

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 09-126

(Emergency Management – Severe Weather)

WHEREAS, beginning on May 17, a complex storm system has circulated off of the eastern coastline producing torrential downpours, gusty winds, thunderstorms, lightning and tornadic activity; and

WHEREAS, over the past five days, rainfall totals across Duval, Flagler, Putnam, Seminole, St. Johns and Volusia counties have ranged from 10-20 inches (portions of Flagler County have received in excess of 20 inches); and

WHEREAS, a total of 8.36 inches of rain has fallen on Orlando in the month of May, and could easily surpass the record of 10.36 inches in 1976 if rains do not abate; and

WHEREAS, the storm system is also responsible for a damaging tornado that struck the city of Casselberry in Seminole County just before midnight on May 19 damaging 11 manufactured houses; and

WHEREAS, approximately 100 homes in Volusia County have been impacted by flooding waters, and residents in the city of Ormond Beach have been using rafts and small boats to ferry themselves over the flooded roadways while others have been busy getting the water out of their homes with buckets; and

WHEREAS, in addition to widespread flooding from rainfall, persistent onshore winds have produced tropical storm force wind gusts, high surf, beach erosion, coastal flooding, anomalously high tides and strong rip currents along the northeast and east

central Florida coasts; and

WHEREAS, river flood warnings are in effect for the St. Johns River near the town of Astor in Volusia County, the Black Creek near the town of Middleburg in Clay County and the St. Mary's River near the town of MacClenny in Baker County; and

WHEREAS, by May 22, the St. Johns River at Astor and St. Mary's River at MacClenny is expected to rise above flood stage and remain in a minor flood stage during the next 5-7 days; and

WHEREAS, the threat of tornadoes and additional flooding looms over Central Florida today as showers and thunderstorms continue to pound the region, and the storm system over the Gulf of Mexico will keep generating storms that could develop tornadoes and waterspouts along the coastal zone; and

WHEREAS, heavy downpours that are forecast in Central and Northeast Florida will exacerbate existing flooding conditions, as ground conditions will remain saturated throughout these communities; and

WHEREAS, the potato crops in the impacted areas worth an estimated \$50 million are ready for harvesting and will be lost due to flooding; and

NOW, THEREFORE, as Governor, I am responsible to meet the dangers presented to this state and its people by this emergency. 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 promulgate the following Executive Order:

Section 1. Based on the foregoing, I declare that the ongoing severe weather threatens parts of the state of Florida with a major disaster and proclaim that a state of

emergency exists in Brevard, Clay, Duval, Flagler, Lake, Nassau, Orange, Putnam, Seminole, St. Johns and Volusia 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 Florida'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 section 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 Office 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 United States 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.

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 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, ordinances or orders which affect budgeting, leasing, printing, purchasing, travel, condition of employment and the compensation of employees. I delegate to county, regional and local governmental agencies the authority to waive or deviate from their 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 Florida Department of Transportation (Department) to suspend the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such suspension 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 transporting emergency equipment, supplies, or personnel, including FEMA mobile homes or office style mobile homes; 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 suspend the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services and supplies, or fallen or burnt 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 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.

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 agencies 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.

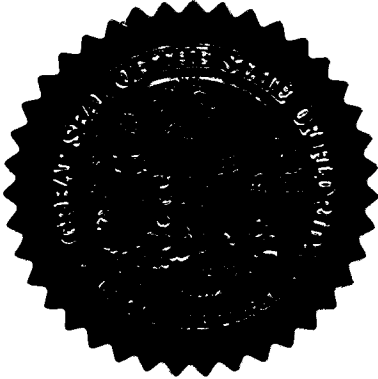
Section 5. I designate all state, county, regional and local governmental facilities including, but not limited to, public elementary and secondary schools, community colleges, and state universities, at the discretion of the State Coordinating Officer for use as shelters to ensure the proper reception 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 are 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 have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 22nd day of May, 2009.

Charlie Crist
GOVERNOR

ATTEST:

Janet Armstrong
SECRETARY OF STATE

2009 MAY 22 PM 2:25
PAUL BROWN STATE
TALLAHASSEE FLORIDA

FILED