

**WALK ON #4**

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20051589**

**1. ACTION REQUESTED/PURPOSE:** Confirm and accept for both filing and the Clerk's Minutes purposes, Lee County Resolution Numbers 05-22, 05-23, 05-10-31, 05-10-32, and 05-10-33 relating to the Declaration of Local Emergency Evacuation Order and Declaration of General Curfew as adopted by the County on October 18, 2005, October 22, 2005 and October 24, 2005, respectively, relating to Hurricane Wilma.

**2. WHAT ACTION ACCOMPLISHES:** Provides both a Board meeting confirmation and scheduling document for the filing of Emergency Resolutions adopted by the Board.

**3. MANAGEMENT RECOMMENDATION:** Recommend approval of the Emergency Resolutions at a Board meeting facilitating the filing of same with the Minutes Department of the Board.

<b>4. Departmental Category:</b> <b>WO #4</b>			<b>5. Meeting Date:</b> <b>11-01-2005</b>		
<b>6. Agenda:</b>		<b>7. Requirement/Purpose: (specify)</b>		<b>8. Request Initiated:</b>	
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute	§252.38, F.S.		Commissioner	
<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Ordinance	87-01		Department <u>County Attorney</u>	
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code			Division <u>General Services</u>	
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other	Executive		By: <u>Andrea R. Fraser</u>	
<input checked="" type="checkbox"/> Walk-On		Order No. 05-219		Chief Assistant County Attorney	

**9. Background:**

On October 18 and October 22, 2005, the County enacted three (3) Emergency Resolutions pursuant to county ordinance and general law as the result of the potential landfall strike from Hurricane Wilma. On October 24, 2005, the County enacted two (2) Emergency Resolutions pursuant to county ordinance and general law due to the impact of Hurricane Wilma. The resolutions were enacted without action at a Board meeting and now need after-the-fact confirmation by the Board in order to properly file same in the County's Minutes of its Emergency Legislative actions.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services	County Manager/P.W. Director
				<i>Andrea Fraser</i>	Analyst <i>10/24/05</i> Risk <i>10/24/05</i> Grants <i>10/24/05</i> Mgr. <i>10/31/05</i>	<i>[Signature]</i>

**11. Commission Action:**

Approved  
 Deferred  
 Denied  
 Other

RECEIVED BY *AK*  
 COUNTY ADMIN:  
 10/31/05  
 4pm  
 COUNTY ADMIN  
 FORWARDED TO: *AK*  
 10/31  
 4:45 pm

**LEE COUNTY, FLORIDA  
EMERGENCY ORDINANCE NO. 05-23  
RESCINDING A GENERAL CURFEW**

**AN ORDINANCE RELATING TO A STATE OF LOCAL EMERGENCY; PROVIDING THE PURPOSE AND INTENT OF THE ORDINANCE; DECLARING THE RESCISSION OF A GENERAL CURFEW DURING THE EMERGENCY RESULTING FROM HURRICANE WILMA; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Lee County, Florida has declared a State of Local Emergency, pursuant to Chapter 252, Florida Statutes and on October 24, 2005 declared a General Curfew; and

WHEREAS, under a State of Local Emergency, §252.38(6)(e), Florida Statutes, provides authority for political subdivisions to waive the procedures and formalities otherwise required to enact ordinances necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, the Board of County Commissioners of Lee County, Florida finds and declares that the rescission of the General Curfew as the result of the impacts from Hurricane Wilma is appropriate at this time and in the best interests of the citizens of Lee County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

**SECTION ONE:                    PURPOSE AND INTENT OF ORDINANCE**

A.     Lee County Emergency Ordinance No. 05-22 establishing a General Curfew is hereby rescinded and of no further force or effect.

**SECTION TWO:                    CONFLICT AND SEVERABILITY**

In the event this Ordinance conflicts with any other ordinance or other applicable law,

the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

**SECTION THREE: EFFECTIVE DATE**

This Ordinance shall become effective on October 28, 2005, at 5:00 o'clock p.m.

DULY PASSED AND ADOPTED this 28th day of October, 2005.

ATTEST: CHARLIE GREEN  
CLERK OF THE COURT

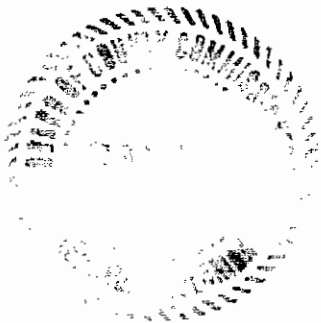
By: *Ima D. Pierce*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: *[Signature]*  
Vice-Chairman

APPROVED AS TO FORM:

By: *[Signature]*  
Office of the County Attorney



**LEE COUNTY, FLORIDA  
EMERGENCY ORDINANCE NO. 05-22  
DECLARING A GENERAL CURFEW**

**AN ORDINANCE RELATING TO A STATE OF LOCAL EMERGENCY; PROVIDING THE PURPOSE AND INTENT OF THE ORDINANCE; DECLARING A GENERAL CURFEW DURING THE EMERGENCY RESULTING FROM HURRICANE WILMA; PROVIDING PENALTIES; TERRITORY EMBRACED; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Lee County, Florida has declared a State of Local Emergency, pursuant to Chapter 252, Florida Statutes; and

WHEREAS, under a State of Local Emergency, §252.38(6)(e), Florida Statutes, provides authority for political subdivisions to waive the procedures and formalities otherwise required to enact ordinances necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, the Board of County Commissioners of Lee County, Florida finds and declares that the following regulation is necessary to protect and safeguard the safety, health and welfare of the people of Lee County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

**SECTION ONE:                    PURPOSE AND INTENT OF ORDINANCE**

A.        Until rescinded by the Board of County Commissioners, during this State of Local Emergency, there shall be a general curfew throughout Lee County between the hours of 9:00 P.M. and 6:00 A.M. The curfew shall include, but not be limited to, the prohibition of or restriction on pedestrian and vehicular movement, except for the provision of designated essential services, such as fire, police, emergency medical services and hospital services,

including the transportation of patients thereto, utility emergency repairs and emergency calls by physicians. Local services designated as essential services are requested to provide identification for their employees so as to assure they are operating in the scope of their essential services.

B. The Board of County Commissioners may enact Resolutions as an emergency measure to further carry out the purpose of the curfew.

SECTION TWO:                    PENALTIES

A. Any person, firm, company or corporation who refuses to comply with or violates any section of this Ordinance, or any emergency measures which may be made effective pursuant to this Ordinance, shall be guilty of a misdemeanor of the second degree, and upon conviction for such offense, shall be punished by a fine not to exceed five-hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the Lee County Jail, or both, in the discretion of the Court hearing the case. Each day of continued non-compliance or violation shall constitute a separate offense.

B. Nothing contained herein shall prevent the County from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this Ordinance or the emergency measures which may be made effective according to this Ordinance. Such other lawful action shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

SECTION THREE:                    TERRITORY EMBRACED

All territory within the legal boundaries of Lee County, Florida including all unincorporated and incorporated areas, shall be embraced by the provisions of this Ordinance.

SECTION FOUR: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other ordinance or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall become effective on 10/24, 2005.

~~The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and being put to a vote, the vote was as follows:~~

- ~~ROBERT P. JAMES~~ \_\_\_\_\_
- ~~DOUGLAS ST. CERNY~~ \_\_\_\_\_
- ~~RAY JUDAH~~ \_\_\_\_\_
- ~~TAMMY HALL~~ \_\_\_\_\_
- ~~JOHN E. ALBION~~ \_\_\_\_\_

N/A  
10/24

DULY ~~PASSED AND~~ ADOPTED this 24 day of October, 2005.

ATTEST: CHARLIE GREEN  
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: Anna Pierce  
Deputy Clerk

By: M. Hall  
VICE-Chairman



APPROVED AS TO FORM:

By: [Signature]  
Office of the County Attorney

**LEE COUNTY, FLORIDA**  
**EMERGENCY RESOLUTION NO. 05-10-33**

**EXTENDING DECLARATION OF STATE OF LOCAL  
EMERGENCY ENACTED TUESDAY, OCTOBER 18, 2005**

**WHEREAS**, the Board of County Commissioners declared a State of Local Emergency on Tuesday, October 18, 2005, in anticipation of approaching Hurricane Wilma; and,

**WHEREAS**, Hurricane Wilma impacted Lee County as a Category <sup>3</sup> hurricane on ~~Saturday~~, <sup>Monday,</sup> October ~~22~~, <sup>24</sup>, 2005; and,

**WHEREAS**, Hurricane Wilma caused major damage to public utilities, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and,

**WHEREAS**, §252.38(3)(2)(5), Florida Statutes, provides authority for political subdivisions, such as Lee County to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety, and welfare of the community.


**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT:**

1. That Hurricane Wilma impacted Lee County as a Category <sup>3</sup> hurricane on ~~Saturday~~, <sup>Monday,</sup> October ~~22~~, <sup>24</sup>, 2005, causing major damage to public utilities, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas.
2. That the Board of County Commissioners hereby exercises its authority and waives the procedures and formalities required by law for political subdivisions, as provided in §252.38(3)(2)(5), Florida Statutes.
3. The extension of the State of Local Emergency is limited to seven (7) days; however, it may be extended, as deemed necessary by the Board of County Commissioners for additional terms in seven (7) day increments.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA, this 24th day of October, 2005.

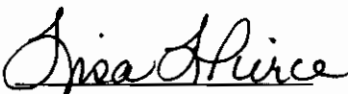


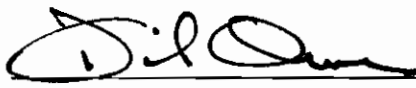
BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Chairman or Vice-Chairman

ATTEST:  
CHARLIE GREEN, CLERK

APPROVED AS TO FORM:

BY:   
Deputy Clerk

BY:   
Office of the County Attorney

2:00 P.M.  
(Time)



**LEE COUNTY, FLORIDA**  
**EMERGENCY RESOLUTION NO. 05-10-31**  
**DECLARING AN EVACUATION ORDER**

WHEREAS, the Board of County Commissioners has declared a State of Local Emergency because of the serious health and safety threat to the lives and property of residents of Lee County, Florida from Hurricane Wilma (Attachment A.)

WHEREAS, Lee County has been placed under a hurricane warning by the National Hurricane Center. (~~Attachment A.~~ B.)

NOW THEREFORE, as the designated official of Lee County and with the powers conferred by the Governor pursuant to §252.36(5), F.S., and by the Governor's Executive Order - 05-219, Attachment B, I hereby order the Evacuation according to the most current Southwest Florida Regional Hurricane Evacuation Study, to protect the citizens of Lee County, effective at 8:00 A..M., this 22<sup>nd</sup> day of October, 2005.

All persons residing in the area(s) identified in Attachment C must evacuate their residence immediately and proceed to a designated emergency public shelter or other safe areas in and out of Lee County over primary evacuation routes. The areas of evacuation include: Barrier Islands north of the Caloosahatchee River.

It is further ordered that the Toll Facilities to include the Midpoint and Cape Coral Bridges are suspending all collection of tolls immediately.

It is further ordered that all persons residing in mobile homes, recreational vehicles or manufactured homes, in any part of Lee County, north of the Caloosahatchee River evacuate immediately. Any person not abiding to this Evacuation Order is guilty of a second degree misdemeanor, Florida Statutes §252.50.

Done this 22<sup>nd</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *Jan DeWalt*  
Director, Lee County Public Safety

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Janice Green*  
Deputy Clerk

11:00 A.M.  
(time)

APPROVED AS TO FORM:  
BY: *Brenda R. Fauer*  
Office of the County Attorney

**LEE COUNTY, FLORIDA  
EMERGENCY RESOLUTION NO. 05-10-28  
DECLARING A STATE OF LOCAL EMERGENCY**

WHEREAS, the National Hurricane Center has identified a potential danger to the western coastal residents of Florida from Hurricane Wilma; and

WHEREAS, Lee County requires a significant amount of time to evacuate threatened residents from the hazards of a hurricane threat; and

WHEREAS, the County is currently in the "Cone of Uncertainty" from Hurricane Wilma for the next five (5) day forecast from the National Hurricane Center; and

WHEREAS, the current margin of error of the National Hurricane Center's meteorological forecast does not allow for an accurate prediction as to where the track of Hurricane Wilma will be at that point in time coinciding with Lee County's estimated evacuation times; and

WHEREAS, Hurricane Wilma has the potential for causing life threatening conditions and 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, Lee County is activating the Comprehensive Emergency Management Plan for purposes of coordination of efforts during such State of Local Emergency; and

WHEREAS, §252.38 (3)(2)(5), Florida Statutes, provides authority for political subdivisions, such as Lee County, to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety, and welfare of the community.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA** at their regularly scheduled Board Meeting at 9:30 a.m., this 18th day October 2005:

1. That Hurricane Wilma may pose a serious threat to the lives and property of the residents of Lee County and that a State of Local Emergency shall be declared, effective immediately for all unincorporated and incorporated areas within the boundary of Lee County, Florida.
2. That the Board of County Commissioners hereby exercises its authority and waives the procedures and formalities required by law for political subdivision, as provided in §252.38 (3)(2)(5), Florida Statutes.
3. The duration of this State of Local Emergency is limited to seven (7) days; however, it may be extended as deemed necessary by the Board of County Commissioners for additional terms in seven (7) day increments:

Commissioner Robert P. Janes offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner John E. Albion and, upon being put to a vote, the vote was as follows:

Robert P. Janes	<u>    AYE    </u>
Douglas R. St. Cerny	<u>    AYE    </u>
Ray Judah	<u>    AYE    </u>
Tammy Hall	<u>    AYE    </u>
John E. Albion	<u>    AYE    </u>

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA, this 18th day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

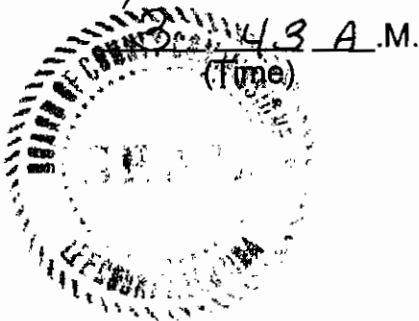
By:     THall      
Chair

APPROVED AS TO FORM:

By:     Andrea L. Jurek      
Office of the County Attorney

ATTEST:  
CHARLIE GREEN, CLERK

By:     Charlie Green      
Deputy Clerk



# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 05-219

**WHEREAS**, on July 7, 2005, Executive Order 05-139 declared a state of emergency because of Hurricane Dennis, which passed near the Keys and West Coast of the State of Florida, made landfall on the Panhandle of the State of Florida as a Category Three Hurricane on July 10, 2005, and caused millions of dollars worth of damage to property and rendered homes and other buildings unsuitable for use and habitation; and

**WHEREAS** on August 24, 2005, Executive Order 05-176 declared a state of emergency because of Hurricane Katrina, which made landfall in South Florida on August 25, 2005, as a Category One Hurricane, causing hundreds of thousands of dollars worth of damage to property in Monroe County, and later devastated the Gulf Coast, causing additional property damage in the Panhandle of Florida; and

**WHEREAS**, on September 18, 2005, Executive Order 05-183 declared a state of emergency because of Tropical Depression 18, which became Hurricane Rita and grazed the Florida Keys as a Category Two Hurricane on September 20, 2005, causing hundreds of thousands of dollars worth of damage to property in Monroe County; and

**WHEREAS**, the State of Florida is now trying to recover from the cumulative impact of Hurricane Rita, Hurricane Katrina, Hurricane Dennis and the 2004 hurricanes, and to provide assistance to evacuees from Gulf Coast areas devastated by Hurricane Katrina; and

**WHEREAS**, on October 18, 2005, the National Hurricane Center advised that Hurricane Wilma formed in the northwestern Caribbean Sea, or about 500 miles to the south of Key West, Florida, with sustained surface winds of 80 miles per hour; and

**WHEREAS**, on October 19, 2005, the National Hurricane Center has advised that Hurricane Wilma has strengthened further to Category 5 hurricane status (175 mph), and has

*Attachment B.*

the potential to make landfall as a Category 4 (135 mph) in or near the Florida Keys or southwest Florida by Saturday, October 22, 2005.

**WHEREAS**, the National Hurricane Center has also advised that Hurricane Wilma could produce in excess of 6 inches of rainfall across portions of the Florida peninsula; and

**WHEREAS**, Hurricane Wilma threatens a number of communities in the State of Florida with extreme weather conditions that pose an immediate danger to the lives and property of the residents of those communities; and

**WHEREAS**, it is likely that Hurricane Wilma will strike those communities, so that the immediate evacuation of persons from those communities is vital to the safety of the residents; and

**WHEREAS**, special equipment, personnel and other resources may be needed in order to ensure the timely evacuation of persons from the threatened communities and the safe movement of the evacuees to other communities in the State acting as destinations for the evacuees; and

**WHEREAS**, central coordination and direction of the use of such resources for the local evacuation measures are needed to ensure the timely evacuation of the threatened communities; and

**WHEREAS**, additional emergency measures may be needed to protect the lives and property of the people in the threatened communities and the general welfare of the State of Florida;

**NOW, THEREFORE, I, JEB BUSH**, 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, do hereby promulgate the following Executive Order, to take immediate effect:

**Section 1.** Because of the foregoing conditions, I hereby find that Hurricane Wilma, alone and in combination with the destruction caused by Hurricane Rita, Hurricane

Katrina, Hurricane Dennis and the 2004 hurricanes, threatens the State of Florida with a major disaster. I, therefore, declare that a state of emergency exists in the State of Florida, and that the evacuation of multiple counties in the State may be necessary because of Hurricane Wilma. I further find that central authority over the evacuation of these counties is needed to coordinate these evacuations, that these evacuations exceed the capability of the local governments in these communities, and that shelters in other counties are needed to accommodate the evacuees. I therefore declare that a state of emergency also exists in all destination counties that open shelters to accommodate evacuees from the communities threatened by Hurricane Wilma.

Section 2. I hereby incorporate Executive Order 05-183 by reference into this Executive Order. All mission assignments and orders issued by the State Coordinating Officer and Deputy State Coordinating Officers in connection with Hurricane Rita under the authority of Executive Order 05-183, are hereby ratified and extended as if issued on this date. Executive Order 05-183 is also hereby extended, so that its date of expiration will coincide with the expiration of this Executive Order.

Section 3. I hereby designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and as my Authorized Representative. In exercising the powers delegated by this Executive Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. In accordance with Sections 252.36(1)(a) and 252.36(5), Florida Statutes, I hereby delegate to the State Coordinating Officer the following powers, which he shall exercise subject to the limitations of Section 252.33, Florida Statutes, as needed to meet this emergency:

- A. The authority to activate the Comprehensive Emergency Management Plan;
- B. The authority to invoke and administer the Statewide Mutual Aid Agreement, and the further authority to coordinate the allocation of resources under that Agreement so as best to meet this emergency;

C. The authority to invoke and administer the Emergency Management Assistance Compact and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources to and from such other states that are made available under such compacts and agreements so as best to meet this emergency;

D. The authority to seek direct assistance from any and all agencies of the United States Government as may be needed to meet the emergency;

E. The authority to distribute any and all supplies stockpiled to meet the emergency;

F. In accordance with sections 252.36(5)(a) and 252.46(2), Florida Statutes, the authority to suspend existing statutes, rules, ordinances, and orders for the duration of this emergency to the extent that literal compliance with such statutes, rules, ordinances, and orders may be inconsistent with the timely performance of disaster response functions;

G. The authority to 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 of the State Coordinating Officer to meet this emergency;

H. The authority to activate the Continuity of Operations Plans of all state, regional and local governmental agencies;

I. The authority to seize and utilize any and all real or personal property as needed to meet this emergency, subject always to the duty of the State to compensate the owner;

J. The authority to order the evacuation of all persons from any portions of the State threatened by the disaster, the authority to direct the sequence in which such evacuations shall be carried-out, and the further authority to regulate the movement of persons and traffic to, from, or within any location in the State to the extent needed to cope



with this emergency;

K. The authority to reverse the flow of traffic on any and all highways or portions of highways of the State Highway System as needed to facilitate the evacuation of the affected communities;

L. The authority to regulate the return of the evacuees to their home communities;

M. The authority to designate such Deputy State Coordinating Officers as the State Coordinating Officer may deem necessary to cope with the emergency; and

N. The authority to enter such orders as may be needed to implement any or all of the foregoing powers.

Section 4. I hereby order the Adjutant General to activate the Florida National Guard for the duration of this emergency, and I hereby place the National Guard under the authority of the State Coordinating Officer for the duration of this emergency.

Section 5. I hereby direct each county in the State of Florida, at the discretion of the State Coordinating Officer, to activate its Emergency Operations Center and its County Emergency Management Plan, as needed, to ensure an immediate state of operational readiness, and I further direct each county in the State, at the discretion of the State Coordinating Officer, to open and activate all shelters to accommodate all evacuees.

Section 6. I hereby direct all state, regional and local agencies to place any and all available resources under the authority of the State Coordinating Officer as needed to meet this emergency.

Section 7. I hereby designate all state, regional and local governmental facilities including, without limiting the generality of the foregoing, all public elementary and secondary schools, all community colleges, and all state universities, for use as shelters to ensure the proper reception and care of all evacuees.

Section 8. I find that the special duties and responsibilities resting upon some

state, regional and local agencies and other governmental bodies in responding to the disaster may require them to deviate from the statutes, rules, ordinances, and orders they administer, and I hereby give such agencies and other governmental bodies the authority to take formal action by emergency rule or order in accordance with sections 120.54(4) and 252.46(2), Florida Statutes, **to the extent that such actions are needed to cope with this emergency.**

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

A. I hereby give all agencies of the State, including the collegial bodies within those agencies, the authority to suspend the effect of any statute, rule, ordinance, or order of any state, regional, or local governmental entity, to the extent needed to procure any and all necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes and rules which affect budgeting, printing, purchasing, leasing, and the conditions of employment and the compensation of employees, but any such statute, rule, ordinance, or order shall be suspended **only to the extent necessary to ensure the timely performance of disaster response functions as directed by the State Coordinating Officer.**

B. I hereby give all agencies of the State with employees 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 as needed to meet the emergency.

C. I hereby direct the Department of Transportation to waive the collection of tolls and other fees and charges for the use of the Turnpike and all other transportation facilities, regardless of whether such facilities are components of the State Highway System, to the extent such waiver may be needed to facilitate the evacuation of the affected communities; to reverse the flow of traffic on any and all highways or portions of highways of the State Highway System as may be needed to facilitate the evacuation of the affected communities; to close any and all highways or portions of highways as may be needed for the

safe and efficient transportation of evacuees to those counties the State Coordinating Officer may designate as destination counties for evacuees in this emergency; to suspend enforcement of Florida registration, weight limits, and fuel tax requirements for apportioned vehicles and the hours of service requirements for such vehicles and any vehicles transporting emergency equipment, services and supplies; by special permit to designate alternate size and weight restrictions for all such vehicles for the duration of the emergency; 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, to the extent such waivers are needed to meet this emergency.

D. At the request of the Director of Emergency Management of any county, I hereby direct the Department of Health to take over the operation of all shelters in that county that are intended for use by those evacuees with special personal, medical or psychological needs, and to station licensed medical professional and paraprofessional personnel at those shelters as needed to provide appropriate reception and care for such evacuees.

E. I hereby give all agencies of the State the authority to allow overnight stays by employees of the State who travel a distance of less than fifty (50) miles for the performance of official duties in connection with this emergency, and the authority to allow employees of the State reimbursement for the cost of meals during Class C travel incurred in connection with this emergency.

F. I hereby give all agencies of the State 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 the emergency, to the extent needed to meet this emergency.

G. I hereby give all agencies of the State, including the collegial bodies within those 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, and all such time requirements that have not yet expired as of the date of this Executive Order are hereby suspended and tolled to the extent needed to meet this emergency.

Section 9. I hereby find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies may be inadequate to pay the costs of this disaster. In accordance with Section 252.37(2), Florida Statutes, to the extent that funds appropriated to the agencies of the State and to local agencies may be inadequate to defray the costs of this disaster, I hereby direct the transfer of sufficient funds from any unappropriated surplus or from the Budget Stabilization Fund. As directed by the State Coordinating Officer, agencies of the State of Florida and local agencies receiving these funds shall timely seek reimbursement for the State of Florida as provided under Section 252.929, Florida Statutes, the Emergency Management Assistance Compact, and other compacts, agreements, and laws.

Section 10. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by States other than the State of Florida shall be allowed to render such services in the State of Florida during this emergency for persons affected by the disaster, 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 11. In accordance with sections 501.160(2) and 501.160(3), Florida Statutes, I hereby place all persons on notice that it is unlawful for any person in the State of Florida to rent or sell, or offer to rent or sell at an unconscionable price, any essential equipment, services, or supplies, the consumption or use of which is necessary because of the emergency. Such services shall include, without limiting the generality of the foregoing, any

rental of hotel, motel, or other transient lodging facilities, and any rental of storage facilities. In accordance with section 501.160(1)(b), Florida Statutes, any price exceeding the average price for such essential equipment, services, or supplies for the thirty (30) days immediately preceding the date of this Executive Order shall create a presumption that the price is unconscionable unless such increase is caused by actual costs incurred in connection with such essential equipment, services, or supplies, or is caused by national or international economic trends.

Section 12. All state agencies that enter emergency final orders or rules, or take other final actions based on the existence of this emergency shall advise the State Coordinating Officer in writing of the action taken as soon as practicable, but in no event later than the expiration of sixty (60) days from the date of this Executive Order.

Section 13. This Executive Order shall be deemed to have taken effect on October 19, 2005, and all actions taken by the Director of the Division of Emergency Management with respect to Hurricane Wilma before the issuance of this Executive Order are hereby ratified. This Executive Order shall expire sixty (60) days from the date hereof 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, the Capitol, this 19th day of October, 2005.

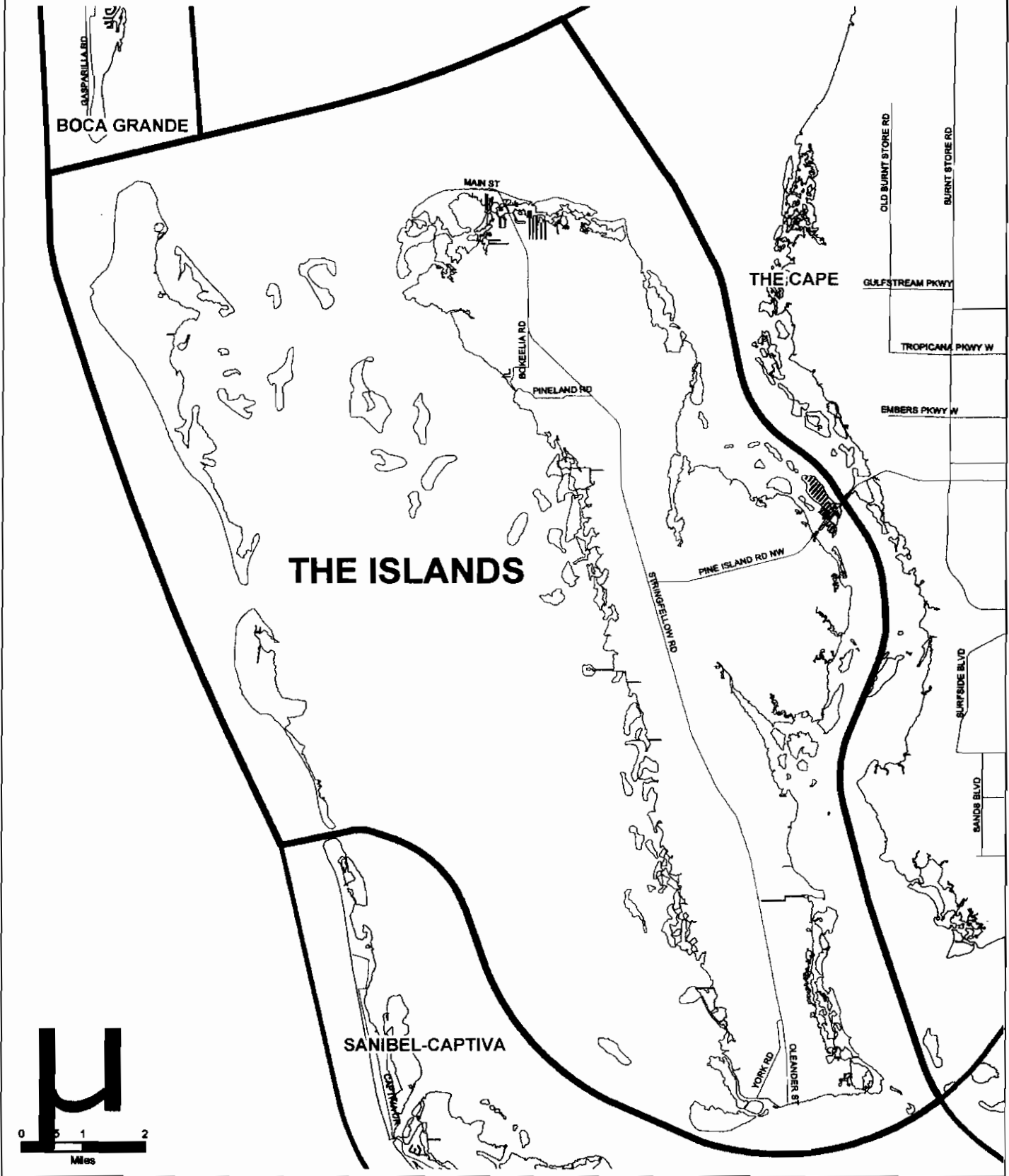
*Jon Bernier*  
GOVERNOR

ATTEST:

*Glenda E. Hood*  
SECRETARY OF STATE

FILED  
2005 OCT 19 PM 8:23  
TALLAHASSEE, FLORIDA

# Lee County Geographic Divisions - THE ISLANDS



**LEE COUNTY, FLORIDA**  
**EMERGENCY RESOLUTION NO. 05-10-32**  
**DECLARING AN EVACUATION ORDER**

WHEREAS, the Board of County Commissioners has declared a State of Local Emergency because of the serious health and safety threat to the lives and property of residents of Lee County, Florida from Hurricane Wilma, Attachment A.

WHEREAS, Lee County has been placed under a hurricane warning by the National Hurricane Center.

NOW THEREFORE, as the designated official of Lee County and with the powers conferred by the Governor pursuant to §252.36(5), F.S., and by the Governor's Executive Order - 04-182, Attachment B, I hereby order the Evacuation according to the most current Southwest Florida Regional Hurricane Evacuation Study, to protect the citizens of Lee County, effective at 12:00 P.M., this 22<sup>nd</sup> day of October, 2005.

All persons residing in the area(s) identified in Attachment C must evacuate their residence immediately and proceed to a designated emergency public shelter or other safe areas in and out of Lee County over primary evacuation routes. The areas of evacuation include: Barrier Islands south of the Caloosahatchee River, which are, Bonita Beach, Sanibel, Fort Myers Beach, and Captiva.

It is further ordered that the Toll Facilities at Sanibel are suspending all collection of tolls immediately.

It is further ordered that all persons residing in mobile homes, recreational vehicles or manufactured homes, in any part of Lee County, south of the Caloosahatchee River evacuate immediately. Any person not abiding to this Evacuation Order is guilty of a second degree misdemeanor, Florida Statutes §252.50.

Done this 22<sup>nd</sup> day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *Jan D. Wilk*  
Director, Lee County Public Safety

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Ana Pierce*  
Deputy Clerk

11:00 A.M.  
(time)

APPROVED AS TO FORM:

BY: *William L. Fisher*  
Office of the County Attorney



**LEE COUNTY, FLORIDA  
EMERGENCY RESOLUTION NO. 05-10-28  
DECLARING A STATE OF LOCAL EMERGENCY**

WHEREAS, the National Hurricane Center has identified a potential danger to the western coastal residents of Florida from Hurricane Wilma; and

WHEREAS, Lee County requires a significant amount of time to evacuate threatened residents from the hazards of a hurricane threat; and

WHEREAS, the County is currently in the "Cone of Uncertainty" from Hurricane Wilma for the next five (5) day forecast from the National Hurricane Center; and

WHEREAS, the current margin of error of the National Hurricane Center's meteorological forecast does not allow for an accurate prediction as to where the track of Hurricane Wilma will be at that point in time coinciding with Lee County's estimated evacuation times; and

WHEREAS, Hurricane Wilma has the potential for causing life threatening conditions and 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, Lee County is activating the Comprehensive Emergency Management Plan for purposes of coordination of efforts during such State of Local Emergency; and

WHEREAS, §252.38 (3)(2)(5), Florida Statutes, provides authority for political subdivisions, such as Lee County, to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety, and welfare of the community.



**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA** at their regularly scheduled Board Meeting at 9:30 a.m., this 18th day October 2005:

1. That Hurricane Wilma may pose a serious threat to the lives and property of the residents of Lee County and that a State of Local Emergency shall be declared, effective immediately for all unincorporated and incorporated areas within the boundary of Lee County, Florida.
2. That the Board of County Commissioners hereby exercises its authority and waives the procedures and formalities required by law for political subdivision, as provided in §252.38 (3)(2)(5), Florida Statutes.
3. The duration of this State of Local Emergency is limited to seven (7) days; however, it may be extended as deemed necessary by the Board of County Commissioners for additional terms in seven (7) day increments.

Commissioner Robert P. Janes offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner John E. Albion and, upon being put to a vote, the vote was as follows:

Robert P. Janes	<u>AYE</u>
Douglas R. St. Cerny	<u>AYE</u>
Ray Judah	<u>AYE</u>
Tammy Hall	<u>AYE</u>
John E. Albion	<u>AYE</u>

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA, this 18th day of October, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

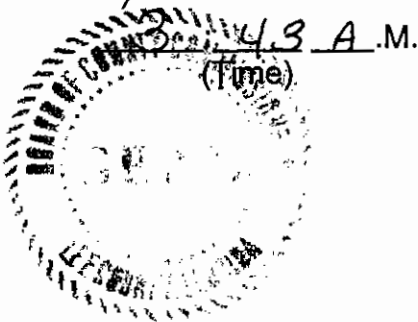
By: T. Hall  
Chair

APPROVED AS TO FORM:

By: Bruce L. Fisher  
Office of the County Attorney

ATTEST:  
CHARLIE GREEN, CLERK

By: [Signature]  
Deputy Clerk



# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 05-219

**WHEREAS**, on July 7, 2005, Executive Order 05-139 declared a state of emergency because of Hurricane Dennis, which passed near the Keys and West Coast of the State of Florida, made landfall on the Panhandle of the State of Florida as a Category Three Hurricane on July 10, 2005, and caused millions of dollars worth of damage to property and rendered homes and other buildings unsuitable for use and habitation; and

**WHEREAS** on August 24, 2005, Executive Order 05-176 declared a state of emergency because of Hurricane Katrina, which made landfall in South Florida on August 25, 2005, as a Category One Hurricane, causing hundreds of thousands of dollars worth of damage to property in Monroe County, and later devastated the Gulf Coast, causing additional property damage in the Panhandle of Florida; and

**WHEREAS**, on September 18, 2005, Executive Order 05-183 declared a state of emergency because of Tropical Depression 18, which became Hurricane Rita and grazed the Florida Keys as a Category Two Hurricane on September 20, 2005, causing hundreds of thousands of dollars worth of damage to property in Monroe County; and

**WHEREAS**, the State of Florida is now trying to recover from the cumulative impact of Hurricane Rita, Hurricane Katrina, Hurricane Dennis and the 2004 hurricanes, and to provide assistance to evacuees from Gulf Coast areas devastated by Hurricane Katrina; and

**WHEREAS**, on October 18, 2005, the National Hurricane Center advised that Hurricane Wilma formed in the northwestern Caribbean Sea, or about 500 miles to the south of Key West, Florida, with sustained surface winds of 80 miles per hour; and

**WHEREAS**, on October 19, 2005, the National Hurricane Center has advised that Hurricane Wilma has strengthened further to Category 5 hurricane status (175 mph), and has

*Attachment B.*

the potential to make landfall as a Category 4 (135 mph) in or near the Florida Keys or southwest Florida by Saturday, October 22, 2005.

**WHEREAS**, the National Hurricane Center has also advised that Hurricane Wilma could produce in excess of 6 inches of rainfall across portions of the Florida peninsula; and

**WHEREAS**, Hurricane Wilma threatens a number of communities in the State of Florida with extreme weather conditions that pose an immediate danger to the lives and property of the residents of those communities; and

**WHEREAS**, it is likely that Hurricane Wilma will strike those communities, so that the immediate evacuation of persons from those communities is vital to the safety of the residents; and

**WHEREAS**, special equipment, personnel and other resources may be needed in order to ensure the timely evacuation of persons from the threatened communities and the safe movement of the evacuees to other communities in the State acting as destinations for the evacuees; and

**WHEREAS**, central coordination and direction of the use of such resources for the local evacuation measures are needed to ensure the timely evacuation of the threatened communities; and

**WHEREAS**, additional emergency measures may be needed to protect the lives and property of the people in the threatened communities and the general welfare of the State of Florida;

**NOW, THEREFORE, I, JEB BUSH**, 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, do hereby promulgate the following Executive Order, to take immediate effect:

**Section 1.** Because of the foregoing conditions, I hereby find that Hurricane Wilma, alone and in combination with the destruction caused by Hurricane Rita, Hurricane

Katrina, Hurricane Dennis and the 2004 hurricanes, threatens the State of Florida with a major disaster. I, therefore, declare that a state of emergency exists in the State of Florida, and that the evacuation of multiple counties in the State may be necessary because of Hurricane Wilma. I further find that central authority over the evacuation of these counties is needed to coordinate these evacuations, that these evacuations exceed the capability of the local governments in these communities, and that shelters in other counties are needed to accommodate the evacuees. I therefore declare that a state of emergency also exists in all destination counties that open shelters to accommodate evacuees from the communities threatened by Hurricane Wilma.

Section 2. I hereby incorporate Executive Order 05-183 by reference into this Executive Order. All mission assignments and orders issued by the State Coordinating Officer and Deputy State Coordinating Officers in connection with Hurricane Rita under the authority of Executive Order 05-183, are hereby ratified and extended as if issued on this date. Executive Order 05-183 is also hereby extended, so that its date of expiration will coincide with the expiration of this Executive Order.

Section 3. I hereby designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and as my Authorized Representative. In exercising the powers delegated by this Executive Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. In accordance with Sections 252.36(1)(a) and 252.36(5), Florida Statutes, I hereby delegate to the State Coordinating Officer the following powers, which he shall exercise subject to the limitations of Section 252.33, Florida Statutes, as needed to meet this emergency:

- A. The authority to activate the Comprehensive Emergency Management Plan;
- B. The authority to invoke and administer the Statewide Mutual Aid Agreement, and the further authority to coordinate the allocation of resources under that Agreement so as best to meet this emergency;

C. The authority to invoke and administer the Emergency Management Assistance Compact and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources to and from such other states that are made available under such compacts and agreements so as best to meet this emergency;

D. The authority to seek direct assistance from any and all agencies of the United States Government as may be needed to meet the emergency;

E. The authority to distribute any and all supplies stockpiled to meet the emergency;

F. In accordance with sections 252.36(5)(a) and 252.46(2), Florida Statutes, the authority to suspend existing statutes, rules, ordinances, and orders for the duration of this emergency to the extent that literal compliance with such statutes, rules, ordinances, and orders may be inconsistent with the timely performance of disaster response functions;

G. The authority to 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 of the State Coordinating Officer to meet this emergency;

H. The authority to activate the Continuity of Operations Plans of all state, regional and local governmental agencies;

I. The authority to seize and utilize any and all real or personal property as needed to meet this emergency, subject always to the duty of the State to compensate the owner;

J. The authority to order the evacuation of all persons from any portions of the State threatened by the disaster, the authority to direct the sequence in which such evacuations shall be carried-out, and the further authority to regulate the movement of persons and traffic to, from, or within any location in the State to the extent needed to cope

with this emergency;

K. The authority to reverse the flow of traffic on any and all highways or portions of highways of the State Highway System as needed to facilitate the evacuation of the affected communities;

L. The authority to regulate the return of the evacuees to their home communities;

M. The authority to designate such Deputy State Coordinating Officers as the State Coordinating Officer may deem necessary to cope with the emergency; and

N. The authority to enter such orders as may be needed to implement any or all of the foregoing powers.

Section 4. I hereby order the Adjutant General to activate the Florida National Guard for the duration of this emergency, and I hereby place the National Guard under the authority of the State Coordinating Officer for the duration of this emergency.

Section 5. I hereby direct each county in the State of Florida, at the discretion of the State Coordinating Officer, to activate its Emergency Operations Center and its County Emergency Management Plan, as needed, to ensure an immediate state of operational readiness, and I further direct each county in the State, at the discretion of the State Coordinating Officer, to open and activate all shelters to accommodate all evacuees.

Section 6. I hereby direct all state, regional and local agencies to place any and all available resources under the authority of the State Coordinating Officer as needed to meet this emergency.

Section 7. I hereby designate all state, regional and local governmental facilities including, without limiting the generality of the foregoing, all public elementary and secondary schools, all community colleges, and all state universities, for use as shelters to ensure the proper reception and care of all evacuees.

Section 8. I find that the special duties and responsibilities resting upon some

state, regional and local agencies and other governmental bodies in responding to the disaster may require them to deviate from the statutes, rules, ordinances, and orders they administer, and I hereby give such agencies and other governmental bodies the authority to take formal action by emergency rule or order in accordance with sections 120.54(4) and 252.46(2), Florida Statutes, to the extent that such actions are needed to cope with this emergency.

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

A. I hereby give all agencies of the State, including the collegial bodies within those agencies, the authority to suspend the effect of any statute, rule, ordinance, or order of any state, regional, or local governmental entity, to the extent needed to procure any and all necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes and rules which affect budgeting, printing, purchasing, leasing, and the conditions of employment and the compensation of employees, but any such statute, rule, ordinance, or order shall be suspended only to the extent necessary to ensure the timely performance of disaster response functions as directed by the State Coordinating Officer.

B. I hereby give all agencies of the State with employees 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 as needed to meet the emergency.

C. I hereby direct the Department of Transportation to waive the collection of tolls and other fees and charges for the use of the Turnpike and all other transportation facilities, regardless of whether such facilities are components of the State Highway System, to the extent such waiver may be needed to facilitate the evacuation of the affected communities; to reverse the flow of traffic on any and all highways or portions of highways of the State Highway System as may be needed to facilitate the evacuation of the affected communities; to close any and all highways or portions of highways as may be needed for the



safe and efficient transportation of evacuees to those counties the State Coordinating Officer may designate as destination counties for evacuees in this emergency; to suspend enforcement of Florida registration, weight limits, and fuel tax requirements for apportioned vehicles and the hours of service requirements for such vehicles and any vehicles transporting emergency equipment, services and supplies; by special permit to designate alternate size and weight restrictions for all such vehicles for the duration of the emergency; 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, to the extent such waivers are needed to meet this emergency.

D. At the request of the Director of Emergency Management of any county, I hereby direct the Department of Health to take over the operation of all shelters in that county that are intended for use by those evacuees with special personal, medical or psychological needs, and to station licensed medical professional and paraprofessional personnel at those shelters as needed to provide appropriate reception and care for such evacuees.

E. I hereby give all agencies of the State the authority to allow overnight stays by employees of the State who travel a distance of less than fifty (50) miles for the performance of official duties in connection with this emergency, and the authority to allow employees of the State reimbursement for the cost of meals during Class C travel incurred in connection with this emergency.

F. I hereby give all agencies of the State 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 the emergency, to the extent needed to meet this emergency.

G. I hereby give all agencies of the State, including the collegial bodies within those agencies, the authority to abrogate the time requirements, notice requirements, and

rental of hotel, motel, or other transient lodging facilities, and any rental of storage facilities. In accordance with section 501.160(1)(b), Florida Statutes, any price exceeding the average price for such essential equipment, services, or supplies for the thirty (30) days immediately preceding the date of this Executive Order shall create a presumption that the price is unconscionable unless such increase is caused by actual costs incurred in connection with such essential equipment, services, or supplies, or is caused by national or international economic trends.

Section 12. All state agencies that enter emergency final orders or rules, or take other final actions based on the existence of this emergency shall advise the State Coordinating Officer in writing of the action taken as soon as practicable, but in no event later than the expiration of sixty (60) days from the date of this Executive Order.

Section 13. This Executive Order shall be deemed to have taken effect on October 19, 2005, and all actions taken by the Director of the Division of Emergency Management with respect to Hurricane Wilma before the issuance of this Executive Order are hereby ratified. This Executive Order shall expire sixty (60) days from the date hereof unless extended.



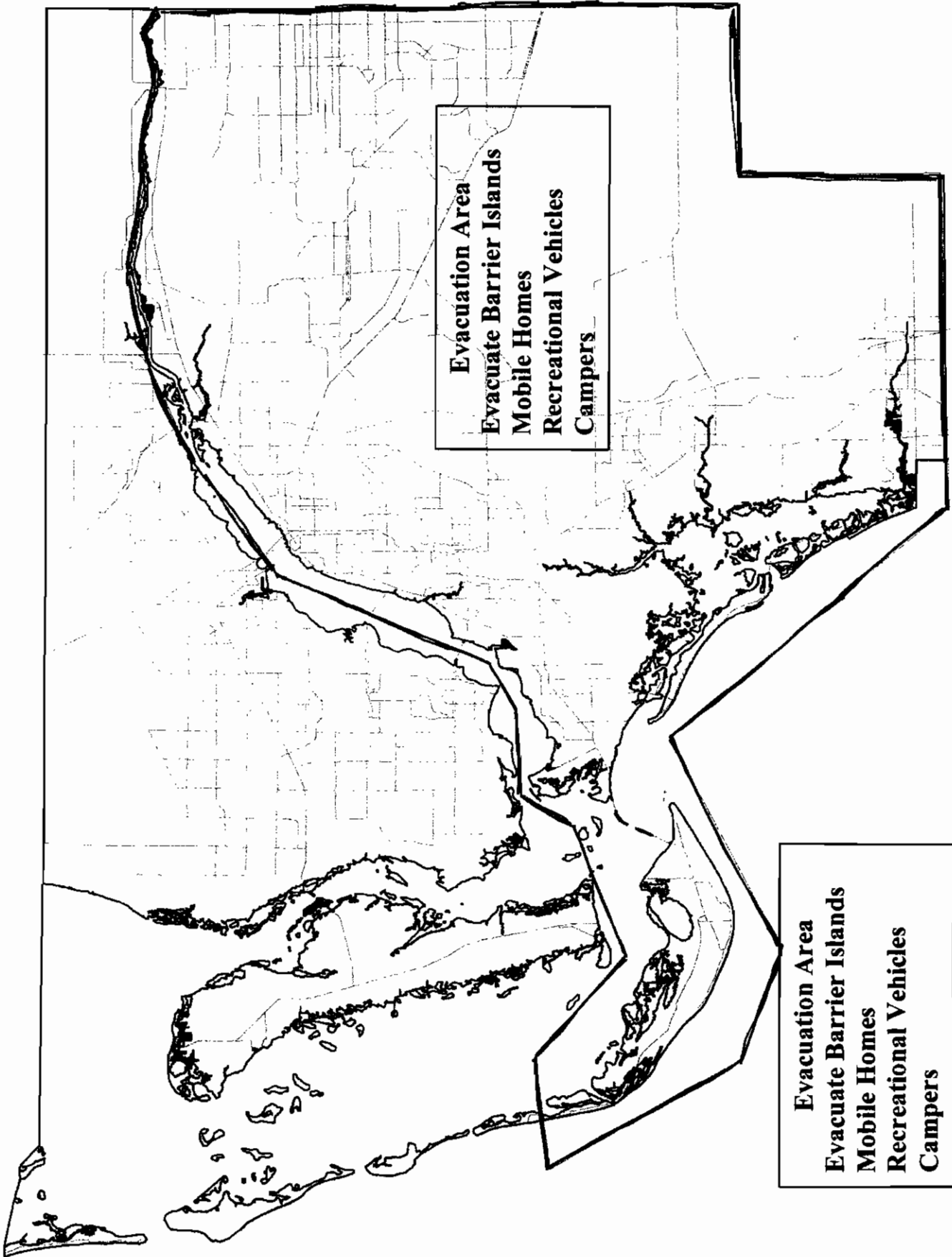
IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 19th day of October, 2005.

*John Bush*  
GOVERNOR

ATTEST:

*Glenda E. Hood*  
SECRETARY OF STATE

FILED  
2005 OCT 19 PM 8:23  
TALLAHASSEE, FLORIDA



Attachment C.