurricane Center reported that Tropical Storm Dorian has strengthened into a Category 1 Hurricane as it approached Puerto Rico and the Virgin Islands;

WHEREAS, the National Hurricane Center reported Hurricane Dorian has maximum sustained winds of 75 miles per hour; and

WHEREAS, the National Hurricane Center predicts Hurricane Dorian will continue to strengthen as it moves over the Atlantic waters and will be a Major Hurricane prior to potential landfall; and

WHEREAS, the National Hurricane Center forecasts a potential landfall on Florida's peninsula on Sunday or Monday; and

WHEREAS, there is an increasing risk of dangerous storm surge, rainfall, flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for portions of Florida's Atlantic Coast; and

WHEREAS, the threat posed by Hurricane Dorian requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

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

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

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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, I declare that a state of emergency exists in the following counties: Baker, Bradford, Brevard, Broward, Clay, Duval, Flagler, Glades, Hendry, Highlands, Indian River, Lake, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Putnam, Seminole, St. Johns, St. Lucie, Volusia, and Union.

Section 2. I designate the 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. 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(5)-(10), 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 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 best to meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the 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

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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 additional Deputy State Coordinating Officers, 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.

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; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

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 the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(5)(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

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Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

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. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); (2) directed by the Executive Office of the Governor; or (3) ordered by the State Coordinating Officer or Deputy State Coordinating Officer(s). The requirements of sections 252.46 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, to include any extensions of this Order.

C. In accordance with section 252.38, 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) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);
- 3) Incurring obligations;

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- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;
- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 8) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified by the American Red Cross as disaster service volunteers within the meaning of Section 110.120(3), Florida Statutes, may release any such employees for such service as requested by the Red Cross 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) Reverse 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 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;
- 4) Waive the hours of service requirements for such vehicles;

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5) 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,

6) 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

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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 and charges 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 or charges 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 driver license reinstatements, the late renewal or application for the above licenses, certificates, and documents, which were delayed or otherwise impacted due to the effects of adverse weather conditions, including in counties wherein mail services were interrupted, 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 order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. In accordance with section 465.0275, 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 and local agency but who do not reside in an area or county covered by this Executive Order.

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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 to meet this emergency. I direct each State agency to report the closure of any State building or facility to the Secretary of the Department of Management Services. 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 therein to the Secretary of the Department of Management Services. 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, and all such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent needed to meet this emergency.

J. All State Agencies shall implement its Select 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;
- 2) All agency personnel who are assigned to the State Emergency Operations Center and are required to work extraordinary hours;

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- 3) All agency personnel who are deployed throughout the state, as part of their employment, 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 that were received, inspected, and approved by the agency within forty days of the issuance of this Executive Order. This waiver applies to all invoices and reimbursements arising from the state of emergency. This waiver of section 215.422 (3)(b), Florida Statutes, and all waivers based upon this waiver shall expire sixty days following the issuance of this Executive Order, without extension.

L. Section 934.50, Florida Statutes, is 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; assisting in search, rescue, and recovery activities; and preventing 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,

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

Section 6. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and may be inadequate to pay the costs of coping with this disaster. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 7. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

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 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(5)(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

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“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

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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 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 under this state of emergency shall expire six months from the expiration of this Order, to include any extensions of this Order.

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. This Executive Order shall expire sixty 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 28th day of August, 2019.


GOVERNOR RON DESANTIS

ATTEST:


SECRETARY OF STATE

FILED
2019 AUG 28 PM 4:25
TALLAHASSEE, FLORIDA

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 19-190

(Emergency Management – Amendment of Executive Order 19-189 – Hurricane Dorian)

WHEREAS, on Wednesday, August 28, 2019, I issued Executive Order 19-189 declaring a state of emergency in 26 counties as a result of the severe threat posed by Hurricane Dorian; and

WHEREAS, as of 11:00 a.m. on Thursday, August 29, 2019, the National Hurricane Center reported Hurricane Dorian has strengthened in intensity, with maximum sustained winds of 85 mph, and is forecast to be a major hurricane as it travels over Atlantic waters; and

WHEREAS, the National Hurricane Center forecasts a potential landfall on Florida on Sunday or Monday with impacts possibly covering the entire peninsula and portions of the Northwest Florida; and

WHEREAS, there is an increasing risk of dangerous storm surge, rainfall, flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity throughout Florida, now including the Gulf Coast and Northwest Florida counties; and

WHEREAS, the threat posed by Hurricane Dorian requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida.

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. The state of emergency declared in Executive Order 19-189 is amended to include all 67 counties.

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Section 2. Pursuant to section 161.111, Florida Statutes, I declare a shore erosion emergency in all coastal counties covered by Executive Order 19-189, as amended by this Executive Order. I authorize the Department of Environmental Protection to expend available funds, during this state of emergency, to respond to and alleviate coastal erosion caused by Hurricane Dorian.

Section 3. 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, he is directed to continue to execute the State's Comprehensive Emergency Management Plan and other response, recovery and mitigation plans necessary to cope with this emergency.

Section 4. Except as amended herein, Executive Order 19-189 is ratified and reaffirmed.



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 29th day of August, 2019.


GOVERNOR RON DESANTIS

ATTEST:


SECRETARY OF STATE

FILED
2019 AUG 29 PM 2:53
TALLAHASSEE, FLORIDA

EXHIBIT "B"
to Resolution R-19-30

DECLARATION OF STATE OF LOCAL EMERGENCY 19-01

PURSUANT TO THE AUTHORITY OF POLK COUNTY ORDINANCE 05-041, AS AMENDED, AND FLORIDA STATUTES, SECTION 252.38(3)(a)(5), A STATE OF LOCAL EMERGENCY IS HEREBY DECLARED WITHIN THE TERRITORIAL BOUNDARIES OF POLK COUNTY, INCLUDING BOTH THE INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY AND ENCOMPASSES THE DISASTER IDENTIFIED AS **HURRICANE DORIAN**. THIS DECLARATION SHALL ACTIVATE THE EMERGENCY PROVISIONS CONTAINED IN POLK COUNTY ORDINANCES 05-041, AS AMENDED INCLUDING WITHOUT LIMITATION, THE PROHIBITION AGAINST PRICE GOUGING. NOTWITHSTANDING THE PROVISIONS OF POLK COUNTY ORDINANCE 05-041, NO CURFEW SHALL BE IMPOSED UNTIL FURTHER DECLARATION. FURTHER, THE COUNTY MAY EVOKE ALL OF THE POWERS AS OUTLINED IN CHAPTER 252 FLORIDA STATUTES OR OTHERWISE PROVIDED BY LAW.

FURTHERMORE, PURSUANT TO THE AUTHORITY OF POLK COUNTY ORDINANCE 05-041, AS AMENDED AND OTHER APPLICABLE COUNTY ORDINANCES AND STATE LAWS, THE COUNTY MANAGER OF POLK COUNTY AND HIS DESIGNEE(S) ARE HEREBY AUTHORIZED TO, INTER ALIA, TAKE THE FOLLOWING ACTIONS:

1. Utilize all available resources of the county government as reasonably necessary to cope with the emergency.
2. Make provisions for the availability and use of temporary emergency housing and the emergency warehousing of materials.
3. Acquire merchandise, equipment, vehicles or property needed to alleviate the emergency.
4. Authorize County employees or private companies on behalf of Polk County to enter onto private property and roadways including, without limitation, private roads or access, to remove debris generated by the emergency conditions from areas affected by the emergency in order to eliminate immediate threats to life, public health, and safety; eliminate immediate threats of significant damage to improved property; or ensure economic recovery of the affected community to the benefit of the community at large. Debris includes, without limitation, fallen trees and limbs, leaves, plants, bushes, garbage, rubbish, solid waste and other similar items. As used in this Section 4, immediate threats to life, public health, and safety include, without limitation, situations in which solid waste impedes access for emergency vehicles, impede restoration of utilities, or may be hazardous to health in that it promotes the growth of diseases, attract vectors or increase the chance of accidents.

FURTHER, IN ACCORDANCE WITH §252.38, FLORIDA STATUTES AND POLK COUNTY ORDINANCE 05-041, THE COUNTY HEREBY WAIVES THE PROCEDURES AND FORMALITIES OTHERWISE REQUIRED OF THE COUNTY BY LAW PERTAINING TO:

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1. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
2. Entering into contracts.
3. Incurring obligations.
4. Employment of permanent and temporary workers.
5. Utilization of volunteer workers.
6. Rental of equipment.
7. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
8. Appropriation and expenditure of public funds.

PURSUANT TO POLK COUNTY ORDINANCE 05-041 THIS DECLARATION OF STATE OF LOCAL EMERGENCY SHALL EXPIRE WITHIN SEVEN (7) DAYS UNLESS EXTENDED, AS NECESSARY, IN 7-DAY INCREMENTS.

DATED this 30 day of August, 2019.

ATTEST:

STACY M. BUTTERFIELD, CLERK

By:

Stacy M. Butterfield
Deputy Clerk

POLK COUNTY
BOARD OF COUNTY COMMISSIONERS

By:

George Lindsey, III
George Lindsey, III, Chairman

