

RESOLUTION NO. 22-44

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA; DECLARING A STATE OF LOCAL EMERGENCY WITH RESPECT TO HURRICANE IAN; INVOKING EMERGENCY POWERS AND AUTHORIZING MUNICIPAL OFFICERS TO TAKE NECESSARY MEASURES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, at 5:00 A.M. on Monday, September 26, 2022, the National Hurricane Center advised that Hurricane Ian was located approximately 90 miles Southwest of Grand Cayman with Category 1 minimum sustained winds of 75 miles per hour and a minimum central pressure of 983 millibars; and

WHEREAS, at 5:00 A.M. on Monday, September 26, 2022, the National Hurricane Center issued a Hurricane Watch for the West Coast of Florida from Englewood North to the Anclote River, which includes Sarasota, Manatee, Pinellas and Hillsborough Counties; and

WHEREAS, the National Hurricane Center forecasts that Hurricane Ian will become a Major Category 3 or greater Hurricane by as early as 2:00 A.M. on Tuesday, September 27, 2022, and that Hurricane Ian will bring tropical storm force or greater winds to West Central Florida by as early as 8:00 P.M. on Tuesday, September 27, 2022; and

WHEREAS, in its official forecast discussion issued at 5:00 A.M. on Monday, September 26, 2022, the National Hurricane Center states that Hurricane Ian is expected to produce heavy rainfall and considerable flooding impacts in West Central Florida upon arrival, inclusive of flash and urban flooding and flooding on rivers across the Florida Peninsula; and that, regardless of Hurricane Ian's exact track and intensity, there exists a risk of life-threatening storm surge, hurricane force winds, and heavy rainfall across the West Coast of Florida and the Florida Panhandle by Wednesday, September 28, 2022; and

WHEREAS, computer model forecasts for the path of the eye of Hurricane Ian vary greatly and, as of 5:00 A.M. on Monday, September 26, 2022, Polk County and Dundee lie within the forecast cone of uncertainty; and

WHEREAS, on Friday, September 23, 2022, the Governor of the State of Florida issued Executive Order numbered 22-218 declaring that a State of Emergency exists in 24 counties of the State of Florida, inclusive of Polk County, as a consequence of Hurricane Ian, then known as Tropical Depression Number Nine, a copy is attached hereto as **Composite Exhibit "A"** and incorporated herein by reference; and

WHEREAS, on Saturday, September 24, 2022, the Governor of the State of Florida issued Executive Order numbered 22-219 declaring that a State of Emergency exists in the entire State of Florida as a result of Hurricane Ian, then known as Tropical Storm Ian, a copy is attached hereto as **Composite Exhibit "A"** and incorporated herein by reference; and

WHEREAS, on Saturday, September 24, 2022, the President of the United States of America declared that a State of Emergency exists in 24 counties of the State of Florida, inclusive of Polk County, as a consequence of Hurricane Ian, then known as Tropical Storm Ian, and directed that the Department of Homeland Security and the Federal Emergency Management Agency coordinate disaster relief efforts and provide appropriate assistance, at the Category B 75% federal funding level, for required emergency measures to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe; and

WHEREAS, the Polk County Board of County Commissioners declared a local state of emergency by Declaration 22-02 passed on September 24 2022, attached hereto as **Exhibit "B"** and incorporated herein by reference, because of Hurricane Ian; and

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

(1) appropriating and expending funds; making contracts; obtaining and distributing equipment, materials, and supplies for emergency management purposes; providing for the health and safety of persons and property, including emergency assistance to victims; and directing and coordinating the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;

(2) appointing, employing, removing, or providing, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;

(3) establishing, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations;

(4) assigning and making available for duty its offices and agencies, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation,

construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the Town for employment within or outside the political limits of the subdivision;

(5) requesting state assistance or invoking emergency-related mutual-aid assistance;

(6) declaring a local state of emergency regarding inclement weather events and extend the same, as necessary, in 7-day increments; and

(7) waiving the procedures and formalities otherwise required of the Town by law pertaining to:

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

(B) Entering into contracts;

(C) Incurring obligations;

(D) Employment of permanent and temporary workers;

(E) Utilization of volunteer workers;

(F) Rental of equipment;

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

(H) Appropriation and expenditure of public funds;

and

WHEREAS, given the inherent risks presented by Hurricane Ian, including dangerous heavy rainfall, flash flooding, strong winds, and the potential for tornadic activity in Polk County and the Greater Town of Dundee area, the Town Commission finds that conditions warranting emergency action under the *State Emergency Management Act* and the Town's *Charter and Code of Ordinances* are present;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, that:

Section 1. Findings.

The foregoing findings are incorporated herein by reference and made a part

hereof.

Section 2. State of Emergency Declared; Acts of Officers Ratified.

Hurricane Ian constitutes a serious threat to the lives and property of residents of Dundee. A State of Local Emergency is declared to be effective for all territory within the legal boundaries of the Town of Dundee. The Town Commission hereby exercises the weather-related emergency authority of the Town under Chapter 252 Florida Statutes and all powers afforded to the Town by every relevant local, state and federal law and are authorized to be executed by appropriate Town officials relating to any emergency matters associated with Hurricane Ian including but not limited to the use of all available resources of the Town as reasonably necessary to cope with the Hurricane and its effects. The State of Local Emergency declared herein shall expire on October 4, 2022 at 11:59 P.M., unless extended, as necessary, in seven (7) day increments. All acts of municipal officers taken in response to the emergency conditions presented by Hurricane Ian, if any, between the date of entry of Executive Order 22-218 by the Florida Governor, and the date of this Resolution are ratified, confirmed, and considered to be authorized pursuant to the Town's emergency powers, the declaration of a State of Emergency by the Florida Governor, and the declaration of a State of Emergency by the President of the United States of America. That the Town Manager of the Town of Dundee is hereby authorized to invoke any and all measures she deems appropriate to fully and adequately perform her duties as prescribed in Section 4.04 of the Charter of the Town of Dundee relating to any emergency matters associated with Hurricane Ian including but not limited to utilizing all available resources of the Town that are reasonably necessary to cope with the emergency.

Section 3. Conflicts.

All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 4. Severability.

If any section or portion of a section of this Resolution proves to be invalid, unlawful or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Resolution.

Section 5. Effective Date.

This Resolution shall become effective immediately upon its passage and adoption.

PASSED and DULY ADOPTED with a quorum present in voting by the Town Commission of the Town of Dundee, Florida, this 27th day of September, 2022.

TOWN OF DUNDEE, FLORIDA



Samuel Pennant, Mayor

ATTEST:



Jenn Garcia, Town Clerk

Approved as to form:



Frederick J. Murphy, Jr., Town Attorney

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 22-218 (Emergency Management – Tropical Depression Nine)

WHEREAS, as of 5:00 AM EDT on September 23, 2022, the National Hurricane Center reported that Invest 98L had strengthened into Tropical Depression Nine; and

WHEREAS, as of 11:00 AM EDT on September 23, 2022, Tropical Depression Nine was located 1,045 miles southeast of Key West, Florida; and

WHEREAS, the National Hurricane Center reported Tropical Depression Nine has maximum sustained winds of 35 miles per hour and is expected to intensify significantly over the weekend; and

WHEREAS, the National Hurricane Center predicts Tropical Depression Nine will approach Florida's Peninsula at or near major hurricane strength and could affect South Florida and portions of the Florida Keys as early as Monday; 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 Keys and much of Florida's Peninsula; and

WHEREAS, the threat posed by Tropical Depression Nine 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.

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 Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami-Dade, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Lucie Counties.

Section 2. I designate the Director of the Division of Emergency Management 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. 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.

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. 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"); or (2) ordered by the State Coordinating Officer or designee. 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 a 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 applications 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)(a)-(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)(a)-(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.

In accordance with section 252.37(2)(a), Florida Statutes, state agencies responding to this emergency must first spend funds specifically appropriated for disaster relief or response. If no specifically appropriated funds exist, or if funds specifically appropriated are exhausted, state agencies are authorized to spend funds from the Emergency Preparedness and Response Fund through the procedures outlined in Memorandum No. 22-046, Emergency Preparedness and Response.

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 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 2022.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

2022 SEP 23 PM 3:18
TALLAHASSEE, FL
SECRETARY OF STATE

FILED

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 22-219

(Amending Executive Order 22-218, Emergency Management – Tropical Depression Nine)

WHEREAS, on September 23, 2022, I issued Executive Order 22-218 and declared a state of emergency exists for several counties in Florida’s Peninsula and the Florida Keys due to Tropical Depression Nine; and

WHEREAS, as of 11:00 PM EDT on September 23, 2022, Tropical Depression Nine strengthened into Tropical Storm Ian, with maximum sustained winds of 40 miles per hour; and

WHEREAS, as of 8:00 AM EDT on September 24, 2022, Tropical Storm Ian was approximately 855 miles southwest of Key West, Florida; and

WHEREAS, Tropical Storm Ian is forecasted to become a major hurricane before making landfall along Florida’s West Coast; and

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

WHEREAS, the threat posed by Tropical Storm Ian 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.

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 22-218 is amended to read as follows:

Because of the foregoing conditions, which are projected to constitute a major disaster, I declare a state of emergency exists in the State of Florida.

Section 2. Except as amended herein, Executive Order 22-218 is ratified and reaffirmed.

Section 3. This Executive Order is effective immediately and shall expire upon the expiration of Executive Order 22-218.



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, 2022.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

2022 SEP 24 PM 12:38
DEPARTMENT OF STATE
TALLAHASSEE, FL
FILED

DECLARATION OF STATE OF LOCAL EMERGENCY 22-02

WHEREAS, Tropical Storm Ian is forecasted to be a Category 3 Hurricane as it nears the Florida coast with tropical-storm force winds extending outward up to 60 miles from the center; and

WHEREAS, models predict strengthening Sunday, September 25, 2022; and

WHEREAS, current forecast models predict hurricane force winds to impact Polk County as early as Tuesday, September 27, 2022; and

WHEREAS, Hurricane force winds may result in deaths, injuries, widespread and lengthy power outages; potential for a tornado outbreak in rain bands that move into the region as early as Tuesday, September 27, 2022; prolonged heavy rainfall causing extended period of river flooding early next week and lasting into the weekend; and destruction of private property; and

WHEREAS, there is imminent threat of an Emergency or Disaster affecting Polk County as a result of Tropical Storm Ian

NOW THEREFORE, PURSUANT TO THE AUTHORITY OF POLK COUNTY ORDINANCE 19-074 AND SECTION 252.38(3)(a)5., FLORIDA STATUTES, 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 EMERGENCY IDENTIFIED AS TROPICAL STORM IAN. THIS DECLARATION SHALL ACTIVATE THE EMERGENCY PROVISIONS CONTAINED IN POLK COUNTY ORDINANCE 19-074 INCLUDING WITHOUT LIMITATION, THE PROHIBITION AGAINST PRICE GOUGING. NOTWITHSTANDING THE PROVISIONS OF POLK COUNTY ORDINANCE 19-074, 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 19-074 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 SECTION 252.38, FLORIDA STATUTES AND POLK COUNTY ORDINANCE 19-074, THE COUNTY HEREBY WAIVES THE PROCEDURES AND FORMALITIES OTHERWISE REQUIRED OF THE COUNTY 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.
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.

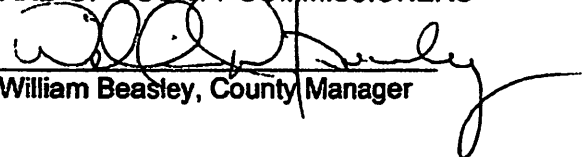
PURSUANT TO POLK COUNTY ORDINANCE 19-074, THIS DECLARATION OF STATE OF LOCAL EMERGENCY SHALL EXPIRE WITHIN SEVEN (7) DAYS UNLESS EXTENDED, AS NECESSARY, IN 7-DAY INCREMENTS.

DATED this 24th day of September, 2022.

ATTEST:
STACY M. BUTTERFIELD, CLERK

By: 
Deputy Clerk

POLK COUNTY
BOARD OF COUNTY COMMISSIONERS

By: 
William Beasley, County Manager