

DECLARATION OF STATE OF LOCAL EMERGENCY 23-01

WHEREAS, Tropical Storm Idalia is forecasted to be a Category 1 Hurricane as it nears the Florida coast with tropical-storm force winds extending outward up to 90 miles from the center; and

WHEREAS, models predict strengthening Tuesday, August 29, 2023; and

WHEREAS, current forecast models predict hurricane force winds to impact Polk County as early as Tuesday, August 29, 2023; and

WHEREAS, Hurricane force winds may result in deaths, injuries, widespread and lengthy power outages; potential for a tornado outbreak in rain bands that move into the region as early as Tuesday, August 29, 2023; prolonged heavy rainfall causing extended period of river flooding early next week and lasting into the weekend; and destruction of private property; and

WHEREAS, there is imminent threat of an Emergency or Disaster affecting Polk County as a result of Tropical Storm Idalia

NOW THEREFORE, PURSUANT TO THE AUTHORITY OF POLK COUNTY ORDINANCE 19-074 AND SECTION 252.38(3)(a)5., FLORIDA STATUTES, A STATE OF LOCAL EMERGENCY IS HEREBY DECLARED WITHIN THE TERRITORIAL BOUNDARIES OF POLK COUNTY, INCLUDING BOTH THE INCORPORATED AND UNINCORPORATED AREAS OF THE COUNTY AND ENCOMPASSES THE EMERGENCY IDENTIFIED AS Tropical Storm Idalia. THIS DECLARATION SHALL ACTIVATE THE EMERGENCY PROVISIONS CONTAINED IN POLK COUNTY ORDINANCE 19-074 INCLUDING WITHOUT LIMITATION, THE PROHIBITION AGAINST PRICE GOUGING. NOTWITHSTANDING THE PROVISIONS OF POLK COUNTY ORDINANCE 19-074, NO CURFEW SHALL BE IMPOSED UNTIL FURTHER DECLARATION. FURTHER, THE COUNTY MAY EVOKE ALL OF THE POWERS AS OUTLINED IN CHAPTER 252 FLORIDA STATUTES OR OTHERWISE PROVIDED BY LAW.

FURTHERMORE, PURSUANT TO THE AUTHORITY OF POLK COUNTY ORDINANCE 19-074 AND OTHER APPLICABLE COUNTY ORDINANCES AND STATE LAWS, THE COUNTY MANAGER OF POLK COUNTY AND HIS DESIGNEE(S) ARE HEREBY AUTHORIZED TO, INTER ALIA, TAKE THE FOLLOWING ACTIONS:

1. Utilize all available resources of the county government as reasonably necessary to cope with the emergency.
2. Make provisions for the availability and use of temporary emergency housing and the emergency warehousing of materials.
3. Acquire merchandise, equipment, vehicles or property needed to alleviate the emergency.
4. Authorize County employees or private companies on behalf of Polk County to enter onto private property and roadways including, without limitation, private roads or access, to remove debris generated by the emergency conditions from areas affected by the emergency in order to eliminate immediate threats to life, public health, and safety; eliminate immediate threats of significant damage to improved property; or ensure economic recovery of the affected community to the benefit of the community at large. Debris includes, without limitation, fallen trees and limbs, leaves, plants, bushes, garbage, rubbish, solid waste and other similar items. As used in this **Section 4, immediate**

threats to life, public health, and safety include, without limitation, situations in which solid waste impedes access for emergency vehicles, impede restoration of utilities, or may be hazardous to health in that it promotes the growth of diseases, attract vectors or increase the chance of accidents.

Further, in accordance with SECTION 252.38, FLORIDA STATUTES AND POLK COUNTY ORDINANCE 19-074, the County hereby waives the procedures and formalities otherwise required of the County 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.
8. Appropriation and expenditure of public funds.

PURSUANT TO POLK COUNTY ORDINANCE 19-074, THIS DECLARATION OF STATE OF LOCAL EMERGENCY SHALL EXPIRE WITHIN SEVEN (7) DAYS UNLESS EXTENDED, AS NECESSARY, IN 7-DAY INCREMENTS.

DATED this 28th day of August, 2023.

ATTEST:
STACY M. BUTTERFIELD, CLERK

By: *Stacy M. Butterfield*
Deputy Clerk

POLK COUNTY
BOARD OF COUNTY COMMISSIONERS

By: *William Beasley*
William Beasley, County Manager

