

**STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT**

IN RE: SUSPENSION OF STATUTES DEM ORDER NO. 22-009
AND RULES PURSUANT TO EXECUTIVE
ORDER NUMBER 253, MADE NECESSARY
BY TROPICAL STORM NICOLE

EMERGENCY ORDER

WHEREAS, on November 7, 2022, Governor DeSantis issued Executive Order 22-253 regarding Tropical Storm Nicole and declared a state of emergency for several counties in much of Florida's Peninsula; and

WHEREAS, Section 2 of Executive Order 22-253 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. F. of Executive Order 22-253 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 cope to this emergency; and

WHEREAS, pursuant to Section 4. B. of Executive Order 22-253, 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, Rule 60L-34.0031(3), 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 2 of Executive Order 22-253 and section 252.36(1)(a) and (6)(a), Florida Statutes, find that strict compliance with the following rule would prevent, hinder, or delay necessary action in coping with the emergency:

- I. Rule 60L-34.0031(3), Florida Administrative Code, as it relates to Bureau Chief-level and equivalent employees of the Division of Emergency Management.

Accordingly, for the duration of Executive Order 22-253, including any extensions thereof, and pursuant to the authority delegated to me thereby, I hereby suspend the effect of the above-referenced rule as it relates to the Division of Emergency Management for the limited purpose of responding to this emergency.

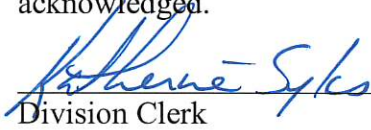
This Order is effective immediately and shall expire on the same date that Executive Order 22-253 expires.

By Order of the State Coordinating Officer executed this 8th day of November,
2022, 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: 11/8/2022