

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 11-128

(Emergency Management/Wildfires)

**WHEREAS**, much of Florida, including the Florida Panhandle, Northeast Florida, East Central Florida and South Florida, are currently experiencing significant drought conditions; and

**WHEREAS**, the Keetch-Byram Drought Index (KBDI) average for the State is 649 (0 represents saturated soil and vegetation conditions; 800 represents extremely dry soil and vegetation conditions), with the highest values across Northwest Florida and along the Florida East Coast; and

**WHEREAS**, according to the U.S. Drought Monitor, extreme to exceptional drought conditions are expanding across Southeast Florida and North Florida and are likely to continue to worsen through the next few weeks; and

**WHEREAS**, at present, the Division of Forestry has advised that there are approximately 310 active wildfires burning approximately 115,583 acres throughout the State; and

**WHEREAS**, a brush fire in the Espanola area of Flagler County has been burning since May 30, 2011, and has now burned an estimated 3,000 acres; and

**WHEREAS**, a large brush fire in the Okefenokee Swamp area of southern Georgia has moved into Baker County in Florida and has burned an estimated 168,423 acres, including 600 acres in Florida; and

**WHEREAS**, multiple fires in Levy County have been burning since April 26, 2011, and have now burned an estimated 4,594 acres; and

**WHEREAS**, a brush fire in the Everglades area of inland Miami-Dade near the Miccosukee Indian Reservation has been burning since June 5, 2011, and has now burned an estimated 68,000 acres; and

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

**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 ongoing danger of wildfires continues to threaten 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 and delegate to the Division of Emergency Management the overall authority to coordinate the assignment of firefighting support missions requested by the Division of Forestry. I place all aviation and other firefighting resources under the operational authority of the Division of Forestry while this Executive Order remains in effect, and I designate the Director of the Division of Forestry 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 Division of Forestry and other firefighting agencies in controlling the wildfires.

**Section 3.** I designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and direct him or her 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 or she 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 Office 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 or all of the foregoing powers.

**Section 4.** 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. I order the Adjutant General to provide such aviation and ground resources of the Florida National Guard as the Division of Forestry may designate for firefighting activities, and to maintain these resources in a state of immediate operational readiness. I order the Florida National Guard to coordinate the use of its aviation resources with the Division of Forestry in performing firefighting support missions while this Executive Order remains in effect.

**Section 5.** I delegate to the Division of Forestry the authority to coordinate and direct such aviation and ground resources of any and all state, regional, and local governmental agencies, including law enforcement agencies, as the Division may designate for firefighting activities, and I place all such aviation and ground resources under the operational authority of the Division of Forestry while this Executive Order remains in effect. The National Guard, all other state agencies, and all regional and local agencies, including law enforcement agencies, which propose to operate aircraft in the vicinity of ongoing wildfires will contact the local field unit of the Division of Forestry to receive the current Aviation Communications Plan or the current State Aviation Plan, as applicable. All such aircraft will adhere to the applicable plan to ensure that the specified frequencies are monitored, and will follow all instructions of the Division of Forestry's local field unit at the scene.

**Section 6.** 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 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 which 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 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 (30) days from the date of this executive order unless extended by the agency in increments not exceeding thirty (30) days, and in no event shall remain in effect beyond the date of effectiveness of this order, as extended. All state governmental agencies exercising this authority in response to this emergency shall advise the State Coordinating Officer 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 American Red Cross as needed to meet the emergency.

B. I authorize the Department of Transportation (Department) 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 which the State Coordinating Officer may designate as destination counties for evacuees in this emergency; to suspend enforcement of the registration requirements pursuant to section(s) 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 Department shall also have the authority to waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, and supplies or 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.

C. I authorize the Executive Director of the Department Highway Safety and Motor Vehicles 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.

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

E. I give all 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, include, 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 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.

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 7.** I designate all state, regional and local governmental facilities including, but not limited to, all public elementary and secondary schools, all Community Colleges, and all State Universities, at the discretion of the State Coordinating Officer, for use as shelters to ensure the proper reception and care of all evacuees.

**Section 8.** I find that the demands placed upon 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 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 9.** 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 10.** 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 11.** 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 (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 13th day of June, 2011.

A handwritten signature in black ink, appearing to be "Rick Scott", written over a horizontal line.

GOVERNOR

ATTEST:

A handwritten signature in black ink, appearing to be "John Manning", written over a horizontal line.

SECRETARY OF STATE

2011 JUN 13 PM 5:00  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED