

## Chapter 37 EMERGENCY MANAGEMENT\*

\*Cross reference(s)--Administration, pt. I, ch. 2; emergency services, pt. I, ch. 38; fire prevention and protection, pt.

I, ch. 50; law enforcement, pt. I, ch. 62.

### ARTICLE I. IN GENERAL

Secs. 37-1--37-30. Reserved.

### ARTICLE II. EMERGENCY MANAGEMENT

Sec. 37-31. Enactment and authority.

In accordance with and pursuant to the authority of F.S. ch. 252 the board of county commissioners of the county hereby establishes emergency management regulations to provide effective and orderly governmental control and coordination of emergency operations, and further to establish and maintain an emergency management agency in support of the state comprehensive emergency plan and program.

(Code 1985, § 1-24-76)

Sec. 37-32. Jurisdiction.

The area subject to this article shall be all of the county.

(Code 1985, § 1-24-77)

Sec. 37-33. Purpose and intent.

The purpose and intent of this article is to ensure that preparations of the county will be adequate to deal with, reduce vulnerability to, and to recover from emergencies, or threats thereof, in order to safeguard the life and property of its citizens.

(Code 1985, § 1-24-78)

Sec. 37-34. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The words "shall" and "will" are mandatory and the word "may" is permissive.

Comprehensive emergency management plan means the county peacetime emergency plan or its successor, as adopted by resolution by the board of county commissioners from time to time, and approved by the division of emergency management of the department of community affairs.

Emergency means any occurrence, or threat thereof, whether accidental, natural, or caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

Emergency management means the preparation for, and the carrying out of, all emergency responsibilities and functions, other than those for which military forces or other federal agencies are primarily responsible, to prevent, mitigate, or repair injury and damage resulting from the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from emergencies.

General emergency means an emergency which affects all of the county. Examples of county-wide emergencies include, but are not limited to, hurricane, tropical storms, large flood events, and acts of war or sedition.

Local emergency management agency means the emergency management office directed by the emergency preparedness director, which discharges the emergency management responsibilities and functions in the county, subject only to the direction and control of the board of county commissioners acting through the county administrator.

Political subdivision means the county.

Special emergency means an emergency which affects only a small part of the county. Examples of localized emergencies include, but are not limited to, train derailments involving hazardous materials, small plane crashes, and leaking gas mains.

(Code 1985, § 1-24-79)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 37-35. Declarations of emergency; general; special.

(a) Declaration of general emergency.

(1) A state of general emergency may only be declared by a special emergency meeting of the board of county commissioners. If after, reasonable effort, a special emergency meeting cannot be convened then a state of emergency may be proclaimed by the chairman of the board of county commissioners, or in the event the chairman cannot be located in the county, by proclamation of any available

county commissioner. In the event no county commissioner can be located in the county, the county administrator may proclaim the state of emergency. The proclamation declaring the state of emergency shall activate the emergency action plan.

(2) If a state of general emergency is declared in the county, the county administrator may request state assistance or invoke emergency-related mutual-aid assistance where the circumstances warrant such an action. The duration of each state of emergency is limited to seven days, it may be extended as necessary, in 72-hour increments.

(b) Declaration of special emergency. The board of county commissioners hereby delegates to the emergency preparedness director the authority to declare a state of special emergency, and authorizes the emergency preparedness director to carry out all emergency management functions required by the special emergency.

(Code 1985, § 1-24-80)

Sec. 37-36. County administrator; general powers and duties.

(a) In carrying out the provisions of this article, the county administrator, after declaration of state of general emergency, shall:

(1) Appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.

(2) Appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency workers.

(3) Establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.

(4) Assign and make available for duty the offices and agencies of the county, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items that are services for emergency operation

purposes, as the primary emergency management forces of the county for development within or outside the political limits of the county.

(b) In the event a state of general emergency is declared in the county pursuant to this article, where appropriate, procedures and formalities otherwise required by law are waived and the county administrator may:

(1) Perform public work in taking whatever prudent action is necessary to insure the health, safety, and welfare of the community;

(2) Enter into contracts;

(3) Incur obligations;

(4) Employ permanent and temporary workers;

(5) Utilize voluntary workers;

(6) Rent equipment;

(7) Acquire and distribute, with or without compensation, supplies, materials, and facilities; and

(8) Authorize expenditure of public funds.

(Code 1985, § 1-24-81)

Sec. 37-37. Registry of disabled citizens.

In carrying out the provisions of this article, the local emergency management and emergency management agency shall establish a registry of disabled citizens as provided in this section:

(1) The office of emergency management shall provide for the voluntary registration of disabled citizens located within the county. The registration shall be

utilized to determine who would need assistance in case of evacuation because of an emergency and shall be updated annually.

(2) Any advertising required by this section shall, whenever possible, be done through the use of public service announcements of local radio stations and shall not require the expenditure of local government funds.

(3) The emergency preparedness director shall coordinate registration efforts with the local electric utility.

(Code 1985, § 1-24-82)

Sec. 37-38. Local emergency management agency; general responsibilities.

The general emergency management responsibilities of the local emergency management agency include, but are not limited to:

(1) Reduction of vulnerability of people of the county to damage, injury, and loss of life and property resulting from natural or manmade catastrophes or hostile military or paramilitary action.

(2) Preparation for prompt and efficient rescue, care, and treatment of persons victimized or threatened by disasters.

(3) Provision of a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies.

(4) Provision of an emergency management system embodying all aspects of pre-emergency preparedness and post-emergency response.

(5) Assistance in anticipation, recognition, appraisal, prevention, mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.

(Code 1985, § 1-24-83)

Sec. 37-39. Comprehensive emergency management plan.

In order to insure the health, safety and welfare of the community for the duration of each state of emergency declared in the county pursuant to this article, the board of county commissioners authorizes the creation of the county peacetime emergency plan to include provisions to be administered by the emergency management office, which shall:

- (1) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the county if it is deemed that this action is necessary for the preservation of life or other emergency mitigation, response, or recovery.
- (2) Prescribe routes, modes of transportation, and destinations in connection with evacuation.
- (3) Control ingress and egress to and from an emergency area, the movement of persons within the area, and the occupancy of premises therein.
- (4) Make provisions for the availability and use of temporary emergency housing.
- (5) Take effective measures for limiting and suspending electric power distribution and all other utility services in the general public interest.
- (6) Take measures concerning the conduct of civilians, the movement and cessation of movement of pedestrian and vehicular traffic prior to, during, and subsequent to drills and actual or threatened emergencies, the calling of public meetings and gatherings, and the evacuation and reception of the civilian population.
- (7) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.

(Code 1985, § 1-24-84)

Sec. 37-40. Curfew.

In order to insure the public safety during a state of emergency declared pursuant to this article, a curfew to restrict travel and movement within the county may be instituted by the county administrator when there is some real and immediate threat to the public safety which cannot be met through less drastic alternatives. The duration and application of the curfew shall be tailored to meet the specific crisis.

(Code 1985, § 1-24-85)

Sec. 37-41. Price regulation.

In order to prevent fraud, promote fair dealing between sellers and buyers and ensure the health, safety and welfare of the community for the duration of each state of emergency declared in the county pursuant to this article, it is a violation of this article to charge more than the average retail price for merchandise offered for sale during the state of emergency. The average retail prices as used in this section shall be that price at which similar merchandise has been sold during the 90 days immediately preceding the state of emergency, or that price which is the same percentage mark up over wholesale cost that was added to wholesale cost prior to the state of emergency.

(Code 1985, § 1-24-86)

Sec. 37-42. Penalties.

Any person violating any provision of this article of any rule, order, or regulation made pursuant to this article shall be prosecuted in the same manner as misdemeanors are prosecuted, and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

(Code 1985, § 1-24-87)