

## RESOLUTION NO. 23-4164-R

### A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BARTOW, FLORIDA RELATING TO TROPICAL STORM IDALIA; CONCURRING WITH THE MAYOR'S PROCLAMATION AND ORDERS REGARDING A STATE OF CIVIL EMERGENCY IN THE CITY; EXTENDING THE EFFECT OF THE MAYOR'S PROCLAMATION AND ORDERS; PROVIDING AN EFFECTIVE DATE

**WHEREAS**, at 5:00 A.M. on Monday, August 28, 2023, the National Hurricane Center advised that Tropical Storm Idalia was located approximately 125 miles South of the Western tip of the Island of Cuba with maximum sustained winds of 65 miles per hour, a minimum central pressure of 989 millibars, and a wind swath radius of tropical storm force winds extending outward up to 70 miles from its center; and

**WHEREAS**, as of 5:15 A.M. on Monday, August 28, 2023, the entirety of Polk County, Florida, including the City of Bartow, is under a Tropical Storm Watch, which means that Tropical Storm winds are possible within the watch area; and

**WHEREAS**, the National Hurricane Center forecasts that Tropical Storm Idalia will become a Major Category 3 or greater Hurricane with maximum sustained winds of 115 miles per hour or more before 5:00 A.M. on Wednesday, August 30, 2023; and

**WHEREAS**, in its official forecast discussion issued at 5:00 A.M. on Monday, August 28, 2023, the National Hurricane Center states that Tropical Storm Idalia is expected to produce areas of flash and urban flooding, some of which may be locally significant, and that the risk continues to increase for life-threatening storm surge and dangerous hurricane force winds along portions of the West Coast of Florida and the Florida Panhandle beginning as early as late Tuesday, August 29, 2023; and

**WHEREAS**, as of 5:00 A.M. on Monday, August 28, 2023, computer model

forecasts for the path of the eye of Tropical Storm Idalia vary with the National Hurricane Center emphasizing in its advisory discussion that only a small deviation in the forecasted track path could cause a big change in Idalia's landfall location in Florida due to the paralleling track to the west coast of the state; and

**WHEREAS**, as of 5:00 A.M. on Monday, August 28, 2023 Polk County and Bartow lie within the forecast cone of uncertainty; and

**WHEREAS**, on Saturday, August 26, 2023, the Governor of the State of Florida issued Executive Order numbered 23-171, a copy of which is attached hereto as Exhibit "A", declaring that a State of Emergency exists in 33 counties of the State of Florida, inclusive of Polk County, as a consequence of Tropical Storm Idalia, then known as Investigation 93L; and

**WHEREAS**, pursuant to Chapter 252 of the Florida Statutes, commonly known as the State Emergency Management Act, and Section 4 C. of Executive Order 23-171, political subdivisions of the State of Florida such as the City of Bartow have the power in response to the emergency conditions presented by Tropical Storm Idalia to:

(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

management 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 City, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the City for employment within or outside the City's political limits;

(5) request state assistance or invoke emergency-related mutual-aid assistance;

(6) declare a local state of emergency and extend the same, as necessary, in 7-day increments; and

(7) waive the procedures and formalities otherwise required of the City by law pertaining to:

(A) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

(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; and
- (H) Appropriation and expenditure of public funds;

and

**WHEREAS**, given the inherent risks presented by Tropical Storm Idalia, including, flash flooding, dangerous winds, and the potential for tornadic activity in Polk County and the Greater City of Bartow area, the City Commission finds that conditions warranting emergency action under the *State Emergency Management Act* and the City's *Code of Ordinances* are present; and

**WHEREAS**, on August 28, 2023 at approximately 3:52 P.M., the Mayor of the City of Bartow declared a State of Civil Emergency in the City pursuant to Article II of Chapter 26 of the City's Code of Ordinances, a copy of which is attached hereto as Exhibit "B"; and

**WHEREAS**, the City Commission wishes to formally approve the Mayor's declaration and, by Resolution, extend its effect to and through Monday, September 4, 2023 at 11:59 P.M.; **NOW, THEREFORE:**

**BE IT RESOLVED BY THE PEOPLE OF THE CITY OF BARTOW:**

**SECTION 1. Findings.**

(a) *Generally.* The foregoing recitals and findings are incorporated herein by reference and made a part hereof.

(b) *Weather-Related Emergency.* The City Commission finds that the emergency conditions present warranting action under the *State Emergency*

*Management Act* and the City's *Code of Ordinances* are related to, and in the nature of, "hurricanes or other weather-related emergencies," under Section 252.38(4)(a), Florida Statutes.

**SECTION 2: Mayor's Act Ratified and Approved; Effect Extended.** The City Commission ratifies and approves the Mayor's Proclamation and Orders dated August 28, 2023 as if set forth herein in full and as if such Proclamation and Orders were an official act of the City Commission. Pursuant to § 26-32 of the Code of Ordinances of the City of Bartow, the effect of the Mayor's Proclamation and Orders is extended to and through Monday, September 4, 2023 at 11:59 P.M.

**SECTION 3. Authorization for Use of Emergency Powers; Acts of Officers Ratified.** Tropical Storm Idalia constitutes a serious threat to the lives and property of residents of Bartow. A State of Local Emergency is declared to be effective for all territory within the legal boundaries of the City of Bartow as of the effective date of this Resolution. The City Commission hereby exercises the weather-related emergency authority of the City under Chapter 252 Florida Statutes and all powers afforded to the City by every relevant local, state and federal law are authorized to be executed by appropriate City officials relating to any emergency matters associated with Tropical Storm Idalia including but not limited to the use of all available resources of the City as reasonably necessary to cope with the expected hurricane and its effects. The State of Local Emergency declared herein shall expire on Monday, September 4, 2023 at 11:59 P.M., unless extended, as necessary, in seven (7) day increments. All acts of municipal officers taken in response to the emergency conditions presented by Tropical Storm Idalia, if any, between the date of entry of Executive Order 23-171 by the Florida Governor, and the

date of this Resolution are ratified, confirmed, and considered to be authorized pursuant to the City's emergency powers and the declaration of a State of Emergency by the Florida Governor.

**SECTION 3. Conflicts.** All resolutions or parts of resolutions in conflict with any of the provisions of this resolution are hereby repealed.

**SECTION 4. Severability.** If any section or portion of a section of this resolution proves to be invalid, unlawful or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this resolution.

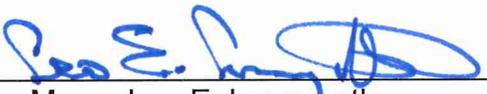
**SECTION 5. Effective Date.** This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BARTOW IN EMERGENCY SESSION THIS 28th DAY OF AUGUST, 2023.

ATTEST:

CITY OF BARTOW:

  
\_\_\_\_\_  
City Clerk Jacqueline Poole

  
\_\_\_\_\_  
Mayor Leo E. Longworth

Approved as to correctness and form:

Approved as to substance:

  
\_\_\_\_\_  
City Attorney Sean R. Parker

  
\_\_\_\_\_  
City Manager Mike Herr



**RESOLUTION NO. 23-4164-R  
EXHIBIT "A"**

**OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 23-171  
EMERGENCY MANAGEMENT – INVEST 93L**

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 23-171

(Emergency Management – Invest 93L)

**WHEREAS**, as of 8:00 AM EDT on August 26, 2023, the National Hurricane Center reported that a broad area of low pressure, which originated off the west coast of Central America, is projected to gradually develop into an organized storm as it moves northward over the Caribbean Sea and the Gulf of Mexico; and

**WHEREAS**, the National Hurricane Center predicts Invest 93L will intensify into a tropical depression over the weekend and continue to strengthen as it moves northward into the eastern Gulf of Mexico, and could affect portions of Florida's Gulf Coast, as well as previously impacted areas still recovering from Hurricanes Ian and Nicole, as early as Tuesday, August 29; and

**WHEREAS**, there is a risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for the Florida Big Bend and portions of Florida's Gulf Coast; and

**WHEREAS**, the threat posed by Invest 93L requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida, including relocating individuals, equipment, and supplies in areas still recovering from Hurricanes Ian and Nicole; and

**WHEREAS**, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency.

**NOW, THEREFORE, I, RON DESANTIS**, 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, which are projected to constitute a major disaster, I declare that a state of emergency exists in Alachua, Bay, Calhoun, Charlotte, Citrus, Columbia, DeSoto, Dixie, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hardee, Hernando, Hillsborough, Jefferson, Lafayette, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, Sumter, Suwannee, Taylor, and Wakulla Counties.

Section 2. I designate the Executive Director of the Division of Emergency Management ("Executive Director") 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(6)-(12), 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 Executive 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 to best meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the federal government as may be needed to meet this 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. Direct the actions of any state agency as necessary to implement the Federal Emergency Management Agency's National Disaster Recovery Framework.

E. Designate Deputy State Coordinating Officers and Deputy State Disaster Recovery Coordinators, as necessary.

F. 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. In accordance with section 252.3611(1), Florida Statutes, any such order, declaration, or other action shall specify each statute or rule being amended or waived, if applicable, and the expiration date for the order or action.

G. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46(1)-(2) and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer. No such order shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

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 this emergency may require them to suspend or waive certain statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(6)(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(1)-(2) and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor. No such suspension shall remain in effect beyond the expiration of this Executive Order, including any extension thereof.

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. In accordance with section 252.3611(1), Florida Statutes, any agency order, declaration, or other action suspending a statute or rule shall specify each statute or rule being amended or waived, if applicable, and the expiration date for the order or action. The requirements of sections 252.46(1)-(2) 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, including any extension thereof.

C. In accordance with section 252.38(3), 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) Following local procurement and contracting policies;

3) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without a ceiling as defined by 2 CFR 200.318(j) or cost plus a percentage of cost contracts prohibited by 2 CFR 200.324(d);

4) Incurring obligations;

5) Employment of permanent and temporary workers;

6) Utilization of volunteer workers;

7) Rental of equipment;

8) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and

9) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified as disaster service volunteers within the meaning of section 110.120(2)(d), Florida Statutes, may, in accordance with section 110.120(3), Florida Statutes, release any such employees for such service as requested by the employee 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) Manage 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 section 316.545(4), 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 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

5) 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 or suspended 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 Executive Order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. In accordance with section 465.0275(2), 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 or local agency but who do not reside in an area or county covered

by this Executive Order. In accordance with section 465.019(4)(b), Florida Statutes, a hospital that operates a Class II or Class III institutional pharmacy located in an area or county covered under this Executive Order may prescribe and dispense a supply of medicinal drug lasting up to 72 hours.

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 necessary to meet this emergency. I direct each state agency to report the closure of any State building or facility to the WebEOC system utilized by the Division of Emergency Management. 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 on a daily basis to the WebEOC system. 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. All such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent necessary to meet this emergency.

J. All agencies shall implement Selected Exempt Services (SES) Extraordinary Payment Plans and Career Service Regular Compensatory Leave Payment Plans for:

- 1) All essential agency personnel who are required to work extraordinary hours when state-owned or state-operated facilities are closed in response to an emergency

condition. Employees who are eligible to receive extraordinary pay under the agency's activated plan shall accrue special compensatory leave credits for work performed during facility closures up to the number of hours in the employee's established workday. For these employees, any additional time worked beyond the employee's established workday during facility closures will result in extraordinary pay;

2) All agency personnel who are assigned to the State Emergency Operations Center and are required to work extraordinary hours; and

3) All agency personnel who are deployed throughout the state in response to an emergency condition and are required to work extraordinary hours.

K. All State agencies may waive the forty-day time limit to issue a warrant pursuant to section 215.422(3)(b), Florida Statutes. This waiver applies to invoices and reimbursement requests arising from this emergency that were received, inspected, and approved by the agency prior to the expiration of this Executive Order, including any extension thereof. This waiver of section 215.422(3)(b), Florida Statutes, and all waivers based upon this waiver shall expire upon the expiration of this Executive Order, including any extension thereof.

L. The provisions of section 934.50, Florida Statutes, excluding subsection (4), are waived for state and local agencies conducting emergency operations arising from the state of emergency for the limited purpose of capturing aerial evidence concerning the amount of damage sustained to private and public property; to assist in search, rescue, and recovery activities; and prevent imminent danger to life or serious damage to property.

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 funds specifically appropriated to state and local agencies for disaster relief or response are unreasonably great and that such funds may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2)(b), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys from the Emergency Preparedness and Response Fund created under section 252.3711, Florida Statutes.

Section 7. All state agencies entering emergency orders, emergency rules, or other emergency actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable thereafter, and, pursuant to section 252.36(3)(b), Florida Statutes, shall submit the order or declaration to the Division of Administrative Hearings within five days of issuance.

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, Florida Statutes, 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(6)(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 Executive 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 in connection with this emergency shall expire six months after the expiration of this Executive Order, including any extension thereof.

Section 13. All actions taken by the Executive Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified.

Section 14. This Executive Order is effective immediately and 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 26th day of August, 2023.

  
\_\_\_\_\_  
RON DESANTIS, GOVERNOR

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF STATE

2023 AUG 26 AM 11:34  
DEPARTMENT OF STATE  
TALLAHASSEE, FL

FILED

**RESOLUTION NO. 23-4164-R  
EXHIBIT "B"**

**CITY OF BARTOW, OFFICE OF THE MAYOR  
PROCLAMATION OF EMERGENCY AND ORDERS  
AUGUST 28, 2023**

**CITY OF BARTOW  
OFFICE OF THE MAYOR**

**PROCLAMATION OF EMERGENCY AND ORDERS**

**AUGUST 28, 2023**

**WHEREAS**, at 5:00 A.M. on Monday, August 28, 2023, the National Hurricane Center advised that Tropical Storm Idalia was located approximately 125 miles South of the Western tip of the Island of Cuba with maximum sustained winds of 65 miles per hour, a minimum central pressure of 989 millibars, and a swath radius of tropical storm force winds extending outward up to 70 miles from its center; and

**WHEREAS**, as of 5:15 A.M. on Monday, August 28, 2023, the entirety of Polk County, Florida, including the City of Bartow, is under a Tropical Storm Watch, which means that Tropical Storm winds are possible within the watch area; and

**WHEREAS**, the National Hurricane Center forecasts that Tropical Storm Idalia will become a Major Category 3 or greater Hurricane with maximum sustained winds of 115 miles per hour or more before 5:00 A.M. on Wednesday, August 30, 2023; and

**WHEREAS**, in its official forecast discussion issued at 5:00 A.M. on Monday, August 28, 2023, the National Hurricane Center states that Tropical Storm Idalia is expected to produce areas of flash and urban flooding, some of which may be locally significant, and that the risk continues to increase for life-threatening storm surge and dangerous hurricane force winds along portions of the West Coast of Florida and the Florida Panhandle beginning as early as late Tuesday, August 29, 2023; and

**WHEREAS**, as of 5:00 A.M. on Monday, August 28, 2023, computer model forecasts for the path of the eye of Tropical Storm Idalia vary with the National Hurricane Center emphasizing in its advisory discussion that only a small deviation in the forecasted track path could cause a big

*City of Bartow, Florida – Mayoral Proclamation of Emergency and Orders  
Tropical Storm Idalia  
August 28, 2023*

change in Idalia's landfall location in Florida due to the paralleling track to the west coast of the state; and

**WHEREAS**, as of 5:00 A.M. on Monday, August 28, 2023 Polk County and Bartow lie within the forecast cone of uncertainty; and

**WHEREAS**, on Saturday, August 26, 2023, the Governor of the State of Florida issued Executive Order numbered 23-171 declaring that a State of Emergency exists in 33 counties of the State of Florida, inclusive of Polk County, as a consequence of Tropical Storm Idalia, then known as Investigation 93L;

**NOW, THEREFORE, I, LEO LONGWORTH**, as Mayor of the City of Bartow, by virtue of the authority vested in me pursuant to Article II of Chapter 26 of the *Code of Ordinances of the City of Bartow* issue this Proclamation of Emergency and Orders to take immediate effect:

**Section 1. Findings and Declaration of Civil Emergency.**

Based on the foregoing, which I find to be true, I declare a state of civil emergency to exist in the City of Bartow pursuant to §§ 26-26(2) and 26-27 of the *Code of Ordinances of the City of Bartow*. Tropical Storm Idalia is a threat to the physical safety of the citizens of Bartow, has the potential to inflict injury or death and has the potential to destroy property. I find that extraordinary measures must be taken to protect the public health, safety and welfare. I further find that the conditions present warranting action under the State Emergency Management Act and the City's *Code of Ordinances* are related to, and in the nature of, "hurricanes or other weather-related emergencies," under Section 252.38(4)(a), Florida Statutes.

**Section 2. Emergency Proclamation Orders.**

Pursuant to § 26-29 of the *Code of Ordinances of the City of Bartow*, I impose the following emergency measures:

*City of Bartow, Florida – Mayoral Proclamation of Emergency and Orders  
Tropical Storm Idalia  
August 28, 2023*

**(a) *Restricted Areas***

I designate the City Manager as the agent of the Mayor and of the City Commission for purposes of designating restricted areas of the City. I empower him to declare such places of the City as he may deem or see fit to be a restricted access area that is limited for use by those in the performance of official duties as the case may be, dependent upon the effects of the Tropical Storm and its winds. I further empower him to declare any place in the City that is affected by flash flood, urban flooding, or river flooding to be a restricted access area with access permitted only by affected residents and those in the performance of official duties.

**(b) *General Restrictions***

Pursuant to the *Code of Ordinances of the City of Bartow*, for the duration of the state of emergency:

(1) No person shall consume any alcoholic beverages in a public street or place which is publicly owned or in any motor vehicle being driven or parked within the corporate limits of the city.

(2) No person shall carry or possess any rock, bottle, club, brick or weapon who uses or intends to use such object or weapon unlawfully against the person or property of another.

(3) No person shall enter any area designated as a restricted area unless in the performance of official duties or unless with written permission from the mayor or city manager or their duly designated representatives, or such person shall prove residence therein.

(4) No person shall make, carry, possess or use any type of Molotov cocktail, gasoline or petroleum base firebomb or other incendiary missile.

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**(c) *State Law Authority***

Pursuant to the *State Emergency Management Act*, for the duration of the state of emergency, the City shall have the power to:

(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 management 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 City, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the City for employment within or outside the City's political limits;

(5) request state assistance or invoke emergency-related mutual-aid assistance;

(6) extend, as necessary, in 7-day increments, the state of emergency; and

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(7) waive the procedures and formalities otherwise required of the City by law pertaining to:

- (A) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- (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; and
- (H) Appropriation and expenditure of public funds.

**Section 3. Effective Period and Request for Extension of Emergency**

**Proclamation Orders.**

Pursuant to § 26-32 of the *Code of Ordinances of the City of Bartow*, this Proclamation and Orders shall be effective for no fewer than 72 hours after its execution. I formally request that the City Commission concur with this Proclamation and Orders by Resolution and extend its effect to and through Monday, September 4, 2023 at 11:59 P.M.

**Section 4. City Manager to Execute this Proclamation and Orders.**

Pursuant to § 26-33 of the *Code of Ordinances of the City of Bartow*, the City Manager is directed to implement and execute this Proclamation and Orders, including any extension thereof authorized by the City Commission by Resolution.

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In testimony whereof, I have hereunto set my hand at  
the City of Bartow, Florida this 28th Day of August,  
2023 at 3:52 PM (time).



LEO LONGWORTH  
MAYOR, CITY OF BARTOW, FLORIDA

ATTEST, a true copy:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

APPROVED AS TO SUBSTANCE:

CITY MANAGER

City Manager Administrative Order 2023-02

Date: August 28, 2023

Re: Tropical Storm Idalia and Matters Relating to Employee Pay and Employee Leave Balances

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This administrative order is entered in response to the Local State of Civil Emergency declared by the Mayor and City Commission on Monday, August 28, 2023 in response to Tropical Storm Idalia. This administrative order implements the following special pay and leave rules for employees who work during the Local State of Civil Emergency:

1. Exempt employees who perform any work during any workweek affected by the Local State of Civil Emergency in response to Tropical Storm Idalia including any extensions thereof ("Affected Week"), shall be paid their normal salary.
2. Exempt employees who work in excess of forty (40) hours during any Affected Week shall be paid their normal salary plus hourly "straight time" equivalent pay for all hours worked in excess of forty (40) that are directly related to Tropical Storm Idalia and the Local State of Civil Emergency.
3. Non-exempt employees shall be paid for all hours worked during any Affected Week in accordance with applicable employment laws and City of Bartow union contracts.
4. Per Section 11.10 of the General Employees union contract, premium overtime is authorized for any eligible contract-covered employee who works in excess of fifty-six (56) hours in any seven (7) day period during any Affected Week.
5. Paid administrative leave in incremental amounts up to forty (40) hours during any Affected Week may be granted in the discretion of the City Manager to employees who are directed not to work or to employees who are unable to work due to operating service suspension. Paid administrative leave shall not be considered hours worked for purposes of overtime calculation.
6. An employee directed to work on Wednesday, August 30, 2023 may in the discretion of the City Manager, be granted up to eight (8) hours of special paid administrative leave to be used by the employee at his or her leisure prior to the end of fiscal year 2023-2024 (i.e., September 30, 2024). Special administrative leave shall not be considered hours worked for purposes of overtime calculation. To use special administrative leave, employees with a special administrative leave balance shall obtain prior approval in the same manner as vacation. Unused special administrative leave balances shall expire on October 1, 2024. In the event of an employee's separation from employment, special administrative leave shall not have any value.

  
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City Manager