

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 13-282 (Emergency Management – Tropical Storm Karen)

WHEREAS, Tropical Storm Karen poses a severe threat to the State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State; and

WHEREAS, Tropical Storm Karen is currently located in the Gulf of Mexico near the Yucatan Peninsula. The National Hurricane Center has advised that Tropical Storm Karen has maximum sustained winds of 65 miles per hour and is moving north-northwest at 12 miles per hour; and

WHEREAS, the National Hurricane Center has indicated that Tropical Storm Karen will likely strengthen into a Category 1 hurricane in the next two days and will make a northeasterly turn and move toward the western Florida Panhandle; and

WHEREAS, the National Hurricane Center has issued a hurricane watch for Escambia, Okaloosa, Santa Rosa, Walton, Bay, and Gulf Counties; and

WHEREAS, the National Hurricane Center has indicated that tropical storm force winds will likely impact the Florida Panhandle in the next two to three days; and

WHEREAS, the National Hurricane Center has advised that tropical rains will likely cause flooding in the Florida Panhandle, with isolated amounts up to 10 inches; and

WHEREAS, the National Hurricane Center has advised that above-normal tides and storm surge will likely affect the Florida Panhandle and the Big Bend coast which may receive up to 6 feet of storm surge, and that high rip current risks will occur along the entire Florida Panhandle.

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, I declare that Tropical Storm Karen threatens the State of Florida with a major disaster, and that as a consequence of this danger a state of emergency exists in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Gulf, Calhoun, Jackson, Franklin, Liberty, Gadsden, Wakulla, Leon, Jefferson, Madison, and Taylor 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 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 252.921-933, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and 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 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 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; and

D. Designate Deputy State Coordinating Officers.

The State Coordinating Officer shall have the authority to enter such orders as may be needed to implement any 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, regional, and local agencies and other governmental bodies in responding to the emergency may require them to waive or deviate from the statutes, rules, ordinances, and orders they administer. I delegate to the State and regional agencies 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, including, but not limited to, any and all statutes, rules, or orders which affect budgeting, leasing, printing, purchasing, travel, conditions of employment, and the compensation of employees. I delegate to county, regional, and local governmental agencies the authority to likewise waive or deviate from their respective rules, ordinances, or orders. Any waiver of or deviation from statutes, rules, ordinances, or orders shall be by emergency rule or order in accordance with sections 120.54(4) and 252.46, Florida Statutes, and shall expire in thirty days from the date of this Executive Order, unless extended by the agency in increments not exceeding thirty days, and in no event shall remain in effect beyond the earlier of the date of expiration of this Order, as extended, or ninety days from the date of issuance of this order. All state governmental agencies exercising this authority in response to this emergency shall advise the State Coordinating Officer contemporaneously as soon as is practicable.

Without limiting the generality of the foregoing, I order the following:

A. I give 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, the authority to release any such employees for such service as requested by the Red Cross to meet this emergency.

B. I authorize the Department of Transportation (DOT) to 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; 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 DOT shall also have the authority to 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. In doing so, 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 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 (DHSMV) to 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; and to waive the hours of service requirements for such vehicles; to suspend the enforcement of 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. Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this order. Furthermore, the DHSMV shall have the discretion to 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. In addition, the DHSMV is authorized to defer administrative actions and waive fees imposed by law for the late renewal of 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. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

I authorize the Florida Highway Patrol 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;

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 and local agency but who do not reside in an area or county covered by this Executive Order.

E. I give all agency heads the authority to suspend the effect of any statute, rule, ordinance, or order, to the extent needed to procure any and all necessary supplies, commodities, services, temporary premises, and other resources, including, but not limited to, any and all statutes, rules, ordinances, or orders which affect budgeting, leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees, but any statute, rule, ordinance, or order shall be suspended only to the extent necessary to ensure the timely performance of disaster response functions as prescribed in the State Comprehensive Management Plan, or as directed by the State Coordinating Officer. Any waiver of statutes, rules, ordinances, or orders shall be by emergency rule or order in accordance with sections 120.54(4) and 252.46, Florida Statutes, and shall expire in thirty days from the date of this Executive Order unless extended in increments of no more than thirty days by the agency, and in no event shall remain in effect beyond the date of expiration of this Order, as extended, or ninety days from the issuance of this Order.

F. I give all state agency heads responsible for the use of state buildings and facilities the authority to close such buildings and facilities in those portions of the State affected by this emergency, to the extent to meet this emergency.

G. I give all state 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 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.

Section 5. All public facilities, including elementary and secondary schools, community colleges, state universities, and other facilities owned or leased by 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.

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, 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, without limitation, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. 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 3rd day of October, 2013.



RICK SCOTT, GOVERNOR



ATTEST:



SECRETARY OF STATE

FILED
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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA