

RESOLUTION NO. 2024-____

Marion County Declaration of State of Local Emergency

Potential Tropical Cyclone Nine

WHEREAS, a tropical disturbance over the northwestern Caribbean, now identified as **Potential Topical Cyclone Nine**, due to abnormally warm waters in the western Caribbean, could quickly develop into a tropical depression, or possibly a hurricane which would be named **Helene**, with possible landfall as early as Thursday September 26, 2024. Landfall could potentially be from Collier County to the Florida panhandle. This storm system has the potential to produce severe weather in Marion County, including severe thunderstorms and strong wind gusts, possible tornados and potential flooding due to multi-day heavy rain events as early as Wednesday, September 25, 2024. As such, there currently exists a threat to the health, safety, and well-being to the citizens of Marion County, and the concomitant need to prepare for such threat; and

WHEREAS, Governor Ron DeSantis on September 23, 2024, issued Executive Order Number 24-208 related to this storm system. Section 1 of the Executive Order declares that a state of emergency exists in multiple Florida counties, including Marion County. Section 4. paragraphs C. and L., provide specific authorizations for local government agencies. A copy of this Executive Order is attached hereto as Exhibit A, and is incorporated herein by reference.

WHEREAS, it is incumbent upon Marion County, Florida, a political subdivision of the State of Florida, to take every prudent measure to ensure the safety and well-being of its citizens and their property located in Marion County; and

WHEREAS, Marion County has enacted an Emergency Management Plan pursuant to Florida Statutes, and in support of such plan, it is necessary that the departments, agencies, and services of Marion County make continuous effective responses by continuing their emergency responsibilities for management of several conditions of possible disaster and to promote rapid recovery from the effects thereof; and

WHEREAS, the Board of County Commissioners convened a duly noticed emergency public meeting in the Board of County Commissioners' chambers on September 23, 2024, for consideration of this Resolution; and

WHEREAS, pursuant to the powers vested in the Board of County Commissioners by Chapter 252, Florida Statutes,

NOW, THEREFORE, BE IT RESOLVED BY the Board of County Commissioners of Marion County as follows:

SECTION 1. Pursuant to section 252.38, Florida Statutes, a state of local emergency is hereby declared immediately, today, September 23, 2024, due to the likelihood that heavy rains and winds may result in extreme localized flooding, wind damage and possible tornadic activity in unincorporated Marion County, as a result of **Potential Tropical Cyclone Nine**.

SECTION 2. This State of Local Emergency is declared for a period of seven (7) days from the date of this Resolution and may be altered or rescinded during the continued or threatened existence of the local emergency by the issuance of subsequent directives or orders of the Chairman of the Board after consultation with the Marion County Director of Emergency Management.

SECTION 3. During this State of Local Emergency, Marion County may implement any and all emergency powers and restrictions enumerated herein and in its Emergency Plan, and in the Governor's Executive Order Number 24-208, which emergency powers and restrictions are incorporated, but not limited to herein by reference and made a part hereof, to wit:

- (a) Prohibit or regulate the purchase, sale, transfer, or possession of explosives, combustibles, or alcoholic beverages.
- (b) Prohibit or regulate any demonstration, parade, march, vigil, or participation therein from taking place on any public right-of-way or upon any public property.
- (c) Prohibit or regulate any sale or use of gasoline, kerosene, naphtha or any other explosive or flammable fluids or substances, but may allow the delivery of such into a tank properly affixed to an operable motor vehicle, bike, scooter, boat, or airplane and necessary for the propulsion thereof.
- (d) Prohibit or regulate the possession of any portable container containing gasoline or other flammable or combustible liquid.

- (e) Prohibit or regulate the participation in or carrying on of any business activity, and the keeping open of places of business, places of entertainment, and any other place of public assembly when such activities may negatively impact public health, safety and welfare.
- (f) Prohibit or regulate travel upon any public street or highway or upon any other public property. Persons in search of medical assistance, food, or other commodity or service necessary to sustain the wellbeing of themselves or their families may be exempted from such prohibition or regulation.
- (g) A curfew upon any or all portions of the unincorporated county prohibiting persons from being on public streets, highways, parks, or other public places during the hours the curfew is in effect.
- (h) Prohibit state and/or local business licensees, vendors, merchants, and any other person operating a retail business from charging more than the normal average retail price prevailing in Marion County, Florida, for any goods, materials, or services sold during a declared state of local emergency. The “average retail price,” as used herein, is defined as that price at which similar goods, materials or services were being sold during the ninety (90) days *immediately preceding* the declared state of local emergency. If the *wholesale* price or the cost of obtaining the goods, materials, or services has increased as a direct result of the local emergency, the average *retail* price may be increased, but only to the degree that the maximum increase in *retail* price shall be *less than or equal to* the amount representative of the *average mark-up* between the *wholesale* and average *retail* price for any goods, materials or services during the ninety (90) day period immediately preceding the declared state of local emergency.
- (i) Prohibit any person, firm, or corporation from using the fresh water supplied by public water systems for any purpose *other than* cooking, drinking or bathing.

SECTION 4. By appropriate proclamation, decree, directive, or other lawful order, the County, acting through its officers, employees, and agents, and through the Department of Emergency Management and the Sheriff’s Office of Marion County, may take any other necessary actions required to cope with the conditions related hereunder, stated herein but not limited to, to wit:

- (a) Allow additional flexibility in moving forward with debris removal and other emergency protective measures such as water notices, pre-emptive pumping of drainage retention areas, and warn and react to potential for significant flooding.
- (b) Respond to significant power outages countywide.
- (c) Open, and direct the opening of shelters including public school facilities, as needed.
- (d) Provide for limited clearing of private roads where necessary to allow access by emergency vehicles.
- (e) Assist other local governments as needed.
- (f) Address lack of fire protection flows and current potable water shortages or problems.

SECTION 5. All departments and agencies of Marion County shall perform emergency functions as designated in the adopted Marion County Emergency Management Plan and shall make available other resources of such departments and agencies as necessary to effectuate this Resolution.

SECTION 6. This Resolution shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this 23rd day of September, 2024.

BOARD OF COUNTY COMMISSIONERS
OF MARION COUNTY, FLORIDA

By: _____
MICHELLE STONE, CHAIRMAN

ATTEST:

By: _____
GREGORY C. HARRELL
CLERK OF COURT

Approved as to Form:

By: _____
MATTHEW G. MINTER
COUNTY ATTORNEY