

**LEE COUNTY, FLORIDA
EMERGENCY RESOLUTION NO. 18-08-16
SECOND EXTENSION OF A STATE OF LOCAL EMERGENCY**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA RELATING TO THE DECLARATION OF A
STATE OF LOCAL EMERGENCY RELATING TO HARMFUL ALGAL
BLOOMS AND DRIFT MACROALGAE**

WHEREAS, the Board of County Commissioners of Lee County, Florida declared a State of Local Emergency on August 7, 2018 in response to increase in the amount and duration Harmful Algal Blooms in the waters surrounding Lee County and the possibility of Drift Macroalgae washing up on Lee County beaches; Emergency Resolution No. 18-08-10 (Exhibit A), pursuant to Chapter 252, Florida Statutes; the State of Local Emergency was extended pursuant to Lee County Ordinance 87-01, Emergency Resolution No. 18-08-14 (Exhibit B); and

WHEREAS, Florida Governor Rick Scott issued Executive Order Number 18-221 (Exhibit C) on Monday, August 13, 2018, declaring a State of Local Emergency for the following counties: Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee and Collier for Emergency Management – Red Tide; and

WHEREAS, as a result of Harmful Algal Blooms, large numbers of fish and marine life are washing up dead on beaches, the river and within the inland waterways of Lee County; and

WHEREAS, decaying fish and other marine life on the beaches further depletes water quality; and

WHEREAS, Drift Macroalgae is now a concern for washing up on Lee County beaches and can carry deceased marine animals that smell bad and possibly cause health concerns as they decompose impacting the health and welfare of the community, and damage public infrastructure; and

WHEREAS, §252.38 (3) (a) (5), Florida Statutes, provides authority for a political subdivision to declare a State of Local Emergency in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, 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 or pursuant to Lee County Ordinance 87-01 for additional terms in seven (7) day increments.

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

1. That the Harmful Algal Bloom and Drift Macroalgae poses a serious threat to the lives and property of the residents of Lee County and that an extension of a State of Local Emergency is declared, effective immediately, for all unincorporated and incorporated areas within the local boundaries of Lee County, Florida.
2. The Resolution Declaring a State of Local Emergency, Resolution No. 18-08-10 (Exhibit A) is hereby extended for an additional seven (7) day increment.

DULY EXECUTED this 21st day of August, 2018.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: 
Cecil Pendergrass, Chair

ATTEST:
LINDA DOGGETT, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

BY: 
Office of the County Attorney



EXHIBIT A

**LEE COUNTY, FLORIDA
EMERGENCY RESOLUTION NO. 18-08-10
DECLARING A STATE OF LOCAL EMERGENCY**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA RELATING TO THE DECLARATION OF A
STATE OF LOCAL EMERGENCY RELATING TO HARMFUL ALGAL
BLOOMS AND DRIFT MACROALGAE**

WHEREAS, there has been an increase in the amount and duration of Harmful Algal Blooms in the waters surrounding Lee County; and

WHEREAS, as a result of Harmful Algal Blooms, large numbers of fish and marine life are washing up dead on beaches, the river and within the inland waterways of Lee County; and

WHEREAS, decaying fish and other marine life on the beaches further depletes water quality; and

WHEREAS, Drift Macroalgae is now a concern for washing up on Lee County beaches and can carry deceased marine animals that smell bad and possibly cause health concerns as they decompose; and

WHEREAS, this situation has the potential for causing life threatening conditions; and

WHEREAS, §252.38 (3) (a) (5), Florida Statutes, provides authority for a political subdivision to declare a State of Local Emergency in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, finds and declares that a State of Local Emergency to exist in order to protect and safeguard the safety, health, and welfare of the citizens of Lee County; and

WHEREAS, 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 or pursuant to Lee County Ordinance 87-01 for additional terms in seven (7) day increments.

NOW THEREFORE, IT IS RESOLVED THIS 7th day of August, 2018, that the Harmful Algal Bloom and Drift Macroalgae poses 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 local boundaries of Lee County, Florida.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby exercises its authority, ratifies and waives the procedures and formalities required by law of a political subdivision, as authorized under §252.38, Florida Statutes.

Commissioner Manning offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Hamman and, upon being put to a vote, the vote was as follows:

John Manning	Aye
Cecil Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THIS 7th DAY of AUGUST, 2018.

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

By: [Signature]
Cecil Pendergrass, Chair
Commissioner Cecil L Pendergrass
Lee County Board of County Commissioners
District 2

ATTEST:
LINDA DOGGETT, CLERK

APPROVED AS TO FORM FOR THE RELIANCE OF LEE COUNTY ONLY:

BY: Chris Dun
Deputy Clerk

BY: [Signature]
Office of the County Attorney

04 : 04 P .M.
(Time)



EXHIBIT B

**LEE COUNTY, FLORIDA
EMERGENCY RESOLUTION NO. 18-08-14
EXTENDING A STATE OF LOCAL EMERGENCY**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA RELATING TO THE DECLARATION OF A
STATE OF LOCAL EMERGENCY RELATING TO HARMFUL ALGAL
BLOOMS AND DRIFT MACROALGAE**

WHEREAS, the Board of County Commissioners of Lee County, Florida declared a State of Local Emergency on August 7, 2018 in response to increase in the amount and duration Harmful Algal Blooms and Drift Macroalgae in the waters surrounding Lee County; and

WHEREAS, as a result of Harmful Algal Blooms, large numbers of fish and marine life are washing up dead on beaches, the river and within the inland waterways of Lee County; and

WHEREAS, decaying fish and other marine life on the beaches further depletes water quality; and

WHEREAS, Drift Macroalgae is now a concern for washing up on Lee County beaches and can carry deceased marine animals that smell bad and possibly cause health concerns as they decompose impacting the health and welfare of the community, and damage public infrastructure; and

WHEREAS, §252.38 (3) (a) (5), Florida Statutes, provides authority for a political subdivision to declare a State of Local Emergency in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, 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 or pursuant to Lee County Ordinance 87-01 for additional terms in seven (7) day increments.

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

1. That the Harmful Algal Bloom and Drift Macroalgae poses a serious threat to the lives and property of the residents of Lee County and that an extension of a State of Local Emergency is declared, effective immediately, for all unincorporated and incorporated areas within the local boundaries of Lee County, Florida.
2. The Resolution Declaring a State of Local Emergency, Resolution No. 18-08-10 (Exhibit A) is hereby extended for an additional seven (7) day increment.

DULY EXECUTED this 14th day of August, 2018.



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: 
Cecil Pendergrass, Chair

ATTEST:
LINDA DOGGETT, CLERK

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

BY: 
Deputy Clerk

BY: 
Office of the County Attorney

EXHIBIT C

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 18-221 (Emergency Management – Red Tide)

WHEREAS, in the month of November 2017, a red tide algae bloom developed in the Gulf of Mexico off the coast of Southwest Florida; and

WHEREAS, red tide events typically subside before or during summer, this event has continued throughout the year and has intensified and is currently in its tenth month; and

WHEREAS, the red tide bloom has persisted inshore and has impacted several counties; and

WHEREAS, the duration and intensity of the current red tide is something that Florida has not experienced since 2006; and

WHEREAS, red tide is a naturally-occurring microscopic alga that has been documented along Florida's Gulf Coast since the 1840s and occurs nearly every year. Blooms, or higher-than-normal concentrations, of the Florida red tide alga, *Karenia brevis*, frequently occur in the Gulf of Mexico; and

WHEREAS, red tides produce toxic chemicals that can affect both marine organisms and humans. The Florida red tide organism, *K. brevis*, produces brevetoxins that can affect the central nervous system of fish and other vertebrates, causing these animals to die. Wave action can break open *K. brevis* cells and release these toxins into the air, leading to respiratory irritation. For people with severe or chronic respiratory conditions, such as emphysema or asthma, red tide can cause serious illness; and

WHEREAS, this red tide has caused harm to marine life, including widespread fish kills, and has unreasonably interfered with the health, safety, and welfare of the State of Florida. The Department of Health has issued red tide advisories to beaches in the impacted areas. The red tide

has caused harm to Florida's environment and fragile ecosystems, including beaches and wildlife; and

WHEREAS, during my tenure as Governor, Florida has invested more than \$17 million for research to support our biologists' efforts to study and mitigate red tide; and

WHEREAS, the Florida Fish and Wildlife Conservation Commission has indicated the following counties are experiencing the harmful impacts of red tide or may be at risk: Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, and Collier counties; and

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 and on-going threat of red tide, I declare that a state of emergency exists in Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, and Collier counties.

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 this emergency.

I designate the Florida Department of Environmental Protection as the lead agency for all crisis management responsibilities related to this emergency. The Florida Department of Environmental Protection shall advise the State Coordinating Office on all emergency response activities.

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 252.921-252.9335, 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 response, recovery, and mitigation 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 additional Deputy State Coordinating Officers, as necessary.

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; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. 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 suspend the application of 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 suspend 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 suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

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) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54(4), Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions 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:

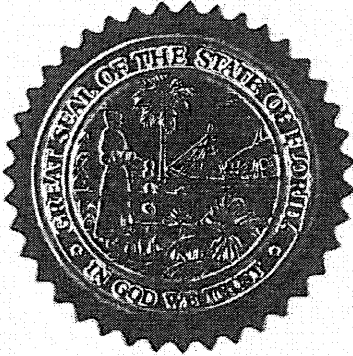
- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- 2) Entering into contracts;
- 3) Incurring obligations;
- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;
- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 8) Appropriation and expenditure of public funds.

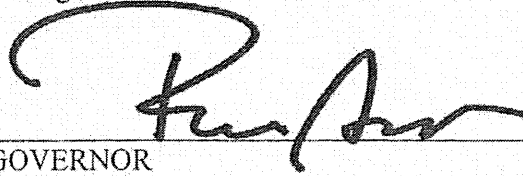
Section 4. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and may be inadequate to pay the costs of coping with this disaster. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient 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 5. 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 6. 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 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 August, 2018.




GOVERNOR

ATTEST:


SECRETARY OF STATE

FILED
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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA