

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 11-172

(Emergency Management/Extension of Executive Order 11-128)

WHEREAS, the State of Florida continues to recover from the cumulative impact of wildfires throughout the State; and

WHEREAS, on June 13, 2011, Executive Order 11-128 was issued due to the wildfires and extreme drought conditions; and

WHEREAS, the Executive Order will expire on August 12, 2011, unless extended; and

WHEREAS, the Florida Forest Service has advised that the removal, salvage, and harvesting of timber from those areas impacted by fires is needed to mitigate future wildfire hazards, salvage valuable burned timber still standing, and make those areas ready for reforestation, and that the timeframe in which to remove the timber prior to the onset of mold, wood boring insects, and decay is short; and

WHEREAS, the growing of timber and timber by-product is a large agricultural industry in the State of Florida and the inability to remove timber could have a significant impact on the economy of the State.

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 the effects of wildfires and drought conditions continue to threaten the State of Florida and as a consequence of this danger a

state of emergency exists in the State of Florida. Therefore, I extend Executive Order 11-128 for sixty (60) days from the date of this Order, but only to the following extent:

A. I designate the Director of the Division of Emergency Management as the State Coordinating Officer and delegate to the Division of Emergency Management the overall authority to coordinate the assignment of firefighting support missions requested by the Florida Forest Service. I place all aviation and other firefighting resources under the operational authority of the Florida Forest Service while this Executive Order remains in effect, and I designate the Director of the Florida Forest Service as Incident Commander for this emergency. All state, regional, and local governmental agencies shall place any and all available resources under the direction of the State Coordinating Officer to support the Florida Forest Service and other firefighting agencies in controlling the wildfires;

B. 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:

1. 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;

2. 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;
3. 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;
4. Designate Deputy State Coordinating Officers; and
5. Enter into such order as may be needed to implement any or all of the foregoing powers;

C. I authorize the Department of Transportation to waive the size and weight restrictions for divisible loads on any vehicles transporting burned timber for harvesting, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. In doing so, the Department shall issue permits and such vehicles shall be subject to such special conditions as the Department may endorse on any such permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order, or other legal requirement not specifically waived herein or by supplemental order by the State Coordinating Officer;

D. I also find that the special duties and responsibilities resting upon the Department of Agriculture and Consumer Services and the Division of Emergency Management in responding to the emergency may require them to deviate from the statutes, rules, ordinances, and orders

they administer. I authorize the Department of Agriculture and Consumer Services (as it relates to operations of the Florida Forest Service in responding to wildfires) and the Division of Emergency Management 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 which affect budgeting, leasing, printing, purchasing, travel, conditions of employment, and the compensation of employees. 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 Emergency Plan, or as directed by the State Coordinating Officer; however, any waiver of statutes, rules, or ordinances shall be by emergency rule or order in accordance with sections 120.54(4) and 252.46, Florida Statutes, and shall expire in thirty (30) days from the date of this Executive Order unless extended in increments of no more than thirty (30) days by the agency, and in no event shall remain in effect beyond the date of effectiveness of this order, as extended.

Section 2. This Executive Order shall expire sixty (60) 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, this 5th day of August, 2011.


GOVERNOR

ATTEST:


SECRETARY OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2011 AUG - 5 AM 11:05

FILED