STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 18-191

(Emergency Management – Lake Okeechobee Discharge/Algae Blooms)

WHEREAS, in the month of June 2018, there was an increase in the number of algae blooms stemming from the Army Corps of Engineers decision to discharge water from Lake Okeechobee; and

WHEREAS, the discharge of harmful water from Lake Okeechobee into the Caloosahatchee River, St. Lucie River, the Indian River Lagoon, and estuaries have resulted in wide-spread algae blooms; and

WHEREAS, on June 20, 2018, I directed the Florida Department of Environmental Protection to issue an Emergency Order urging the Army Corps of Engineers and the South Florida Water Management District to take emergency action to help redirect the flow of water and curb the potential for algae blooms, including deploying additional water monitoring stations; and

WHEREAS, during my tenure as Governor, I have used state authority to address the federal government's failure to act with regards to Lake Okeechobee, including securing $100 million in state funding to expedite repairs to the Herbert Hoover Dike, accelerating the Everglades Agricultural Area Storage (EAA) Reservoir Project, and investing more than $1.8 billion in restoring the Everglades ecosystem and water quality; and

WHEREAS, after decades of congressional inaction, I worked with the federal government to secure full federal funding for repairs to the Herbert Hover Dike and remain focused on the EAA Reservoir Project; and

WHEREAS, the residents, local governments, and state officials have collaborated to support efforts to improve water quality in the region and protect our valuable ecosystems; and

WHEREAS, the release of water from Lake Okeechobee and increase in algae blooms, including overwhelming amounts of cyanobacteria (blue-green algae) which can produce hazardous toxins, has unreasonably interfered with the health, safety, and welfare of the State of Florida and its residents; and

WHEREAS, the toxic algae blooms have resulted in an increasing threat to our environmental and fragile ecosystems, including our rivers, beaches, and wildlife; and

WHEREAS, the toxic algae blooms have led to the issuance of health advisories, closure of recreational areas, and economic losses in adjacent communities; and

WHEREAS, the Army Corps of Engineers anticipates the need to continue releasing harmful water from Lake Okeechobee throughout the month of July due to rising water levels, leading to a greater concern of on-going issues with toxic algae blooms; and

WHEREAS, the Florida Department of Environmental Protection sampling has indicated the following counties are experiencing the harmful impacts of algae blooms or may be at risk: Glades, Hendry, Lee, Martin, Okeechobee, Palm Beach, and St. Lucie; and

WHEREAS, on July 9, 2018, I toured the Caloosahatchee River and surrounding areas with the Florida Department of Environmental Protection to survey the damage caused by algae blooms from the discharge of water released by the Army Corps of Engineers; and

NOW, THEREFORE, I, RICK SCOTT, 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 and on-going threat of toxic algae blooms, I declare that a state of emergency exists in Glades, Hendry, Lee, Martin, Okeechobee, Palm

Beach, 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 this emergency.

I designate the Florida Department of Environmental Protection as the lead agency for all crisis management responsibilities related to this emergency. The Florida Department of Environmental Protection shall advise the State Coordinating Office on all emergency response activities.

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

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. Designate additional Deputy State Coordinating Officers, as necessary.

E. 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.

F. 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 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(1)(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; 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"); or, (2) ordered by the State Coordinating Officer. 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;
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.

Section 4. 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 5. 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 6. 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 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 9th day of July, 2018.

GOVERNOR

ATTEST:

SECRETARY OF STATE

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA