

**CITY OF SANIBEL**

**PROCLAMATION AND RESOLUTION NO. 12-082**

**AN EMERGENCY PROCLAMATION AND RESOLUTION OF  
THE CITY OF SANIBEL DECLARING A STATE OF LOCAL  
EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Hurricane Isaac is currently a tropical storm but forecasted to reach hurricane strength and poses a significant threat to the residents of the City of Sanibel due to its forecasted proximity and the uncertainty of its ultimate landfall; and

**WHEREAS**, forecasting specific to Lee County indicates a potential likelihood of significant impact on the City of Sanibel; and

**WHEREAS**, Hurricane Isaac has the potential for causing wind and flood damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and

**WHEREAS**, Governor Scott signed Executive Order 12-199 on August 25, 2012, declaring a State of Emergency for Florida due to the threat that forecasted Hurricane Isaac poses to the State; and

**WHEREAS**, Lee County has declared a State of Local Emergency for all unincorporated and incorporated areas within Lee County, Florida; and

**WHEREAS**, Chapter 252, Florida Statutes, provides authority for a political subdivision such as the City of Sanibel to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions by law including, but not limited to:

1. Performance 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. 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; and

**WHEREAS**, the City of Sanibel, pursuant to its home rule powers has adopted certain emergency procedures;

**NOW, THEREFORE, BE IT PROCLAIMED AND RESOLVED** by the City Council of the City of Sanibel, Florida;

Section 1. Hurricane Isaac poses a serious threat to the lives and property of residents of the City of Sanibel and to public property and infrastructure of the City and the Council hereby declares a State of Local Emergency effective immediately for the City of Sanibel. The effective date of this Resolution shall also relate back to the effective date of the declaration of State of Local Emergency by Lee County, Florida for all areas within Lee County, Florida. Said State of Local Emergency for the City of Sanibel may be terminated by the Mayor of the City of Sanibel, in writing, or by Resolution of City Council.

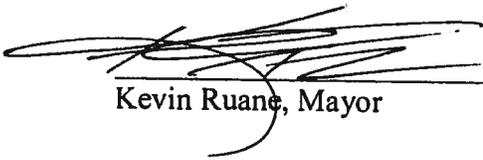
Section 2. This Proclamation and Resolution is an emergency measure necessary for the protection of the public health, welfare and safety, due to the proximity of Hurricane Isaac.

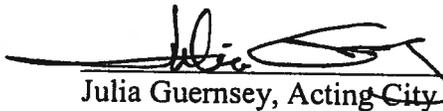
Section 3. Effective Date.

This Proclamation and Resolution shall take effect immediately upon adoption.

**DULY PASSED AND ENACTED** by the City Council of the City of Sanibel, Florida, this 25th day of August, 2012.

**AUTHENTICATION:**

  
\_\_\_\_\_  
Kevin Ruane, Mayor

  
\_\_\_\_\_  
Julia Guernsey, Acting City Clerk

**APPROVED AS TO FORM:**   
Kenneth B. Cuyler, City Attorney

8/25/12  
Date

Vote of Council Members:

Ruane	<u>yes</u>
Denham	<u>excused</u>
Congress	<u>yes</u>
Harrity	<u>excused</u>
Jennings	<u>yes</u>

Date filed with City Clerk: 8/25/12

**LEE COUNTY, FLORIDA**  
**EMERGENCY RESOLUTION NO. 12-08-10**  
**DECLARING A STATE OF LOCAL EMERGENCY**

**WHEREAS**, the National Hurricane Center has identified a potential danger to the western coastal residents of Florida from Tropical Storm/Hurricane Isaac, by posting a HURRICANE watch from August 24, 2012 to August 31, 2012 ; and

**WHEREAS**, Lee County requires an 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 **Tropical Storm/Hurricane Isaac** 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 Tropical Storm/Hurricane Isaac will be at that point in time coinciding with Lee County's estimated evacuation times; and

**WHEREAS**, **Tropical Storm/Hurricane Isaac** 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; and

**WHEREAS**, Lee County Ordinance Number 87-01, states that when a quorum of the Board of County Commissioners is unable to meet, the Chairperson of the Board of County

Commissioners, or the Vice-Chairperson in his/her absence, or the County Administrator or his/her designee in the absence of the Chairperson, or Vice-Chairperson is authorized to declare a State of Local Emergency.

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

1. That Tropical Storm/Hurricane Isaac 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.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, this 24 day of August, 2012.



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: [Signature]  
Chair

APPROVED AS TO FORM:

By: [Signature]  
Office of the County Attorney

ATTEST:  
CHARLIE GREEN, CLERK

By: [Signature]  
Deputy Clerk

1:30 P.M.  
(Time)

**STATE OF FLORIDA**  
**OFFICE OF THE GOVERNOR**  
**EXECUTIVE ORDER NUMBER 12-199**  
**(Emergency Management-Tropical Storm Isaac)**

**WHEREAS**, Tropical Storm Isaac poses a severe threat to the State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State; and

**WHEREAS**, the National Hurricane Center has advised that Tropical Storm Isaac is located 95 miles southeast of Guantanamo, Cuba and has maximum sustained winds of 60 miles per hour; and

**WHEREAS**, the National Hurricane Center has indicated that Tropical Storm Isaac may continue on a northwestern track reaching the Florida Keys as a Category 1 hurricane early Monday morning and continue northwest along the Florida Gulf Coast; and

**WHEREAS**, Tropical Storm Isaac is likely to produce sustained hurricane force winds exceeding 74 miles per hour, flash flooding, dangerous storm surge, and tornadic activity in the next few days; and

**WHEREAS**, the National Hurricane Center has issued a hurricane warning for the Florida Keys, the Florida Bay, and the Florida west coast from Bonita Beach southward; and

**WHEREAS**, the National Hurricane Center has issued a hurricane watch for Florida east coast from Golden Beach southward; and

**WHEREAS**, the National Hurricane Center has issued a tropical storm warning for Lake Okeechobee and the Florida east coast from Jupiter Inlet southward; and

**WHEREAS**, the National Hurricane Center has issued a tropical storm watch for the Florida east coast from north of Jupiter Inlet to Sebastian Inlet.

**NOW, THEREFORE, I, RICK SCOTT**, 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. Because of the foregoing conditions, I declare that this event threatens the State of Florida with a major disaster, and that as a consequence of this danger a state of emergency exists in the State of Florida.

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 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.

D. Designate Deputy State Coordinating Officers.

The State Coordinating Officer shall have the authority to enter such orders as may be needed to implement any 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 for the duration of this emergency.

Section 4. I also 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. I delegate to the 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, or orders that affect budgeting, leasing, printing, purchasing, travel, conditions of employment, and the compensation of employees. I delegate to county, regional, and local governmental agencies the authority to likewise waive or deviate from their respective rules, ordinances, or orders. Any waiver of or deviation from 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 in thirty days from the date of this Executive Order, unless extended by the agency in increments not exceeding thirty days, 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. All governmental agencies exercising this authority 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:

A. I give all 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 Red Cross to meet this emergency.

B. I authorize the Department of Transportation (DOT) to waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver 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 that the State Coordinating Officer may designate as destination counties for evacuees in this emergency; to suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida; 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 DOT shall also have the authority to waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services,

supplies, or fallen 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 DOT shall issue permits and such vehicles shall be subject to such special conditions as the DOT 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 of Highway Safety and Motor Vehicles (DHSMV) 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. Furthermore, the DHSMV shall have the discretion to waive fees for duplicate or replacement vehicle license plates, vehicle registration certificates, vehicle tag certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses, and replacement identification cards and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions. In addition, the DHSMV is authorized to defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the

DHSMV to process renewals has closed offices due to adverse weather conditions. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

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 and local agency but who do not reside in an area or county covered by this Executive Order.

E. I give all State agency heads the authority to suspend the effect of any statute, rule, ordinance, or order, to the extent needed to procure any and all necessary supplies, commodities, services, temporary premises, and other resources, including, but not limited to, any and all statutes, rules, ordinances, or orders which affect budgeting, leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees, but not limited to, any statute, rule, ordinance, or order shall be suspended only to the extent necessary to ensure the timely performance of disaster response functions as prescribed in the State Comprehensive Management Plan, or as 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 in 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.

F. I give all State agency heads 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 this emergency, to the extent to meet this emergency.

G. I give all State agency heads 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 application 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 suspended and tolled to the extent needed to meet this emergency.

Section 5. All public facilities, including elementary and secondary schools, community colleges, state universities, and other facilities owned or leased by the state, regional or local governments that are suitable for use as public shelters shall be made available at the request of the local emergency management agencies to ensure the proper reception and care of all evacuees.

Section 6. 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 7. 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 8. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may 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.

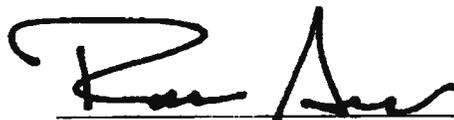
Section 9. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204 for a person to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. 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 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, the Capital, this 25th day of August, 2012.



  
GOVERNOR

ATTEST:

  
SECRETARY OF STATE

2012 AUG 25 AM 9:25  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED