

RESOLUTION #22-458R

DECLARATION OF LOCAL EMERGENCY FOR OSCEOLA COUNTY, FLORIDA

WHEREAS, Tropical Storm Ian is a major storm, which as of 11:00 am on the 25th day of September, 2022, was located approximately 855 miles southwest of the coast of Florida with maximum sustained winds of 50 mph; and

WHEREAS, the five-day forecast from the National Hurricane Center suggests that as of 2:00 am on the 27th day of September, 2022, that Tropical Storm Ian will be a major hurricane that it will make landfall somewhere on the west coast Florida; and

WHEREAS, Tropical Storm Ian poses a severe threat to the Osceola County with the potential for damage to public buildings, communications systems, streets, roads, drainage systems and to commercial and residential buildings countywide; and

WHEREAS, the threat posed by Tropical Storm Ian requires that timely precautions be taken to protect the communities, critical infrastructure, and general welfare of this County; and

WHEREAS, Section 252.38, Florida Statutes states that it is the innate responsibility of local government to safeguard the life and property of its citizens; and

WHEREAS, Section 252.34, Florida Statutes defines "emergency" as any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property; and

WHEREAS, Section 252.38(3)(a), Florida Statutes provides authority for a political subdivision such as Osceola County to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of subdivisions and by law pertaining to:

1. Performance of public work and taking whatever actions are 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.

WHEREAS, a state of local emergency shall be declared by proclamation of the board or an individual identified as the official authority in Section 2-80(c), Osceola County Code of Ordinances. The duration of a state of local emergency shall be limited to seven (7) days; however, it may be extended, as necessary, in seven-day increments. Upon finding that the threat no longer exists, the board or designated individual may, by proclamation, terminate the state of local emergency. Nothing in this section shall be construed to limit the authority of the board to declare or terminate a state of local emergency and take any action authorized by law when sitting in regular or special session; and

WHEREAS, a proclamation declaring a state of local emergency shall activate the disaster emergency plans applicable to the county and shall be the authority for use or distribution of any supplies, equipment, materials, and facilities assembled or arranged to be made available pursuant to such plans.

WHEREAS, Section 2-82, Osceola County Code of Ordinances, provides authority for the Board of County Commissioners, during periods of emergency or impending threat, to declare a state of local emergency and make emergency policy decisions that are consistent with the Comprehensive Emergency Management Plan, which may be done by executive order or emergency rules and to impose by order or rule, any restrictions outlined in F.S. § 252.38, that are consistent with the comprehensive emergency management plan; and

WHEREAS, during the existence of a state of local emergency declared by the board, the board shall have the power and authority to direct and compel the evacuation of all or part of the population from the stricken or threatened area within the county if the board deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery. Additionally, the executive advisory group may provide assistance and cooperation in the administration of any such evacuation order of the board; and

WHEREAS, pursuant to Section 252.46(2)-(3), Florida Statutes, and Section 2-82, Osceola County Code of Ordinances:

- (1) All executive orders and emergency rules imposed and enacted shall be reduced to writing as soon as possible, filed with the clerk to the board of county commissioners, and must be available on a dedicated webpage accessible through a conspicuous link on the county's homepage. Further, copies of all such executive orders and emergency rules shall be delivered, as soon as possible to representatives of the print and electronic news media and all appropriate law enforcement officers and other appropriate government administration officials.
- (2) All orders and emergency rules issued under this section by the board shall indicate the nature of the emergency, the threatened area or areas of the county, and the conditions creating the disaster or threat. The executive advisory group shall assist with ensuring that the content of such orders and rules approved by the board are promptly disseminated to the general public and to the governing bodies of the applicable municipalities within the county and contiguous jurisdictions.

WHEREAS, to the extent consistent with the Comprehensive Emergency Management Plan, an executive order may exempt, from all or any part of such restrictions, physicians, nurses and ambulance operators performing medical services; on-duty employees of hospitals and other medical facilities; on-duty military personnel; bona fide members of the news media; personnel of public utilities and public works maintaining essential public services; firefighters, law enforcement officers and personnel; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to protect the public health, safety, and welfare; and

WHEREAS, when a quorum of the board is unable to meet, the chairman of the board, or in the absence of the chairman, the vice chairman is hereby designated and empowered as the official authority to declare a state of local emergency whenever the official authority determines that natural or manmade disaster or emergency has occurred or that the occurrence or threat of one is imminent and requires immediate and expeditious action, and when a quorum of the board is unable to meet, the chairman of the board, or in the absence of the chairman, the vice chairman is hereby designated and empowered as the official authority to execute orders and rules whenever the official authority determines that a natural or manmade disaster or emergency has occurred or that the occurrence or threat of one is imminent and requires immediate and expeditious action.

WHEREAS, Osceola County must take timely emergency measures because of the heightened potential for injury or damage to life and property within the County.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Osceola County, Florida, this 25th day of September, 2022 that heavy rains, high winds, and flooding threaten the lives and property of residents of Osceola County, and that at State of Emergency shall be declared, effective immediately, for all territory within the legal boundaries of Osceola County, including that all incorporated and unincorporated areas shall be embraced by the provisions of this Resolution, and that authority is delegated to the official authority to make emergency policy decisions that are consistent with the Comprehensive Emergency Management Plan. The State of Emergency declared herein shall remain in force for seven (7) days from the date hereof, unless extended pursuant to the provisions of Section 252.38, Florida Statutes.

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By: _____
Chair/Vice Chair

As authorized pursuant to
Section 2-80(c), Osceola County Code of Ordinances

ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD

By: _____
Clerk/Deputy Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By:  _____
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