

**STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT**

IN RE: Hamas Terrorist Attacks Rescue Operation

DEM ORDER NO. 23-009

EMERGENCY ORDER

WHEREAS, on October 12, 2023, Governor Ron DeSantis issued Executive Order 23-208 regarding the Hamas terrorist attacks in Israel and declared a state of emergency for the State of Florida; and

WHEREAS, Section 2 of Executive Order 23-208 designated the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and delegated to the State Coordinating Officer the authority to exercise those powers delineated in section 252.36(6)-(12), Florida Statutes; and

WHEREAS, pursuant to Section 2. E. of Executive Order 23-208, the State Coordinating Officer possesses the authority to designate Deputy State Coordinating Officers and Deputy State Disaster Recovery Coordinators, as necessary; and

WHEREAS, pursuant to Section 2. F. of Executive Order 23-208 and section 252.36(1)(a) and (6)(a), Florida Statutes, Governor DeSantis authorized the State Coordinating Officer to 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 respond to this emergency; and

WHEREAS, pursuant to Section 4. B. of Executive Order 23-208, 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; and

WHEREAS, strict compliance with the provisions of sections 287.055(3)(a)-(e), (4)(a)-(c), 5(a)-(c), (7), Florida Statutes, sections 287.057(1)(a)-(c), (3), (17), (21), (24), and (26), Florida Statutes, and rules 60A-1.002(4), 60A-1.021(2), 60A-1.033(2), and 60A-1.043(1)-(3), Florida Administrative Code, which pertain to the procurement of personal property and services, would subject the Division to delay in taking action to facilitate the mitigation, response, and recovery necessary to respond to this emergency; and

WHEREAS, strict compliance with the provisions of section 273.055, Florida Statutes, which pertains to the disposition of state-owned tangible personal property, would subject the Division to a severe shortage of space for storing essentials and thereby would cause delay in taking action to facilitate the mitigation, response, and recovery necessary to respond to this emergency;

WHEREAS, strict compliance with the provisions of Rule 60L-34.0031(3), Florida Administrative Code, which prohibits overtime payment for employees filling Selected Exempt Service and Senior Management Service positions, including Bureau Chief-level and equivalent employees of the Division of Emergency Management, thereby would prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, strict compliance with the provisions of section 215.422(3)(a)-(b), Florida Statutes, would impose an unreasonable burden on the Division in processing the large volume of invoices and other documentation associated with responding to this emergency.

NOW, THEREFORE, I, KEVIN GUTHRIE, pursuant to Section 4 of Executive Order 23-208 and section 252.36(1)(a) and (6)(a), Florida Statutes, find that the Division's strict compliance with the following statutes and rules would prevent, hinder, or delay

necessary action by the Division in coping with the emergency:

- 1) Sections 215.422(3)(a)-(b), Florida Statutes;
- 2) Sections 287.055(3) (a)-(e), (4) (a)-(c), 5 (a)-(c), (7), Florida Statutes, Sections 287.057(l) (a)-(c), (3), (17), (21), (24), and (26), Florida Statutes, and Rules 60A-1.002(4), 60A-1.021(2), 60A-1.033(2), and 60A-1.043(1)-(3), Florida Administrative Code;
- 3) Section 273.055, Florida Statutes; and
- 4) Rule 60L-34.0031(3), Florida Administrative Code, as it relates to Bureau Chief-level and equivalent employees of the Division.

Accordingly, for the duration of Executive Order 23-208, including any extensions thereof, and pursuant to the authority delegated to me thereby, I hereby suspend the effect of the above-referenced statutes and rules only as it pertains to the Division and only for the limited purpose of facilitating the Division's response to this emergency.

Additionally, I designate the Deputy Directors and the Chief of Staff of the Division of Emergency Management as Deputy State Coordinating Officers, who shall, subject to my approval or ratification, jointly and/or concurrently have the authority granted in Section 2 of Executive Order 23-208.

This Order is effective immediately and shall expire on the same date that Executive Order 23-208 expires, to include any extensions thereto.

By Order of the State Coordinating Officer executed this 12th day of October 2023,
in Tallahassee, Leon County, Florida.



Kevin Guthrie
State Coordinating Officer
Florida Division of Emergency Management
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399

Filed on this date, with
the designated Division Clerk,
receipt of which is hereby
acknowledged.



Division Clerk

Date: 10/12/2023