

**STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT**

IN RE: SUSPENSION OF STATUTES
AND RULES PURSUANT TO EXECUTIVE
ORDER NUMBER 24-115 RELATING TO
INVEST 90L SOUTH FLORIDA FLASH FLOODING

DEM ORDER NO 24-005

EMERGENCY ORDER

WHEREAS, on June 12, 2024, Governor DeSantis issued Executive Order 24-115, regarding Invest 90L South Florida Flash Flooding, declaring a state of emergency for Broward, Collier, Lee, Miami-Dade, and Sarasota counties; and

WHEREAS, Section 2 of Executive Order 24-115 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 24-115, the State Coordinating Officer possesses the authority to designate Deputy State Coordinating Officers, as necessary; and

WHEREAS, pursuant to Section 2. F. of Executive Order 24-115 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 24-115, 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, each state agency may waive the forty-day time limit to issue a warrant pursuant to section 215.422(3)(a)-(b), Florida Statutes, regarding invoices and reimbursement requests arising from this emergency that were received, inspected, and approved by the agency prior to the expiration of Executive Order 24-115, including any extensions thereof; 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), and (26), Florida Statutes, and rules 60A-1.002(4), 60A-1.021(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; and

WHEREAS, strict compliance with the 40-day warrant issuance requirement of section 215.422(3)(a)-(b), Florida Statutes, as it relates to the receipt of invoices and receipt, inspection, and approval of emergency goods and/or services related to this emergency by the Division prior to the expiration of Executive Order 24-115, including

any extensions thereof, would subject the Division to inordinate delay in taking action to facilitate the mitigation, response, and recovery necessary to respond to this emergency; and

WHEREAS, Rule 60L-34.0031(3) and 60L-32.0071 Florida Administrative Code, prohibits overtime payment for employees filling Selected Exempt Service and Senior Management Service positions, which includes Bureau Chief-level and equivalent employees of the Division of Emergency Management, thereby preventing, hindering, and delaying necessary action in coping with the emergency.

NOW, THEREFORE, I, KEVIN GUTHRIE, pursuant to Section 4 of Executive Order 24-115 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(1) (a)-(c), (3), (17), (21), and (26), Florida Statutes, and Rules 60A-1.002(4), 60A-1.021(2), and 60A-1.043(1)-(3), Florida Administrative Code;
- 3) Section 273.055, Florida Statutes;
- 4) Rule 60L-34.0031(3), Florida Administrative Code; and
- 5) Rule 60L-32.0071, Florida Administrative Code.

Accordingly, for the duration of Executive Order 24-115, 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 24-115.

This Order is effective immediately and shall expire on the same date that Executive Order 24-115 expires, to include any amendments and/or extensions thereto.

By Order of the State Coordinating Officer executed this 12th day of June, 2024, 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: 6/12/2024