

FLAGLER COUNTY EMERGENCY ORDER NO. 2022-01

AN ORDER IMPLEMENTING AN EVACUATION FOR UNSAFE STRUCTURES, EVACUATION ZONE A, CERTAIN FLOOD PRONE AREAS OF EVACUATION ZONE B, AND NON-ELEVATED STRUCTURES WITHIN CERTAIN PARTS OF EVACUATION ZONE F, DURING THE DECLARED STATE OF LOCAL EMERGENCY FOR HURRICANE IAN

WHEREAS, Flagler County is under a Federal, State and Local State of Emergency for Hurricane Ian pursuant to Executive Orders of the Governor for the State of Florida (Numbers 2022-218 and 2022-219) and Flagler County Proclamation Declaring a State of Local Emergency dated September 26, 2022; and

WHEREAS, Flagler County's Proclamation, in accordance with Chapter 252, Florida Statutes, and Section 12-34 of the Flagler County Code of Ordinances, authorizes the County to take all necessary action and issue any necessary orders to protect human life and property; and

WHEREAS, such orders when filed with the Clerk of Court have the force of law, and all existing laws, ordinances, and rules which are in conflict are suspended to the extent of such conflict pursuant to Section 252.46(2), Florida Statutes; and

WHEREAS, a violation of a duly promulgated order is a second degree misdemeanor punishable by a fine of up to \$500.00 for each offense and by a term of imprisonment of up to sixty (60) days for each offense, in accordance with Section 252.50, Florida Statutes; and

WHEREAS, Hurricane Ian is forecast to bring torrential rainfall, tropical storm force winds or greater, and storm surge, which together are likely to cause electrical power outages and flooding in certain areas; and

WHEREAS, in order to ensure safety of residents of flood prone areas, the County's Emergency Management Director, with the concurrence of the County's Emergency Operations Center (EOC) Policy Group, has recommended a mandatory evacuation of Evacuation Zone A, the barrier island of Flagler County and other low-lying areas within Evacuation Zone B prone to flooding; and

WHEREAS, the EOC Policy Group additionally recommended the mandatory evacuation of non-elevated structures in portions of Evacuation Zone F vulnerable to flooding, to include specifically non-elevated residences near Crescent Lake, Dead Lake, and within Daytona North; and

WHEREAS, in order to protect residents from damaging winds, the County's Emergency Management Director, with the concurrence of the County's EOC Policy Group, has further recommended the mandatory evacuation of residents of mobile homes, recreational vehicles, trailers, and any other unsafe structures regardless of their location; and

WHEREAS, the County has a compelling interest in protecting displaced civilians within temporary emergency shelters from the risks and dangers posed by sexual predators, sexual offenders, and Florida career offenders.

NOW THEREFORE, it is hereby ordered:

Section 1. Evacuation.

- (A)** An evacuation of residents of Flagler County within the geographic areas listed below shall take effect on Wednesday, September 28, 2022, beginning at 1:00 p.m. The areas subject to this evacuation order are:
- 1.) Evacuation Zone A (consisting of the entire barrier island of Flagler County);
 - 2.) Low-lying properties within Evacuation Zone B, specifically, the Bulowville neighborhood east of John Anderson Highway and the Palm Drive and Lambert Avenue neighborhoods; and
 - 3.) Residents of unelevated structures in Evacuation Zone F near Crescent Lake and Dead Lake and within Daytona North.
- (B)** An evacuation of residents of mobile homes, recreational vehicles, trailers, and any other unsafe structures within Flagler County shall also take effect on Wednesday, September 28, 2022 at 1:00 p.m.
- (C)** The mandatory evacuations will remain in effect until the termination or expiration of the Proclamation Declaring a State of Local Emergency or

until this Emergency Order is modified or rescinded after the Emergency Management Director, in coordination with the County's EOC Policy Group, determines it is safe to return.

Section 2. Sheltering of Sexual Predators, Sexual Offenders, and Florida Career Offenders.

- (A) Any person designated as a sexual predator pursuant to Section 775.21(5), Florida Statutes, (hereafter, "sexual predator") is prohibited from entering or seeking accommodation at emergency shelters in Flagler County, provided however, that sexual predators may shelter at the Flagler County Jail. Any sexual predator sheltering at the Flagler County Jail is not permitted to bring family members or pets.
- (B) Any sexual offender, as defined in Section 943.0435(1)(h)1., Florida Statutes, (hereafter, "sexual offender") and any Florida career offender, as defined by Section 775.261(2)(a), Florida Statutes, (hereafter, "Florida career offender") seeking shelter at an emergency shelter within Flagler County shall identify himself or herself to the law enforcement officer or other official in charge of security at the shelter upon arrival. Sexual offenders and Florida career offenders shall be kept separated from other displaced civilians at the shelter. Public officials tasked with registering residents of the Flagler County Emergency Shelters will keep a roster of any sexual offenders or Florida career offenders residing at the shelters.

Section 3. Effective Date. This Emergency Order will take effect upon filing with the Clerk of Courts of Flagler County in accordance with Section 252.46(2), Florida Statutes.

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DONE AND ORDERED, this 28th day of September 2022.



Jorge Salinas, Deputy County
Administrator

CONCURRENCE:



Jonathan Lord, Emergency
Management Director

APPROVED AS TO FORM:



Sean S. Moylan, Deputy County
Attorney