

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

Executive Order Number 17-264

(Law Enforcement Coordination)

WHEREAS, on October 19, 2017, Richard Spencer is scheduled to speak at the Phillips Center for the Performing Arts at the University of Florida; and

WHEREAS, prior speaking engagements involving Mr. Spencer at universities in Alabama, California, Texas, and Virginia have sparked protests and counter-protests resulting in episodes of violence, civil unrest, and multiple arrests; and

WHEREAS, Alachua County Sheriff Sadie Darnell has requested the assistance of the State of Florida, through this Executive Order, to implement a coordinated approach for planning, managing, and implementing law enforcement responses and support services, including specialty teams and resources that would otherwise be unavailable; and

WHEREAS, to ensure that State and local entities are sufficiently prepared to deal with any security and safety issues related to the speaking engagement, there is a need to implement a cooperative and coordinated security plan among State and local law-enforcement agencies; and

WHEREAS, the implementation of contingency plans and ongoing related actions are required to protect critical infrastructure in the State, to protect the health, safety, and welfare of Floridians and those visiting our state, and to safeguard public and private property.

NOW, THEREFORE, I, RICK SCOTT, Governor of the State of Florida, by the powers vested in me by the Constitution and the laws of the State of Florida, do hereby issue the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, and to provide for the necessary and appropriate coordination of state and local law enforcement resources, I find that the threat of a potential emergency is imminent and hereby declare a state of emergency for Alachua County.

Section 2. To ensure that public safety and security will be safeguarded and critical infrastructure and public and private property will be protected, I hereby activate the Florida Mutual Aid Plan pursuant to Chapter 23, Florida Statutes, and other applicable plans as required by section 252.36(3)(a), Florida Statutes.

Section 3. In accordance with the State Comprehensive Emergency Plan (CEMP), I designate the Florida Department of Law Enforcement as the lead agency for crisis management (actions to prevent or end any violations of law) and the Division of Emergency Management as the lead agency for consequence management (actions to respond to the impacts of any violations of law). I hereby 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(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 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 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 except as otherwise specifically provided by this Executive Order.

D. Designate Deputy State Coordinating Officers.

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.

Section 4. In accordance with the Florida Mutual Aid Plan, I hereby order the Executive Director of the Florida Department of Law Enforcement to direct state and local law enforcement resources after consultation with the Governor and after reasonably considering the advice and needs of local law-enforcement agencies. I hereby grant the Executive Director the authority to exercise the powers required to perform the functions enumerated in this Order and in section 23.1231, Florida Statutes.

Section 5. I direct that each local law enforcement officer, responding beyond the officer's normal jurisdiction pursuant to the Florida Mutual Aid Plan and this Executive Order, shall enjoy the same powers, privileges, and immunities, including law enforcement authority, as if the officer was performing duties inside the officer's jurisdiction, while acting under the Mutual Aid Plan and provisions set forth in this Executive Order. I declare that the powers, privileges, immunities, duties, and law enforcement authority contemplated under the Florida Mutual Aid Act, including sections 23.1225 and 23.127, Florida Statutes, shall be deemed to be conferred on law enforcement officers responding under this Executive Order.

Section 6. I hereby order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency and I direct the Adjutant General to coordinate with the Executive Director of the Florida Department of Law Enforcement for security missions and assignments while this Executive Order or any extensions thereof remain in effect.

Section 7. 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 waive or deviate from 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 waive 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 waiver issued by the Executive Office of the Governor.

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) 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 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 earlier of the date of expiration of this Order, as extended, or ninety (90) days from the date of issuance 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.

D. 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.

Section 8. 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 9. 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 10. 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.

Section 11. 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 seven 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 16th day of October, 2017.

A handwritten signature in black ink, appearing to read "Rick Scott", is written over a horizontal line.

GOVERNOR

ATTEST:

A handwritten signature in black ink, appearing to read "Ken Ritzman", is written over a horizontal line.

SECRETARY OF STATE

2017 OCT 16 AM 11:52
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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