CITY OF TAMPA

OFFICE OF THE MAYOR

Jane Castor, Mayor

EXECUTIVE ORDER 2024-5

WHEREAS, Governor Ron DeSantis, on October 5, 2024, issued Executive Order 24-214 to declare a State of Emergency for 35 counties in the State of Florida, including Hillsborough County, in response to the threat posed by Tropical Storm Milton; and

WHEREAS, by order issued on October 6, 2024, the County Administrator of Hillsborough County declared a countywide State of Emergency for Hillsborough County in response to the threat posed by Tropical Storm Milton; and

WHEREAS, Chapter 252, Florida Statutes, and City Code Section 2-402, Declaration of a state of local emergency; duration; alteration and rescission; provide that a Local State of Emergency shall be declared by Executive Order of the Mayor if the Mayor finds that an emergency (as defined in Section 252.34, Florida Statutes) has occurred in the City of Tampa, or the threat thereof is imminent; and

WHEREAS, the Governor's Executive Order 24-214 also authorizes local governments in the State to begin taking actions to address or assist in the response, recovery, and mitigation needs created by the storm threat; and

WHEREAS, the City of Tampa is experiencing an imminent threat of personal injury and property damage due to the approach of Tropical Storm Milton as it moves towards the State of Florida; and

WHEREAS, as Mayor of the City of Tampa, I hereby find that Tropical Storm Milton and the imminent threat of substantial injury and harm to the citizens, and the threat of substantial damage to property, constitute an emergency as defined in Section 252.34, Florida Statutes.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Tampa by City Code Article VII, Civil Emergencies, Sections 2-401, et. seq., the Charter of the City of Tampa, and the Laws of the State of Florida, and in coordination with Hillsborough County, I hereby issue this Executive Order:

SECTION 1. **State of Local Emergency.** Based on the findings and justifications set forth in the recitals clauses above and incorporated herein by reference, I hereby declare a State of Local Emergency.

SECTION 2. **Mayor's Continuity of Government Powers**. Pursuant to Chapter 252, Florida Statutes, and City Code Section 2-403, Emergency Management Powers of the Mayor, which City Code Section is attached hereto as Exhibit A and made a part hereof, the Mayor is hereby empowered and authorized to perform or exercise the actions set forth in the City Code Section 2-403(a); as the need or circumstances arise; additionally, the procedures and formalities otherwise required of the City by law or ordinance are hereby waived pertaining to the actions set forth in City Code Section 2-403(b).

SECTION 3. **Additional Specific Restrictions Authorized.** Pursuant to City Code Section 2-404, Specific restrictions authorized; exemptions, any or all of the following specific restrictions as authorized in Section 2-404(a) may be imposed by directive or separate executive order in response to the state of emergency as the need or circumstance arises:

- **a.** Prohibit or regulate the purchase, sale, transfer or possession of explosives, combustibles, dangerous weapons of any kind (except firearms which may be restricted by F.S. § 870.044), or alcoholic beverages;
- **b.** Prohibit or regulate any special event, demonstration, parade, march, vigil or participation therein from taking place on any of the public rights-of-way or upon any public property;
- **c.** Prohibit or regulate the sale or use of gasoline, kerosene, naphtha or any other explosive or flammable fluids or substances altogether, except by delivery 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 participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment and any other place of public assembly;
- **e.** Prohibit or regulate travel upon any public street, highway or upon any other public property. Persons in search of medical assistance, food or other commodity or service necessary to sustain the well being of themselves or their families or some member thereof may be excepted from such prohibition or regulation;
- **f.** A curfew upon all or any portion of the city thereby prohibiting persons from being on public streets, highways, parks or other public places during the hours which the curfew is in effect;
- **g.** Prohibit state and/or local business licensees, vendors, merchants and any person operating a retail business from charging more than the normal average price for any goods, materials or services sold during a declared state of local emergency, except that the normal average price for any merchandise may be increased, but only to the degree that the maximum increase in retail price shall be a percentage less than or equal to the amount representative of the average mark-up percent between wholesale and average retail price for any merchandise during the thirty-day period immediately preceding the declared state of local emergency. The normal average price as used herein is defined to be that price at which similar merchandise, or services, has been sold during the thirty (30) days immediately preceding the declaration of a state of local emergency;
- **h.** Prohibit any person, firm, or corporation from using the fresh water supplied by the city for any purpose other than cooking, drinking or bathing.

SECTION 4. **Exemptions from limitations for government, public safety and health personnel.** Pursuant to City Code Section 2-404(b), during the duration of this emergency and to the extent necessary, the following individuals are exempt from the restrictions that may be imposed pursuant to City Code Section 2-404(a) referenced above: physicians, nurses, ambulance operators performing medical services, on-duty employees in hospitals and other medical facilities, on-duty military personnel, bona fide members of the news media, personnel of public utilities maintaining essential public services, city authorized or requested firemen, law enforcement officers and personnel and such other classes of persons as I deem essential to the preservation of public order or necessary to serve the safety, health and welfare of the citizens of the City of Tampa during this emergency.

SECTION 5. **Effective Date and Duration.** This Executive Order shall take effect immediately on the date set forth below and shall remain in effect for seven (7) days, unless terminated earlier.

SECTION 6. **Enforcement**. Pursuant to Section 252.50, Florida Statutes, a violation of this Order is a second degree misdemeanor which carries a penalty of up to 60 days imprisonment and/or a $500 fine.

DONE and ORDERED this 6th day of October, 2024.

Jane Castor

Jane Castor, Mayor

PREPARED AND APPROVED BY:

e/s/ Andrea Zelman

Andrea Zelman, City Attorney

Exhibit A

Sec. 2-403. Emergency management powers of the mayor.

(a) Upon declaration of a state of local emergency, the mayor, in addition to any other powers conferred upon the mayor by law, City of Tampa Charter or city ordinance, has the following power and authority:

(1) To direct and compel the evacuation of all or part of the population from any stricken or threatened area within the city if he deems this action necessary for the preservation of life or otheremergency mitigation, response, or recovery.

(2) To appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinatethe development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.

(3) To appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams,fire and police personnel, and other emergency management workers.

(4) To establish, as necessary, a primary and one or more secondary emergency operations centers to provide continuity of government and direction and control of emergency operations.

(5) To assign and make available for duty the offices and agencies of the City of Tampa, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the City of Tampa for employment within or outside the political limits of the City.

(6) To request emergency assistance and resources from higher levels of government, other local governments and/or other agencies, in accordance with the State of Florida Comprehensive Emergency Management Plan and/or the Statewide Mutual Aid Agreement and/or in accordance with the needs of the city and the resources available.

(b) Upon declaration of a state of local emergency, the mayor shall also have the power and authority to waive the procedures and formalities otherwise required of the city by law or ordinance pertaining to:

(1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

(2) Entering into contracts;

(3) Incurring obligations;

(4) Employment of permanent and temporary workers;

(5) Utilization of volunteer workers;

(6) Rental of equipment;

(7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and

(8) Appropriation and expenditure of public funds.