

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 09-81

(Emergency Management – Severe Weather)

WHEREAS, on Monday, March 30, 2009, the National Weather Service in Tallahassee issued a flash flood watch for the Florida Panhandle and Big Bend area from Tuesday afternoon through Thursday morning; and

WHEREAS, over the past seventy-two hours, over eleven inches of rain have fallen in communities within the Western Panhandle. Eleven area rivers have risen above flood stage and the Shoal, Chipola, Choctawhatchee and Ochlockonee Rivers are forecast to either remain or rise above moderate flood stage over the next forty-eight hours; and

WHEREAS, it is anticipated that another round of very heavy rain would produce sufficient runoff to create significant flash flooding in those areas already saturated from heavy weekend rains; and

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

WHEREAS, I am responsible for assisting the affected counties in recovering from such storms and to ensure that timely precautions are taken to protect these communities from the threat of additional severe weather in the coming days; and

NOW THEREFORE, I, CHARLIE CRIST, 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 State Emergency Management Act (Chapter 252, Florida Statutes), and all other applicable laws, I am issuing the following Executive Order:

Section 1. Because of the foregoing conditions, I declare that a state of emergency exists in Bay, Calhoun, Franklin, Gadsden, Gulf, Hamilton, Jackson, Leon, Liberty, Madison, Taylor, Wakulla, Escambia, Gulf, Holmes, Santa Rosa, Okaloosa, Walton and Washington 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 activate 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 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, as necessary to best meet this emergency, to:

A. Invoke and administer the Emergency Management Assistance Compact, Part III, Chapter 252, Florida Statutes, and other compacts and agreements existing between Florida and other states and to coordinate the allocation of resources from other states that are made available to Florida under such compacts and agreements.

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

C. Direct all state, county, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the needs created by this emergency, and to place all such personnel under the direction and coordination of the state coordinating officer.

D. Designate deputy state coordinating officers.

E. Enter such orders as may be needed to implement any or all of the foregoing powers.

Section 3. I order the adjutant general to activate the Florida National Guard for the duration of this emergency, and I place the National Guard under the coordination and direction of the state coordinating officer for the duration of this emergency.

Section 4. I also find that the special duties and responsibilities resting upon some state, county, regional and local governmental agencies in responding to the emergency may require them to deviate from the statutes, rules, ordinances and orders they administer. I delegate to state agency heads the authority to waive or deviate from such statutes, rules, or agency orders to the extent that such actions are needed to cope with this emergency. I delegate to county, regional and local governmental agencies the authority to waive or deviate from their own respective rules, ordinances or orders. Any waiver of statutes, rules, ordinances or order shall expire in thirty (30) days from the date of this Executive Order unless extended (in increments of

no more than thirty days) by the agency. All state governmental agencies exercising this authority by entering emergency final orders or other final actions in response to this emergency shall advise the state coordinating officer contemporaneously or as soon as is practicable.

Without limiting the generality of the foregoing, I order the following as needed to meet this emergency:

A. I give all state agencies whose employees are certified by the American Red Cross, as disaster service volunteers within the meaning of section 110.120 (3), Florida Statutes, the authority to release any such employees for such service as requested by the American Red Cross.

B. I authorize the Department of Transportation (Department) to waive the collection of tolls and other fees and charges for the use of the Florida 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; to reverse the flow of traffic or close any and all highways and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties which the state coordinating officer may designate as destination counties for evacuees in this emergency; to suspend enforcement of the registration requirements pursuant to section(s) 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; to waive the hours of service requirements for such vehicles; and to 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. The Department shall also have the authority to waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services and supplies or fallen timber for harvesting, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. In doing so, the Department shall issue permits and such vehicles shall be subject to such special conditions as the Department 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 herein or by supplemental order by the state coordinating officer.

C. I authorize the executive director of the Department of Highway Safety and Motor Vehicles to suspend the International Registration Plan requirements pursuant to section 320.0715, Florida Statutes, and the license fees or taxes imposed on vehicles pursuant to Chapter 207, Florida Statutes, as they relate to commercial motor vehicles that enter Florida to provide emergency assistance or services, or transport emergency equipment or personnel.

D. In accordance with section 465.0275, Florida Statutes, pharmacists are authorized to 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.

E. I give all state agency heads responsible for the operation and public use of state buildings and facilities the authority to close such buildings and facilities in those portions of the state affected by this emergency.

F. I give all state, county, regional and local governmental agency heads the authority to 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.

Section 5. I designate all state, county, regional and local governmental facilities including, but not limited to, public elementary and secondary schools, community colleges, and state universities, at the discretion of the state coordinating officer for use as shelters to ensure the proper reception and care of all evacuees.

Section 6. I find that the demands placed upon funds regularly appropriated to state, county, regional and local governmental agencies may be inadequate to pay the costs of this disaster. In accordance with section 252.37 (2), Florida Statutes, I direct the transfer of sufficient funds from any unappropriated surplus or from the Budget Stabilization Fund.

Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the state of Florida are authorized to

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 8. 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 9. 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 (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, the Capitol, this 1st day of April 2009.

CHARLIE CRIST

ATTEST:

DEPARTMENT OF STATE