

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: December 5, 2017

Consent
 Ordinance

Regular
 Public Hearing

Department: Department of Public Safety
Submitted By: Department of Public Safety
Submitted For: Division of Emergency Management

EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file:

- A) Proclamation of State of Local Emergency beginning September 6, 2017; and Extension of Proclamation of State of Local Emergency Extension expiring November 3, 2017;
- B) Order to Reduce Vulnerability;
- C) Curfew Order dated September 4, 2017;
- D) Curfew Order modified September 9, 2017;
- E) Curfew Order modified September 12, 2017;
- F) Curfew Order modified September 13, 2017; and
- G) Curfew Order modified September 14, 2017

Summary: Beginning September 6, 2017 at 12:00 a.m., Palm Beach County declared a State of Local Emergency due to the impending arrival of Hurricane Irma. The State of Local Emergency was declared to initiate emergent actions taken by the County Administrator to ensure the health, safety and welfare of the community. The previously declared State of Local Emergency was extended until November 3, 2017. The Order to Reduce Vulnerability (Evacuation Order) for Zone A, Zone B, Zone C (voluntary only), Zone E, Lake Okeechobee and the Glades area, was issued on September 8, 2017, at 10:00 a.m. as a result of the Governor's Evacuation Order. The Curfew Order was issued on September 9, 2017, at 3:00 p.m. and was modified four times due to the effects of rain, high winds, and power outages in Palm Beach County as part of Hurricane Irma's impact. Countywide (LDC)

Background and Justification: Staff had continuously monitored the movements and forecast track of Hurricane Irma as it approached the South Florida Peninsula. On September 6, 2017, the projected path of Hurricane Irma and the associated high winds and rainfall had the capacity to pose a significant, imminent, and dangerous threat to the health, safety, and welfare of the inhabitants of Palm Beach County, Florida as well as their real and personal property. Pursuant to Palm Beach County Code Article II, Section 9-35, in the event a special meeting of the Board of County Commissioners cannot be convened, the Mayor of the Board of County Commissioners may declare a State of Local Emergency. With the executed State of Local Emergency, staff opened shelters for residents and persons traveling to and through Palm Beach County. In addition, staff activated the Emergency Operations Center to coordinate pre-storm protective actions and to prepare for any post-storm requirements.

Attachments:

- 1. Executed Proclamation of State of Local Emergency
- 2. Executed Proclamation of State of Local Emergency Extension
- 3. Executed Order to Reduce Vulnerability
- 4. Executed Curfew Order
- 5. Four Executed Modified Curfew Orders
- 6. State of Florida Executive Order

Recommended By: Stephanie Senich 11/7/17
 Department Director Date

Approved By: [Signature] 11/27/17
 Deputy County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	_____*	_____	_____	_____	_____

ADDITIONAL FTE POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes ___ No ___
 Does this item include the use of federal funds? Yes ___ No ___

Budget Account Exp No:
 Rev No:

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Grant:
 Fund:
 Unit:

*No fiscal impact. A separate agenda item will be prepared to approve an agreement with the State of Florida, Division of Emergency Management for reimbursement of eligible expenses related to Hurricane Irma.

Departmental Fiscal Review: *[Signature]* 10/20/17

II. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 [Signature] 11/13/17
 OFMB
 11/9 *[Signature]* 11/9

 [Signature] 11/22/17
 Contract Administration
 11/22/17 *[Signature]*

B. Legal Sufficiency:

 [Signature] 11/27/17
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

**PROCLAMATION OF THE BOARD OF
COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
DECLARING STATE OF LOCAL EMERGENCY**

WHEREAS, the Board of County Commissioners of Palm Beach County has been informed by its emergency management staff of the imminent threat posed by Hurricane Irma; and,

WHEREAS, Hurricane Irma has the capacity to pose a significant, imminent, and dangerous threat to the health, safety, and welfare of the inhabitants of Palm Beach County, Florida, visitors and tourists in Palm Beach County, Florida, as well as their real and personal property; and

WHEREAS, after due and reasonable effort, it is not possible to convene the Board of County Commissioners in a special emergency meeting; and

WHEREAS, pursuant to Palm Beach County Code Article II, Section 9-35, in the event a special meeting of the Board of County Commissioners cannot be convened, the Mayor of the Board of County Commissioners may declare a state of local emergency.

NOW, THEREFORE, BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that pursuant to Palm Beach County Code Article II, Section 9-35, the Board of County Commissioners hereby finds and declares:

1. The above recitals are true.
2. I am the duly selected Mayor of the Board of County Commissioners of Palm Beach County, Florida.
3. After due and reasonable effort, it is not possible to convene the Board of County Commissioners in a special emergency meeting.
4. Pursuant to Palm Beach County Code Article II, Section 9-35, in the event a special meeting of the Board of County Commissioners cannot be convened, the Mayor of the Board of County Commissioners may declare a state of local emergency.

5. A state of local emergency hereby exists in Palm Beach County, Florida, effective for seven (7) days beginning 12:00 a.m., this 6th day of September 2017.

6. On behalf of the Board of County Commissioners, I hereby waive the procedures and formalities otherwise required of Palm Beach County pertaining to:

- a. Performance of public work and any other prudent action necessary to ensure the health, safety, and welfare of the citizens of the county.
- b. Entering into contracts.
- c. Incurring obligations.
- d. Employment of permanent and temporary workers.
- e. Utilization of volunteer workers.
- f. Rental of equipment.
- g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
- h. Appropriation and expenditure of public funds.

7. The County Administrator or designee is hereby empowered, authorized, and directed to exercise, on behalf of the Board of County Commissioners, such emergency powers necessary to carry out the provisions of Chapter 252, Florida Statutes, including, but not limited to, the powers to direct and compel evacuation of all or part of the population from stricken or threatened areas within the County, if such action is deemed necessary to reduce the vulnerability of people in communities of Palm Beach County to damage, injury, and loss of life and property resulting from the imminent threat, as well as any other powers expressly or implicitly conferred pursuant to Chapters 125 and 252, Florida Statutes, and any other provision of law or county ordinance.

8. This authority shall extend only for the period of the state of local emergency, as determined by the County Administrator or designee, or until further action by the Board of County Commissioners terminates such authority or declares that the state of local emergency has ended.

9. This Proclamation shall be transmitted to the Secretary of State upon adoption.

ATTEST
PALM BEACH COUNTY
FLORIDA
SHARON R. BOCK
CLERK & COMPTROLLER
Deputy Clerk

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
Paulette Burdick
Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.
[Signature]
COUNTY ATTORNEY

**PROCLAMATION OF THE BOARD OF
COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,
DECLARING STATE OF LOCAL EMERGENCY**

WHEREAS, the Board of County Commissioners of Palm Beach County has been informed by its emergency management staff of the imminent threat posed by Hurricane Irma; and,

WHEREAS, Hurricane Irma has the capacity to pose a significant, imminent, and dangerous threat to the health, safety, and welfare of the inhabitants of Palm Beach County, Florida, visitors and tourists in Palm Beach County, Florida, as well as their real and personal property; and

WHEREAS, after due and reasonable effort, it is not possible to convene the Board of County Commissioners in a special emergency meeting; and

WHEREAS, after due and reasonable effort, neither the Mayor nor the Vice-Mayor can be timely located within Palm Beach County, Florida; and

WHEREAS, pursuant to Palm Beach County Code Article II, Section 9-35, in the event the Mayor and Vice-Mayor cannot be located in a timely manner, the County Administrator may declare a state of local emergency.

NOW, THEREFORE, BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that pursuant to Palm Beach County Code Article II, Section 9-35, I hereby find, and declare:

1. The above recitals are true.
2. I am the County Administrator of Palm Beach County, Florida.

3. After due and reasonable effort, it is not possible to convene the Board of County Commissioners in a special emergency meeting.

4. After due and reasonable effort, neither the Mayor nor the Vice-Mayor can be timely located within Palm Beach County, Florida.

5. Pursuant to Palm Beach County Code Article II, Section 9-35, in such event, the County Administrator may declare a state of local emergency.

6. The Mayor previously declared a state of emergency to commence on September 6, 2017, for a period of seven (7) days. A state of emergency continues to exist, therefore I hereby extend that declaration to remain in full force and effect for the duration set forth in the Florida Governor's Executive Order Number 17-235, to wit: through November 3, 2017, unless further extended in accordance with the order.

7. On behalf of the Board of County Commissioners, I hereby waive the procedures and formalities otherwise required of Palm Beach County pertaining to:

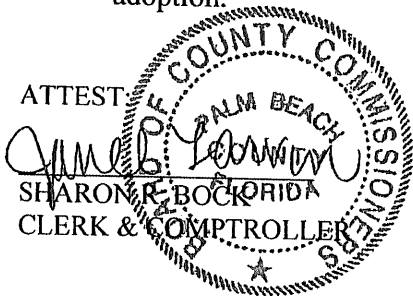
- a. Performance of public work and any other prudent action necessary to ensure the health, safety, and welfare of the citizens of the county.
- b. Entering into contracts.
- c. Incurring obligations.
- d. Employment of permanent and temporary workers.
- e. Utilization of volunteer workers.
- f. Rental of equipment.
- g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
- h. Appropriation and expenditure of public funds.

8. The County Administrator or designee is hereby empowered, authorized, and directed to exercise, on behalf of the Board of County Commissioners, such emergency powers necessary to carry out the provisions of Chapter 252, Florida Statutes, including, but not limited to, the powers to direct and compel evacuation of all or part of the population from stricken or threatened areas within the County, if such action is deemed necessary to reduce the vulnerability of people in communities of Palm Beach County to damage, injury, and loss of life and property resulting from the imminent threat, as well as any other powers expressly or implicitly conferred pursuant to Chapters 125 and 252, Florida Statutes, and any other provision of law or county ordinance.

9. This authority shall extend only for the period of the state of local emergency, as determined by the County Administrator or designee, or until further action by the Board of County Commissioners terminates such authority or declares that the state of local emergency has ended.

10. This Proclamation shall be transmitted to the Secretary of State upon adoption.

ATTEST



SHARON R. BOCK
CLERK & COMPTROLLER

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

County Administrator

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

Attachment enclosed

**ORDER TO REDUCE VULNERABILITY
TO DAMAGE, INJURY, AND LOSS OF LIFE OR PROPERTY
RESULTING FROM AN IMMINENT THREAT**

WHEREAS, the Board of County Commissioners of Palm Beach County has been informed by its emergency management staff of the imminent threat posed by Hurricane Irma; and

WHEREAS, on September 6, 2017, a State of Local Emergency was declared due to the imminent threat imposed by Hurricane Irma; and

WHEREAS, Hurricane Irma has the capacity to pose a significant, imminent, and dangerous threat to the health, safety, and welfare of the inhabitants of Palm Beach County, Florida, visitors and tourists in Palm Beach County, Florida, as well as their real and personal property; and

WHEREAS, Pursuant to Palm Beach County Code Section 9-35, the County Administrator or her designee is empowered, authorized, and directed to exercise, on behalf of the Board of County Commissioners, such emergency powers necessary to carry out the provisions of Chapter 252, Florida Statutes, including, but not limited to, the powers to direct and compel evacuation of all or part of the population from stricken or threatened areas within Palm Beach County, if such action is deemed necessary to reduce the vulnerability of people in communities of Palm Beach County to damage, injury, and loss of life and property resulting from the imminent threat, as well as any other powers expressly or implicitly conferred pursuant to Chapters 125 and 252, Florida Statutes, and any other provision of law or county ordinance.

WHEREAS, the Attorney General of Florida in Op. Atty. Gen. Fla. 95-24 has confirmed the power of counties to order evacuation of county citizens when threatened with a disaster.

NOW, THEREFORE, pursuant to Chapter 252, Florida Statutes, Op. Atty Gen. 95-24, Executive Order No. 17-235, and Palm Beach County Code Article II, Section 9-35, I hereby find and declare:

1. The above recitals are true and are incorporated herein by reference.
2. I am the County Administrator of Palm Beach County, Florida.
3. I am duly authorized to carry out the emergency management functions delegated by the Board of County Commissioners to the County Administrator or her designee.
4. The following areas of Palm Beach County are threatened by Hurricane Irma, and are hereby designated the "affected area:"

Evacuation Zone A

Evacuation Zone B

Evacuation Zone C – voluntary evacuation only

Evacuation Zone D

Evacuation Zone E

Other: Evacuation Zone E around Lake O. and Glades area municipalities including Belle Glade, Pahokee, South Bay, and communities of Canal Point and Lake Harbor.

5. In order to reduce the vulnerability of the population in the affected area to damage, injury and loss of life or property resulting from the imminent threat, and in order to prepare and allow for prompt and efficient restoration of order, assessment and response to damage and injuries to persons and property, I order and direct that the affected area be evacuated.
6. In order to reduce the vulnerability of the population in the affected area to damage, injury and loss of life or property resulting from the imminent threat, I order and direct that no persons, except duly authorized law enforcement or emergency management personnel be allowed to enter the affected area.

7. The Palm Beach County Sheriff and his deputies and assigns are authorized and empowered to enforce and implement this order.
8. This order shall take effect at 10:00 a.m. on September 8, 2017, and will remain in effect until the State of Local Emergency is lifted, or until further order.

**COUNTY ADMINISTRATOR OF
PALM BEACH COUNTY, FLORIDA**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: Vandencia C. Baker
County Administrator or designee

By: Stephanie Semore
Director, Public Safety

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY**

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
County Attorney

By: _____
Deputy Clerk

**CURFEW ORDER OF PALM BEACH COUNTY, FLORIDA,
DURING A STATE OF LOCAL EMERGENCY**

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, has declared a State of Local Emergency as a result of the impact of *Hurricane Irma*; and

WHEREAS, by Executive Order 17-235 dated September 4, 2017, the Governor of the State of Florida has declared a State of Emergency throughout southern Florida including Palm Beach County, due to the threat posed by *Hurricane Irma*.

WHEREAS, the County Administrator finds that a public emergency exists creating a serious and substantial threat to the public peace, health, safety and welfare of the citizens of Palm Beach County and that immediate action is required to preserve and protect the public health, safety and welfare, to prevent general public disorder, widespread disobedience of the law, and substantial injuries to persons and property, all of which pose an imminent threat to public peace or order and which cannot be quelled by ordinary means; and

WHEREAS pursuant to Section 9-35 of the Palm Beach County Code, the County Administrator, in collaboration with municipalities and local law enforcement personnel, may establish a countywide curfew or a specific area curfew, to restrict travel and movement within the county.

Therefore, it is determined and found necessary to impose a countywide curfew in order to protect the health, safety, and welfare of Palm Beach County residents during this State of Local Emergency;

NOW, THEREFORE, BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that pursuant to Palm Beach County Code Article II, Section 9-35, I hereby declare:

1. The above recitals are true and correct.
2. I am duly authorized to carry out the emergency management functions delegated to me by the Board of County Commissioners, Palm Beach County.
3. Effective 3:00 p.m. on Saturday, September 9, 2017, a countywide curfew restricting movement and travel is hereby established in Palm Beach County, Florida.

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SHARON R. BOOR, CLERK
BOARD OF CO. COMM. P.B.C.
PALM BEACH

Page 1 of 2

Attachment # 4

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4. The curfew applies to all persons within Palm Beach County, excluding travel by law enforcement personnel, public safety personnel, travel for medical care, work or school, travel authorized by law enforcement personnel based on consideration of the above-cited purposes of the curfew, and persons facilitating the transport or distribution of essentials in emergencies pursuant to §252.359, Florida Statutes.

7. The Sheriff of Palm Beach County, municipal law enforcement officers, and other law enforcement personnel are hereby authorized and directed to enforce said curfew.

8. This curfew shall remain in effect until modified, rescinded, or extended by order of the County Administrator.

9. This curfew order shall be filed in the office of the Clerk of the Circuit Court and delivered to appropriate news media for publication and radio and television broadcast.

COUNTY ADMINISTRATOR OF
PALM BEACH COUNTY, FLORIDA

By: Veronica C. Baker
County Administrator or designee

APPROVED AS TO LEGAL SUFFICIENCY

By: [Signature]
County Attorney

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

By: [Signature]
Clerk of the Board of County Commissioners

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2017 SEP 15 PM 3:26
SHARON R. BOCK, CLERK
BOARD OF CO. COMM. PBC

Page 2 of 2

Attachment # 4

Page 2 of 3

7. The Palm Beach County Sheriff and his deputies and assigns are authorized and empowered to enforce and implement this order.
8. This order shall take effect at 10:00 a.m. on September 8, 2017, and will remain in effect until the State of Local Emergency is lifted, or until further order.

**COUNTY ADMINISTRATOR OF
PALM BEACH COUNTY, FLORIDA**

**APPROVED AS TO TERMS AND
CONDITIONS**

By: *Vardencia C. Baker*
County Administrator or designee

By: *Stephanie Semore*
Director, Public Safety

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY**

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
County Attorney

By: _____
Deputy Clerk



**Department of Public Safety
Division of Emergency Management**

20 South Military Trail
West Palm Beach, FL 33415
(561) 712-6470
FAX: (561) 712-6490
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

- Paulette Burdick, Mayor
- Melissa McKinlay, Vice Mayor
- Hal R. Valeche
- Dave Kerner
- Steven L. Abrams
- Mary Lou Berger
- Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

Official Electronic Letterhead

DATE: September 12, 2017

TO: Palm Beach County Law Enforcement Agencies

FROM: Verdenia C. Baker
County Administrator

RE: **Curfew Order Modified**

In view of the public emergency associated with *Hurricane Irma* which created a serious and substantial threat to the public peace, health, safety and welfare of the citizens of Palm Beach County, in collaboration with municipalities and local law enforcement personnel, I declared a countywide curfew effective Saturday, September 9, 2017, at 3:00 p.m. On Tuesday, September 12, 2017, I collaborated with municipalities and local law enforcement personnel and we have mutually concluded that the threat to the public peace, health, safety and welfare of the citizens of Palm Beach County still remains. Therefore, pursuant to Palm Beach County Code Article II, Section 9-35, effective immediately I am modifying the existing countywide curfew order to take effect on Tuesday, September 12, 2017, from 10:00 p.m. to 6:00 a.m. daily until further notice.

c: Sharon R. Bock
Clerk and Comptroller

Attachment: Curfew order dated September 9, 2017

Verdenia C. Baker
 RECEIVED
 Forward Legal Services

2017 SEP 15 PM 3:28
 BOARD OF CO. COMM. PBT
 SHARON R. BOCK, CLERK
 FINANCE

Attachment # 5

Page 1 of 4



Department of Public Safety
Division of Emergency Management

20 South Military Trail
West Palm Beach, FL 33415
(561) 712-6470
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www.pbcgov.com

Palm Beach County
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- Paulette Burdick, Mayor
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- Dave Kerner
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- Mary Lou Berger
- Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

Official Electronic Letterhead

DATE: September 12, 2017

TO: Palm Beach County Law Enforcement Agencies

FROM: Verdenia C. Baker
County Administrator

RE: **Curfew Order Modified – Amendment Number 2**

In view of the public emergency associated with *Hurricane Irma* which created a serious and substantial threat to the public peace, health, safety and welfare of the citizens of Palm Beach County, in collaboration with municipalities and local law enforcement personnel, I declared a countywide curfew effective Saturday, September 9, 2017, at 3:00 p.m. On Tuesday, September 12, 2017, I collaborated with municipalities and local law enforcement personnel and we have mutually concluded that the threat to the public peace, health, safety and welfare of the citizens of Palm Beach County still remains. Therefore, pursuant to Palm Beach County Code Article II, Section 9-35, effective immediately I am modifying the existing countywide curfew order to take effect on Tuesday, September 12, 2017, from 10:00 p.m. to 6:00 a.m. daily until further notice.

c: Sharon R. Book
Clerk and Comptroller

Attachment: Curfew order dated September 9, 2017

YDC/ffm/ast
Form and legal sufficiency

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SHARON R. BOOK, CLERK
BOARD OF CO. COMM PBI

Attachment # 5

Page 2 of 4



Department of Public Safety
Division of Emergency Management

20 South Military Trail
West Palm Beach, FL 33415
(561) 712-6470
FAX: (561) 712-6490
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Palm Beach County
Board of County
Commissioners

- Paulette Burdick, Mayor
- Melissa McKinlay, Vice Mayor
- Hal R. Valeche
- Dave Kerner
- Steven L. Abrams
- Mary Lou Berger
- Mack Bernard

County Administrator
Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

Official Electronic Letterhead

DATE: September 13, 2017

TO: Palm Beach County Law Enforcement Agencies

FROM: Verdenia C. Baker
Verdenia C. Baker
County Administrator

RE: **Curfew Order Modified – Amendment Number 3**

In view of the public emergency associated with *Hurricane Irma* which created a serious and substantial threat to the public peace, health, safety and welfare of the citizens of Palm Beach County, in collaboration with municipalities and local law enforcement personnel, I declared a countywide curfew effective Saturday, September 9, 2017, at 3:00 p.m. On Wednesday, September 13, 2017, I collaborated with municipalities and local law enforcement personnel and we have mutually concluded that the threat to the public peace, health, safety and welfare of the citizens of Palm Beach County still remains. Therefore, pursuant to Palm Beach County Code Article II, Section 9-35, effective immediately I am modifying the existing countywide curfew order to take effect on Thursday, September 14, 2017, from 12:00 a.m. to 6:00 a.m. daily until further notice.

c: Sharon R. Bock
Clerk and ~~County~~ *SEB*

Attachment: Curfew order dated September 9, 2017

*JDC Off m as to
form and legal sufficiency*

RECEIVED
2017 SEP 15 PM 3:27
SHARON R. BOCK, CLERK
BOARD OF CO. COMM. PBT

Attachment # 5

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**Department of Public Safety
Division of Emergency Management**

20 South Military Trail
West Palm Beach, FL 33415
(561) 712-6470
FAX: (561) 712-6490
www.pbcgov.com

**Palm Beach County
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- Steven L. Abrams
- Mary Lou Berger
- Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

Official Electronic Letterhead

DATE: September 14, 2017

TO: Palm Beach County Law Enforcement Agencies

FROM: Verdenia C. Baker
Verdenia C. Baker
County Administrator

RE: **Curfew Order Modified – Amendment Number 4**

In view of the public emergency associated with *Hurricane Irma* which created a serious and substantial threat to the public peace, health, safety and welfare of the citizens of Palm Beach County, in collaboration with municipalities and local law enforcement personnel, I declared a countywide curfew effective Saturday, September 9, 2017, at 3:00 p.m. On Thursday, September 14, 2017, I collaborated with municipalities and local law enforcement personnel and we have mutually concluded that the threat to the public peace, health, safety and welfare of the citizens of Palm Beach County no longer remains. Therefore, pursuant to Palm Beach County Code Article II, Section 9-35, effective immediately I am rescinding the countywide curfew order.

c: Sharon R. Bock
Clerk and Comptroller
SRB

Attachment: Curfew order dated September 9, 2017

JD Coffey as to Form and legal sufficiency

RECEIVED
2017 SEP 15 PM 3:05
SHARON R. BOCK, CLERK
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

Attachment # 5

Page 4 of 4

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 17-235 (Emergency Management – Hurricane Irma)

WHEREAS, as of 11:00 a.m. on Monday, September 4, 2017, Hurricane Irma is a major hurricane located approximately 560 miles east of the Leeward Islands with maximum sustained winds of 120 mph;

WHEREAS, the five-day forecast from the National Hurricane Center predicts that, on Saturday, September 9, 2017, Hurricane Irma will be a major hurricane located somewhere north of Cuba and south of Andros Island in the Bahamas;

WHEREAS, current forecast models predict that Hurricane Irma will head into the Straits of Florida as a major hurricane;

WHEREAS, current forecast models predict that Hurricane Irma will make landfall somewhere in South Florida or Southwestern Florida as a major hurricane;

WHEREAS, current forecast models predict that Hurricane Irma will travel up the entire spine of Florida;

WHEREAS, Hurricane Irma poses a severe threat to the entire State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State;

WHEREAS, as Governor, I am responsible to meet the dangers presented to this state and its people by this emergency;

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 a state of emergency exists in every county 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 execute 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.

E. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

F. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I 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. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may waive all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such waiver issued by the Executive Office of the Governor.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent,

hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or, (2) 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 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.

C. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- 1) Performance of public work and taking whatever prudent 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; and,

8) Appropriation and expenditure of public funds.

D. 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, may release any such employees for such service as requested by the Red Cross to meet this emergency.

E. The Secretary of the Florida Department of Transportation (DOT) may:

- 1) 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;
- 2) Reverse the flow of traffic or close any and all roads, 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;
- 3) 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;
- 4) Waive the hours of service requirements for such vehicles;
- 5) 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; and,
- 6) Waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, supplies, and agricultural commodities and citrus as recommended by the Commissioner of Agriculture, allowing the establishment of alternate size

and weight restrictions for all such vehicles for the duration of the emergency. 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;

F. The Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) may:

1) 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;

2) Waive the hours of service requirements for such vehicles;

3) Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to Chapter 207 Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;

4) Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, 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; and,

5) 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.

Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. In accordance with section 465.0275, Florida Statutes, pharmacists may 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.

H. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent to meet this emergency. I direct each State agency to report the closure of any State building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to

the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

- 1) Maintain an accurate and up-to-date list of all such closures; and,
- 2) Provide that list daily to the State Coordinating Officer.

I. All State agencies may 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. Under the authority contained in section 252.36, Florida Statutes, I direct the Superintendent of each public school district in the State of Florida to report the closure of any school within its district to the Commissioner of the Florida Department of Education. Furthermore, I direct the Commissioner of the Department of Education to:

- A. Maintain an accurate and up-to-date list of all such closures; and,
- B. Provide that list daily to the State Coordinating Officer.

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. Under the authority contained in sections 252.36(5)(a), (g), and (m), Florida Statutes, I direct that, for the purposes of this emergency, the term “essentials”, as defined by section 252.359(2), Florida Statutes, shall be the same as and no more expansive than the term “commodity”, as defined by section 501.160(1)(a), Florida Statutes (hereinafter referred to collectively or alternatively as “essential commodities”). Accordingly, any person who delivers essential commodities to a location in the area(s) declared to be under a state of emergency by this

Executive Order, and when necessary to ensure that those commodities are made available to the public, may travel within evacuated areas and exceed curfews, provided the State Coordinating Officer determines, after consultation with the appropriate Emergency Support Function(s), that:

- A. Law enforcement officials in the declared area(s) can provide adequate security to protect the essential commodities from theft;
- B. The weight of a delivery vehicle will not jeopardize the structural integrity of any roadway or bridge located within the declared area;
- C. Delivery vehicles will not negatively impact evacuation activities in the declared area(s); and,
- D. Delivery vehicles will not negatively impact any response or recovery activities occurring within the declared area(s).

After consulting with the appropriate Emergency Support Function(s), and after consulting with local officials, the State Coordinating Officer may dictate the routes of ingress, egress, and movement within the declared area(s) that drivers must follow when delivering essential commodities.

Provided he or she is actually delivering medications, any person authorized to deliver medications under chapter 893, Florida Statutes, qualifies as a person delivering essential commodities.

In order to qualify as a person delivering essential commodities under this section, a person must be in the process of delivering essential commodities only. If an individual is transporting both essential and non-essential commodities, then this section shall not provide any authorization for that individual to enter into or move within the declared area(s).

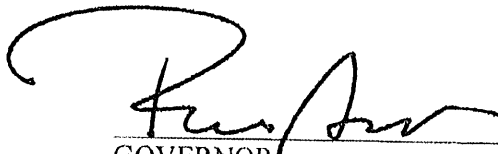
Section 11. Consistent with Executive Order 80-29, nothing in this Order shall prevent local jurisdictions in any area not declared to be under a state of emergency by this Executive Order from taking prompt and necessary action to save lives and protect the property of their citizens, including the authority to compel and direct timely evacuation when necessary.

Section 12. I authorize the Florida Housing Finance Corporation to distribute funds pursuant to section 420.9073, Florida Statutes, to any county, municipality, or other political subdivision located within the area(s) declared to be under a state of emergency by this executive order. The authority of the Florida Housing Finance Corporation to distribute funds under this state of emergency shall expire six months from the date of this Order.

Section 13. 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, this 4th day of September, 2017.


GOVERNOR

ATTEST:


SECRETARY OF STATE

FILED
2017 SEP - 4 PM 4:34
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA