

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 10-99 (Emergency Management – Deepwater Horizon)

I am issuing an Executive Order to declare a state of emergency due to the threat that oil leaking from the Deepwater Horizon drilling platform and well poses to the State of Florida, to ensure timely precautions are taken to protect natural resources, beaches and other coastal ecosystems, communities and the general welfare of this state, and to initiate measures to provide assistance to other states in need.

On April 21, 2010, an explosion on the mobile drilling platform Deepwater Horizon occurred approximately 130 miles southeast of New Orleans, Louisiana. The resulting fire damaged the rig and it sank on April 22, 2010. The rig contained 700,000 gallons of petroleum products, and it is unclear how much of that fuel was consumed by the fire. Efforts to contain the crude oil leaking from the well have not been successful. On April 24, 2010, the United States Coast Guard (“USCG”) estimated that the well was releasing approximately 42,000 gallons of crude oil per day. On April 28, 2010, the USCG increased this estimate to 200,000 gallons per day. The resulting oil slick in the Gulf of Mexico is at least 600 square miles in areal extent and expanding. The oil slick is generally moving in a northerly direction and threatens Florida’s coast. Oil continues to spill from the well as all efforts to stop the discharge have failed and may not succeed for an extended period of time.

As Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency. Therefore, by virtue of the authority vested in me by Article IV, section 1(a) of the Florida Constitution, by the State Emergency Management Act (Chapter 252, Florida Statutes), by section 376.13 of the Pollutant Discharge Prevention and Control Act (sections 376.011-376.17 -376.19-376.21, Florida Statutes) and all other applicable laws, I promulgate the following Executive Order:

Section 1. Based on the foregoing conditions, I find that this event threatens the State of Florida with a major disaster and proclaim a state of emergency exists for the following counties: Escambia, Santa Rosa, Okaloosa, Walton, Bay and Gulf.

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 activate the state's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency.

I hereby designate the Florida Department of Environmental Protection as lead state agency to coordinate emergency response activities among the various state and local governments responding to this emergency. The Department of Environmental Protection shall advise the State Coordination Officer on these 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 Office shall confer with the

Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority, as necessary to best meet this emergency, to:

A. Invoke and administer the Emergency Management Assistance Compact, Part III, Chapter 252, Florida Statutes, and other compacts and agreements existing between Florida and other states and to coordinate the allocation of resources from other states that are made available to Florida under such compacts and agreements.

B. Seek direct assistance with any and all agencies of the United States Government as may be needed to meet the emergency.

C. Direct all state, county, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the needs created by this emergency, and to place all such personnel under the direction and coordination of the State Coordinating Officer.

D. Designate Deputy State Coordinating Officers.

E. Enter such orders as may be needed to implement any or all of the foregoing powers.

Section 3. I order the Adjutant General to activate the Florida National Guard for the duration of this emergency, and I place the National Guard under the coordination and direction of the State Coordinating Officer for the duration of this emergency.

Section 4. I also find that the special duties and responsibilities resting upon some state, county, regional and local governmental agencies in responding to the emergency may require them to deviate from the statutes, rules, ordinances and orders they administer, and I delegate to such agencies the authority to waive or deviate from such statutes, rules, ordinances or orders to the extent that such actions are needed to

cope with this emergency. Any waiver of statutes, rules, ordinances or order shall be by emergency rule or order in accordance with sections 120.54(4) and 252.46, Florida Statutes, and shall expire in thirty (30) days from the date of this Executive Order unless extended (in increments of no more than thirty days) by the agency.

Without limiting the generality of the foregoing, I order the following as needed to meet this emergency:

A. I authorize the Department of Transportation (Department) to suspend enforcement of the registration requirements pursuant to section(s) 316.545(4) and 320.0715, Florida Statutes for commercial motor vehicles that enter Florida to provide emergency services, supplies, or transport equipment, supplies or personnel and to waive the hours of service requirements for such vehicles.

The Department shall also have the authority to waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services and supplies, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. In doing so, the Department shall issue permits and such vehicles shall be subject to such special conditions as the Department 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 herein or by supplemental order by the State Coordinating Officer.

B. I give all state agency heads responsible for the operation and public use of state facilities the authority to close such facilities in those portions of the state affected by this emergency.

C. I give all state, county, regional and local governmental agency heads the authority to 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.

D. I authorize the suspension of the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state 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, as provided pursuant to section 252.36(5)(a), Florida Statutes.

Section 5. I find that the demands placed upon funds regularly appropriated to state, county, regional and local governmental agencies may be inadequate to pay the costs of this disaster. In accordance with section 252.37(2), Florida Statutes, I direct the transfer of sufficient funds from any unappropriated surplus or from the Budget Stabilization Fund.

Section 6. All state, county, regional and local governmental 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 is practicable.

Section 7. 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 8. All actions taken by the Director of the Division of Emergency Management and the Secretary of the Department of Environmental Protection with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order 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, the Capitol, this 30 day of April 2010.



*Charlie Crist*  
CHARLIE CRIST

ATTEST:

*[Signature]*  
DEPARTMENT OF STATE

FILED  
2010 APR 30 2:10:11  
TALLAHASSEE FLORIDA