

FLAGLER COUNTY EMERGENCY ADMINISTRATIVE ORDER NO. 2022-05

**AN ORDER IMPLEMENTING AN EVACUATION FOR
EVACUATION ZONE A DURING THE DECLARED STATE
OF LOCAL EMERGENCY FOR TROPICAL STORM
NICOLE**

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, the Chair of the Board of County Commissioners also issued a Proclamation Declaring a Local State of Emergency, effective November 8, 2022, at 10:00 a.m., due to the anticipated impact of Subtropical Storm Nicole; 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 began impacting Flagler County on September 28, 2022, severely damaging the Flagler Beach pier, many private and public dune walkovers, and the County's already fragile and eroded dune system—leaving public infrastructure and private buildings along the coastline highly vulnerable to wave and tidal action; and

WHEREAS, the National Weather Service has upgraded Nicole to a tropical storm and issued a hurricane warning and storm surge warning for Flagler County;

Tropical Storm Nicole is expected to bring steady onshore winds, higher than normal tides, rough surf and large breaking; and

WHEREAS, due to the severe, prior erosion of the beaches and dunes, Tropical Storm Nicole has the potential to cause the ocean to breach the dunes and penetrate the barrier island in multiple locations; and

WHEREAS, in order to ensure the safety of residents near the coastline, the County's Emergency Management Director, with the concurrence of the County's Emergency Operations Center Policy Group, has recommended a mandatory evacuation of Evacuation Zone A, the barrier island of Flagler County; 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 Evacuation Zone A (consisting of the entire barrier island of Flagler County) shall take effect on Wednesday, November 9, 2022, beginning at 3:30 p.m.
- (B) The evacuation 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 Administrative Order will take effect upon filing with the Clerk of Courts of Flagler County in accordance with Section 252.46(2), Florida Statutes.

DONE AND ORDERED, this 9th day of November 2022.

Heidi Petito, County Administrator

CONCURRENCE:

Jonathan Lord, Emergency
Management Director

APPROVED AS TO FORM:

Sean S. Moylan, Deputy County
Attorney