

RESOLUTION NO. 04-2019

A RESOLUTION OF THE CITY OF SEMINOLE, FLORIDA, DECLARING A STATE OF EMERGENCY IN ORDER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY; AND PROPERTY, BOTH PUBLIC AND PRIVATE, FROM THE HAZARDS OF HURRICANE DORIAN.

WHEREAS, Hurricane Dorian has the potential for causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and

WHEREAS, Chapter 252.38(3)(a.), Florida Statutes, provides authority for a political subdivision, such as the City of Seminole, to declare a State of Local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to:

1. Performing of public work and taking whatever action is necessary to ensure the health, safety and welfare of the community;
2. Entering into contracts;
3. Incurring obligations;
4. Employing permanent and temporary workers;
5. Utilizing volunteer workers;
6. Renting of equipment;
7. Acquiring and distributing with or without compensation of supplies, materials, and facilities;
8. Appropriating and expending of public funds; and

WHEREAS, Hurricane Dorian negatively affects the health, safety, and welfare of citizens and visitors of the community.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF SEMINOLE THAT:


Hurricane Dorian poses a serious threat to the lives and property of residents of the City of Seminole and that a State of Local Emergency shall be declared, effective immediately, for all territory within the corporate boundaries of the City of Seminole.

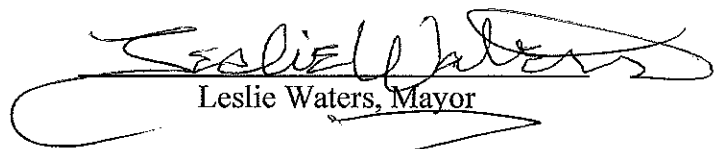
BE IT FURTHER RESOLVED THAT the City of Seminole hereby exercises its authority and waives the procedures and formalities required by law of a political subdivision as provided in Chapter 252.38(3)(a), Florida Statutes.

BE IT FURTHER RESOLVED THAT the enforcement of the provisions of Section 3-9 of the Code of Ordinances of the City of Seminole shall be in effect until the termination of the State of Local Emergency.

PASSED AND ADOPTED this 30th day of August, 2019, by the City Council of the City of Seminole, Florida.

ATTEST:


Ann Marie Mancuso, City Clerk


Leslie Waters, Mayor

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 19-190

(Emergency Management – Amendment of Executive Order 19-189 – Hurricane Dorian)

WHEREAS, on Wednesday, August 28, 2019, I issued Executive Order 19-189 declaring a state of emergency in 26 counties as a result of the severe threat posed by Hurricane Dorian; and

WHEREAS, as of 11:00 a.m. on Thursday, August 29, 2019, the National Hurricane Center reported Hurricane Dorian has strengthened in intensity, with maximum sustained winds of 85 mph, and is forecast to be a major hurricane as it travels over Atlantic waters; and

WHEREAS, the National Hurricane Center forecasts a potential landfall on Florida on Sunday or Monday with impacts possibly covering the entire peninsula and portions of the Northwest Florida; and

WHEREAS, there is an increasing risk of dangerous storm surge, rainfall, flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity throughout Florida, now including the Gulf Coast and Northwest Florida counties; and

WHEREAS, the threat posed by Hurricane Dorian requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida.

NOW, THEREFORE, I, RON DESANTIS, 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. The state of emergency declared in Executive Order 19-189 is amended to include all 67 counties.

Sec. 3-9. Declaration of a state of local emergency.

(a) The mayor shall have the authority to declare a state of local emergency by proclamation after consulting with the director of emergency management. Upon the absence or unavailability of the mayor, the vice mayor, the members of the city council in order of their seniority on the council, and after every effort has been made to contact same, the director of emergency management, or the emergency manager, in the order named, may issue such a declaration.

(b) Any declaration of a state of local emergency and all emergency regulations activated under the provisions of this chapter shall be confirmed by the city council by resolution within two working days of such declaration, or at the next regularly scheduled meeting of the city council, whichever occurs first, unless the nature of the local emergency renders a meeting of the city council impractical. Confirmation of the declaration of local emergency shall disclose the reasons for, anticipated impacts of actions proposed and taken to manage the local emergency, and other pertinent data relating to the emergency requiring the declaration.

(c) Upon the declaration of a state of local emergency, pursuant to this chapter, the enforcement of the provisions of the following emergency ordinances shall, as necessary, be effective during the period of such emergency to protect the health, safety, and welfare of the community:

- (1) Curfew; declare certain areas off-limits.
- (2) Regulation of the use of water.
- (3) Prohibition of price gouging and overcharging.
- (4) Restrictions on the sale, dispensing, and transportation of alcoholic beverages, weapons, explosives, and combustibles.
- (5) Evacuation.

In addition, pursuant to this chapter, the enforcement of the provisions of the above referenced emergency ordinances shall be rescinded upon a termination of the state of local emergency.

(d) The following policies shall, as necessary, also be in effective during the period of a state of local emergency:

- (1) All available resources of the city shall be utilized, as reasonably necessary, to cope with the disaster or emergency, including the appropriation and expenditure of funds necessary for emergency management and emergency assistance purposes. A report made to the city council subsequent to the termination of the state of local emergency;
- (2) Make provisions for availability and use of temporary emergency housing and emergency warehousing of materials;
- (3) Confiscate merchandise, equipment, vehicles, or property needed to alleviate the emergency. Reimbursement shall be within 90 days and at normal average retail price.

In addition to the above emergency ordinances and policies, this chapter shall also include the proclamation to declare the state of local emergency; the resolution to confirm the state of local emergency; and the resolution terminating the state of local emergency, and rescinding the enforcement of the provision of the emergency ordinances put into effect as referenced above.

(e) Pursuant to F.S. § 252.38, a declared state of local emergency will last for a period of up to seven days, which may be extended, as necessary, in seven-day increments. The city shall also have the power and authority, under F.S. § 252.38, to waive the procedures and formalities otherwise required of the city by 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.
- (8) Appropriation and expenditure of public funds.

(Ord. No. 02-2009, § 1, 4-28-09; Ord. No. 03-2011, § 1, 10-25-2011)

Sec. 3-10. Suspension of local building regulations and/or fees.

The city manager may authorize the suspension of local building regulations and/or fees during and following a declared state of emergency when the building official certifies that such action is necessary to the expeditious restoration of property damaged by the emergency event. Such suspension of building regulations and fees may be applied on a case-by-case basis as required to remedy specific conditions and to facilitate the provision of emergency housing to disaster victims. The building official shall specify the provisions of the building code and fees to be suspended and the reasons therefore when certifying the necessity of such suspension to the city manager.

(Ord. No. 02-2009, § 1, 4-28-09)

Sec. 3-11. Termination of a state of local emergency.

A state of local emergency shall be terminated by resolution of the city council stating that the conditions leading to or causing the emergency conditions no longer exist, and that the city's departments are able to manage the situation without extraordinary assistance and powers. Notice of such termination shall be made to the public by the director of emergency management by the same means as the notice of the declaration of the state of local emergency.

(Ord. No. 02-2009, § 1, 4-28-09)

Sec. 3-12. Penalty.

Any person who violates any provisions of this chapter, or any rule or regulation thereunder, shall, upon conviction thereof, be subjected to the penalties provided in section 2-201 of this Code.

(Ord. No. 02-2009, § 1, 4-28-09)

Section 2. Pursuant to section 161.111, Florida Statutes, I declare a shore erosion emergency in all coastal counties covered by Executive Order 19-189, as amended by this Executive Order. I authorize the Department of Environmental Protection to expend available funds, during this state of emergency, to respond to and alleviate coastal erosion caused by Hurricane Dorian.

Section 3. 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, he is directed to continue to execute the State's Comprehensive Emergency Management Plan and other response, recovery and mitigation plans necessary to cope with this emergency.

Section 4. Except as amended herein, Executive Order 19-189 is ratified and reaffirmed.



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 29th day of August, 2019.


GOVERNOR RON DESANTIS

ATTEST:


SECRETARY OF STATE

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TALLAHASSEE, FLORIDA