

Chapter 37 EMERGENCY MANAGEMENT*

ARTICLE I. IN GENERAL

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

*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.

- (a) *Comprehensive emergency management plan* means the county peacetime emergency plan or its successor, as adopted by resolution by the

board of county commissioners and approved by the division of emergency management of the department of community affairs.

(b) *County administrator* means the person appointed by the board of county commissioners as its chief administrative officer. In this article only, "county administrator" also means that senior administrative official other than the county administrator who is authorized by this article to declare a state of local emergency.

(c) *Disaster* means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the Governor, or the President of the United States. Disasters shall be identified by the severity of resulting damage, as follows:

1. *Catastrophic disaster* means a disaster that will require massive state and federal assistance, including immediate military involvement.
2. *Major disaster* means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance.
3. *Minor disaster* means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance.

(d) *Emergency* means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(e) *Manmade emergency* means an emergency caused by an action against persons or society, including, but not limited to, enemy attack, sabotage, terrorism, civil unrest, or other action impairing the orderly administration of government.

(f) *Natural emergency* means an emergency caused by a natural event, including, but not limited to, a hurricane, a storm, a flood, severe wave action, a drought, or an earthquake.

(g) *Technological emergency* means an emergency caused by a technological failure or accident, including, but not limited to, an explosion, transportation accident, radiological accident, or chemical or other hazardous material incident.

(h) *Emergency management* means the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters. Specific emergency management responsibilities include, but are not limited to:

1. Reduction of vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies or hostile military or paramilitary action.
2. Preparation for prompt and efficient response and recovery to protect lives and property affected by emergencies.

3. Response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency.
4. Recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies.
5. Provision of an emergency management system embodying all aspects of preemergency preparedness and postemergency response, recovery, and mitigation.
6. Assistance in anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.

(i) *Local emergency* means a natural, technological, or manmade emergency which affects all or a significant area of the county which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(j) *Local emergency management agency* means the department of public safety emergency management division, which was created in accordance with the provisions of F.S. ch. 252 to discharge the emergency management responsibilities and functions in the county.

(k) *Political subdivision* means the county.

(l) *Public safety director* means the individual appointed by the board of county commissioners or the county administrator having direct responsibility for the organization, administration, and operation of the emergency management agency. The public safety director shall coordinate emergency management activities, services and programs within the county and shall serve as the liaison to the division of emergency management of the department of community affairs and other local emergency management agencies and organizations.

(m) *Special emergency* means a natural, technological, or manmade, emergency, which affects only a small part of the county.

(Code 1985, § 1-24-79; Ord. No. 2002-28, § 1, 7-2-2002; Ord. No. 2007-16, § 1, 3-15-2007)

Cross references: Definitions generally, § 1-2.

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

(a) *Declaration of local emergency.*

(1) A state of local 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 local 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 the vice-chairman; or in the event the vice-chairman cannot be located, by proclamation of any available county commissioner in order of seniority on the board or by (district) in numerical order. In the event no county commissioner can be located in

the county, the county administrator may proclaim the state of local emergency. In the event the county administrator cannot be located in the county, any available assistant county administrator, in order of seniority may proclaim the state of local emergency. In the event no assistant county administrator can be located in the county, the director of public safety may proclaim the state of local emergency. The proclamation declaring the state of local emergency shall activate the comprehensive emergency management plan (CEMP).

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

(b) *Declaration of special emergency.* The board of county commissioners hereby delegates to the public safety director or in the event the public safety director is out of town, the person appointed as acting public safety director, the authority to declare a state of special emergency, and authorizes the public safety director or designee to carry out all emergency management functions required by the special emergency.

(Code 1985, § 1-24-80; Ord. No. 2002-28, § 2, 7-2-2002; Ord. No. 2007-16, § 2, 3-15-2007)

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

In the event a state of local 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:

- (a) Perform public work in taking whatever prudent action is necessary to insure the health, safety, and welfare of the community; including, but not limited to, entering onto private roads and other private areas to remove debris and address other conditions that present an imminent threat to the health, safety, and welfare of the public-at-large;
- (b) Enter into contracts;
- (c) Incur obligations;
- (d) Employ permanent and temporary workers;
- (e) Utilize voluntary workers;
- (f) Rent equipment;
- (g) Acquire and distribute, with or without compensation, supplies, materials, and facilities; and
- (h) Authorize expenditure of public funds.

(Code 1985, § 1-24-81; Ord. No. 2002-28, § 3, 7-2-2002; Ord. No. 2008-50, § 1, 9-18-2008)

Sec. 37-37. Registry of persons with special needs.

In carrying out the provisions of this article, the local emergency management and emergency management agency shall establish a registry of persons with special needs as provided in this section:

(a) The department of public safety, division of emergency management shall provide for and maintain a registry of persons who would need assistance during evacuations and sheltering because of physical, mental or sensory disabilities located within the county. The registry shall be updated annually and be used to plan for resource allocation to meet those identified needs. The registry program shall give persons with special needs the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations if necessary to assure their safety and welfare.

(b) 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.

(c) The public safety director shall coordinate registration efforts with the local electric utility.

(Code 1985, § 1-24-82; Ord. No. 2002-28, § 5, 7-2-2002)

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 ensure the health, safety and welfare of the community for the duration of each state of emergency declared in the county, the board of county commissioners has adopted, by Resolution 2002-76 the Escambia County Comprehensive Emergency Management Plan, in accordance with F.S. ch. 252. A copy of the plan is on file with the clerk of the board of county commissioners and the department of public safety division of emergency management.

(Code 1985, § 1-24-84; Ord. No. 2002-28, § 5, 7-2-2002)

Sec. 37-40. Curfew.

In order to ensure 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)