



JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

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September 2, 2004

The Honorable George W. Bush
President
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Through: Ms. Mary Lynne Miller
Director, Region IV
Federal Emergency Management Agency

Dear Mr. President:

Under the provisions of Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the "Stafford Act"), as implemented by 44 C.F.R. § 206.36, I request that you declare a major disaster for the entire State of Florida due to the statewide impact of Hurricane Frances. According to current predictions by the National Hurricane Center, this event will inflict substantial damage to the coastal communities in eastern Florida from storm surge, high winds, torrential rainfall, inland flooding, and tornadoes, very much as Hurricane Charley did three weeks ago in southwestern and central Florida. I request 100 percent direct federal assistance, assistance under Categories A and B statewide, 100 percent assistance for debris removal and emergency protective measures in the first 72 hours (Categories A and B), and the Hazard Mitigation Grant Program for the entire State of Florida. I also request Public Assistance (Categories A-G) and Individual Assistance for the following counties lying in or near the path of Hurricane Frances that are likely to experience hurricane force winds: Brevard, Broward, Citrus, Glades, Hernando, Highlands, Indian River, Lake, Martin, Miami-Dade, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Polk, St. Lucie and Sumter Counties. I am requesting the full complement of Individual Assistance programs, to include the Individuals and Households Program, Disaster Unemployment Assistance, Crisis Counseling, Disaster Legal Services, and the Small Business Administration Disaster Loans Program.



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At present, nearly half of Florida's 67 counties have opened shelters or have them standing by. In addition, more than a dozen counties have issued evacuation orders; the resulting evacuation has already put over twice the normal number of vehicles on the highways of Florida, transporting hundreds of thousands of evacuees seeking refuge. The only available routes for many of the evacuees will take them westward to shelters in sections of the State ravaged only three weeks ago by Hurricane Charley, where the communities hit by that hurricane are still trying to recover. Several counties closed schools and more will close tomorrow. Several hospitals have been evacuated, and government offices and courthouses are closed in eleven counties. Local states of emergency have been declared in a majority of counties.

As you know, Hurricane Charley has caused substantial losses of life and property in Florida already. According to the latest weather information, Hurricane Frances is likely to come ashore sometime on September 4, 2004. It is now apparent that Hurricane Frances will strike coastal Florida, where population densities are among the highest in the southeastern United States. Due to the large populations of these coastal communities, it is essential to begin the evacuations at once for those members of the public who live in low-lying areas, as well as hospital patients and other vulnerable members of the public. I therefore issued Executive Order 04-192 yesterday to declare a state of emergency and activate the State Comprehensive Emergency Management Plan in support of the evacuation from these communities (Attachment 1). An evacuation of the general public from these communities begins today, and the State Emergency Operations Center was activated at Level 1 at 7:00 a.m. on September 1, 2004.

In addition to the other dangers posed by Hurricane Frances to some of the most densely populated areas in Florida, the telling characteristics of the storm itself foreshadow destruction on a much larger scale than that caused by Hurricane Charley. Hurricane Frances has five times the diameter of Hurricane Charley, which was a more compact system. If it retains its present diameter, Hurricane Frances will cause a swath of destruction from hurricane-force winds eighty miles wide, with gale-force winds extending outward an additional eighty or ninety miles (Attachment 2). Moreover, current projections show Hurricane Frances slowing in its forward movement to less than ten miles per hour as it approaches land. This slower movement will increase the rainfall from the hurricane to from ten to twenty inches as it moves over land. This abnormal rainfall will cause flooding in rivers that are already above normal levels due to heavy rainfalls earlier in the summer that were exacerbated by Hurricane Charley. According to estimates based on the demographic and economic data available, if Hurricane Frances stays on its present course it may generate 900,000 tons of debris and inflict damage on an unprecedented scale.

The State Coordinating Officer has requested a FEMA Emergency Response Team-A at the State Emergency Operations Center for this event. All five Water Management Districts are monitoring the flood stages of the rivers in the State, and are prepared to take action as needed. Other state agencies are putting their resources forward in response to this event. Emergency Support Function 8 (Health and Medical) is working with the County Health Departments to secure additional facilities and medical staffing for special needs shelters. Emergency Support Function 11 (Food and Water) is locating USDA commodities for distribution to the affected

communities. As with Hurricane Charley, we anticipate power outages on a large scale, and Emergency Support Function 12 (Energy) will be working with our utilities to restore power to as many customers as possible once the hurricane has passed. Emergency Support Function 14 (Public Information) has opened the Florida Emergency Information Line to give residents a source of reliable information concerning the emergency. Emergency Support Function 16 (Law Enforcement and Security) is working to prepare its resources for deployment as needed to ensure security in the affected communities. The personnel, who run these and other functions have been working since August 10, 2004 when the State Emergency Operations Center went to Level 1 for Hurricane Charley, and will continue to work through this storm without interruption.

I have determined, in accordance with 44 C.F.R. § 206.35, that this incident is of such severity and magnitude that effective response and recovery actions are beyond the capabilities of the State and the affected local governments, and that supplemental federal assistance is necessary to save lives, protect property, public health and safety, or to lessen or avert the threat of a disaster. In response to the situation, I have taken appropriate actions under state law and directed the execution of the provisions of the State Comprehensive Emergency Management Plan for the duration of this event.

In accordance with 44 C.F.R. § 206.208, the State of Florida agrees that with respect to direct federal assistance it will do the following:

1. Provide, without cost to the United States, all lands, easements and rights of way necessary to accomplish the approved work;
2. Hold and save the United States free from damages due to the requested work, and indemnify the United States from any claims resulting from such work;
3. Provide reimbursements to FEMA for the nonfederal share of the cost of such work in accordance with the FEMA-State Agreement; and
4. Assist the performing federal agency in all support and local jurisdictional matters.

In addition, I anticipate the need for debris removal, which poses an immediate threat to lives, public health and safety. Pursuant to Sections 403 and 407 of the Stafford Act, the State agrees to indemnify and hold harmless the United States for any claims arising from the removal of debris or wreckage for this disaster. The State agrees that debris removal from public and private property will not occur until the landowner signs an unconditional authorization for the removal of debris.

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I further hereby certify that State and local obligations and expenditures for this disaster will comply with all applicable cost sharing requirements. I have designated W. Craig Fugate, Director, Department of Community Affairs, Division of Emergency Management, as the State Coordinating Officer for this request. He will work with the Federal Emergency Management Agency on damage assessments and is authorized to provide any further information, assurances, requests or justification on my behalf.

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 04-192

(Emergency Management)

WHEREAS, on August 10, 2004, the Governor issued Executive Order 04-182 to declare a state of emergency because of Hurricane Charley; and

WHEREAS, Hurricane Charley came ashore in the southwestern portion of the State as a Category 4 hurricane and devastated communities in the southwestern and central portions of the State; and

WHEREAS, the State is now trying to recover from the impact of Hurricane Charley, although it may take years to do so; and

WHEREAS, on September 1, 2004, the National Hurricane Center advised that Hurricane Frances has continued to strengthen into a Category 4 hurricane, with sustained surface winds exceeding 135 mph, and that it may strengthen even further; and

WHEREAS, Hurricane Frances threatens a number of communities in the State of Florida with extreme weather conditions which pose an immediate danger to the lives and property of persons in those communities; and

WHEREAS, it is likely that Hurricane Frances will strike those communities within a matter of days, making the orderly evacuation of persons from those communities vital to the safety of the residents; and

WHEREAS, special equipment, personnel and other resources in addition to those needed for Hurricane Charley may be required in order to ensure the timely evacuation of

persons from the threatened communities and the safe movement of the evacuees to other communities in the State acting as destinations for the evacuees; and

WHEREAS, emergency measures in addition to those needed for Hurricane Charley may be needed to protect the lives and property of persons in the threatened communities, and the general welfare of the State of Florida; and

WHEREAS, central coordination and direction of the use of such resources for the local evacuation measures are needed to ensure the timely evacuation of the threatened communities;

NOW, THEREFORE, I, JEB BUSH, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, I hereby find that Hurricane Frances, alone and in combination with the destruction by Hurricane Charley, threatens the State of Florida with a catastrophic disaster. I therefore declare that a state of emergency exists in the State of Florida, and that the evacuation of multiple counties in the State may be necessary because of Hurricane Frances. I further find that central authority over the evacuation of these counties is needed to coordinate these evacuations, that these evacuations exceed the capability of the local governments in these communities, and that shelters in other counties are needed to accommodate the evacuees. I therefore declare that a state of emergency also exists in all destination counties that open shelters to accommodate evacuees from the communities threatened by Hurricane Frances.

Section 2. I hereby incorporate Executive Order 04-182, as amended, by reference into this Executive Order, and all mission assignments and orders issued by the State

Coordinating Officer and Deputy State Coordinating Officers in connection with Hurricane Charley under the authority of Executive Order 04-182, as amended, are hereby ratified and extended as if issued on this date. Executive Order 04-182, as amended, is also hereby extended, so that its date of expiration will coincide with the expiration of this Executive Order.

Section 3. I hereby designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and as my Authorized Representative. In exercising the powers delegated by this Executive Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. In accordance with Sections 252.36(1)(a) and 252.36(5), Florida Statutes, I hereby delegate to the State Coordinating Officer the following powers, which he shall exercise as needed to meet this emergency:

- A. The authority to activate the Comprehensive Emergency Management Plan;
- B. The authority to invoke and administer the Statewide Mutual Aid Agreement, and the further authority to coordinate the allocation of resources under that Agreement so as best to meet this emergency;
- C. The authority to invoke and administer the Emergency Management Assistance Compact and other Compacts and Agreements existing between the State of Florida and other States, and the further authority to coordinate the allocation of resources from such other States that are made available to the State of Florida under such Compacts and Agreements so as best to meet this emergency;
- D. The authority to seek direct assistance from any and all agencies of the United States Government as may be needed to meet the emergency;
- E. The authority to distribute any and all supplies stockpiled to meet the emergency;

F. In accordance with Sections 252.36(5)(a) and 252.46(2), Florida Statutes, the authority to suspend existing statutes, rules, ordinances, and orders for the duration of this emergency to the extent that literal compliance with such statutes, rules, ordinances, and orders may be inconsistent with the timely performance of disaster response functions;

G. The authority to direct all state, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the needs created by this emergency, and to place all such personnel under the direct command of the State Coordinating Officer to meet this emergency;

H. The authority to activate the Continuity of Operations Plans of all state, regional and local governmental agencies;

I. The authority to seize and utilize any and all real or personal property as needed to meet this emergency, subject always to the duty of the State to compensate the owner;

J. The authority to order the evacuation of all persons from any portions of the State threatened by the disaster, the authority to direct the sequence in which such evacuations shall be carried out, and the further authority to regulate the movement of persons and traffic to, from, or within any location in the State to the extent needed to cope with this emergency;

K. The authority to reverse the flow of traffic on any and all highways or portions of highways of the State Highway System as needed to facilitate the evacuation of the affected communities;

L. The authority to regulate the return of the evacuees to their home communities;

M. The authority to designate such Deputy State Coordinating Officers as the State Coordinating Officer may deem necessary to cope with the emergency; and

N. The authority to enter such orders as may be needed to implement any or all of the foregoing powers.

Section 4. I hereby order the Adjutant General to activate the Florida National Guard for the duration of this emergency, and I hereby place the National Guard under the authority of the State Coordinating Officer for the duration of this emergency.

Section 5. I hereby direct each county in the State of Florida, at the discretion of the State Coordinating Officer, to activate its Emergency Operations Center and its County Emergency Management Plan, as needed to ensure an immediate state of operational readiness, and I further direct each county in the State, at the discretion of the State Coordinating Officer, to open and activate all shelters to accommodate all evacuees.

Section 6. I hereby direct all state, regional and local agencies to place any and all available resources under the authority of the State Coordinating Officer as needed to meet this emergency.

Section 7. I hereby designate all state, regional and local governmental facilities including, without limiting the generality of the foregoing, all public elementary and secondary schools, all Community Colleges, and all State Universities, for use as shelters to ensure the proper reception and care of all evacuees.

Section 8. I find that the special duties and responsibilities resting upon some state, regional and local agencies and other governmental bodies in responding to the disaster may require them to deviate from the statutes, rules, ordinances, and orders they administer, and I hereby give such agencies and other governmental bodies the authority to take formal action by emergency rule or order in accordance with Sections 120.54(4) and 252.46(2), Florida Statutes,

to the extent that such actions are needed to cope with this emergency. Without limiting the generality of the foregoing, I hereby order the following:

A. I hereby give all agencies of the State, including the collegial bodies within those agencies, the authority to suspend the effect of any statute, rule, ordinance, or order of any state, regional, or local governmental entity, to the extent needed to procure any and all necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes and rules which affect budgeting, printing, purchasing, leasing, and the conditions of employment and the compensation of employees, but any such statute, rule, ordinance, or order shall be suspended only to the extent necessary to ensure the timely performance of disaster response functions.

B. I hereby direct the Department of Transportation to waive the collection of tolls and other fees and charges for the use of the Turnpike and all other transportation facilities, regardless of whether such facilities are components of the State Highway System, to the extent such waiver may be needed to facilitate the evacuation of the affected communities; to reverse the flow of traffic on any and all highways or portions of highways of the State Highway System as may be needed to facilitate the evacuation of the affected communities; to close any and all highways or portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties the State Coordinating Officer may designate as destination counties for evacuees in this emergency; to waive fuel taxes levied on vehicles registered in other States that are owned or operated by governmental agencies of those States, or by public utility companies or parties under contract with them, and to waive by special permit the registration requirements and the hours of service requirements for such vehicles; to waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment,

services and supplies, and by special permit to designate alternate size and weight restrictions for all such vehicles for the duration of the emergency; and to waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services, to the extent such waivers are needed to meet this emergency.

C. At the request of the Director of Emergency Management of any county, I hereby direct the Department of Health to take over the operation of all shelters in that county that are intended for use by those evacuees with special personal, medical or psychological needs, and to station licensed medical professional and paraprofessional personnel at those shelters as needed to provide appropriate reception and care for such evacuees.

D. I hereby give all agencies of the State the authority to allow overnight stays by employees of the State who travel a distance of less than fifty (50) miles for the performance of official duties in connection with this emergency, and the authority to allow employees of the State reimbursement for the cost of meals during Class C travel incurred in connection with this emergency.

E. I hereby give all agencies of the State responsible for the use of state buildings and facilities the authority to close such buildings and facilities in those portions of the State affected by the emergency, to the extent needed to meet this emergency.

F. I hereby give all agencies of the State, including the collegial bodies within those agencies, the authority to abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such applications are deemed to be approved unless disapproved in writing by

specified deadlines, and all such time requirements that have not yet expired as of the date of this Executive Order are hereby suspended and tolled to the extent needed to meet this emergency.

G. I hereby give all agencies of the State with employees certified by the American Red Cross as disaster service volunteers within the meaning of Section 110.120(3), Florida Statutes, the authority to release any such employees for such service as requested by the American Red Cross as needed to meet the emergency.

Section 9. I hereby find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies may be inadequate to pay the costs of this disaster. In accordance with Section 252.37(2), Florida Statutes, to the extent that funds appropriated to the agencies of the State and to local agencies may be inadequate to defray the costs of this disaster, I hereby direct the transfer of sufficient funds from any unappropriated surplus funds, or from the Working Capital Fund, or from the Budget Stabilization Fund.

Section 10. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by States other than the State of Florida shall be allowed to render such services in the State of Florida during this emergency for persons affected by the disaster, with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross.

Section 11. In accordance with Sections 501.160(2) and 501.160(3), Florida Statutes, I hereby place all persons on notice that it is unlawful for any person in the State of Florida to rent or sell, or offer to rent or sell at an unconscionable price, any essential equipment, services, or supplies whose consumption or use is necessary because of the emergency. Such services shall include, without limiting the generality of the foregoing, any rental of hotel, motel, or other

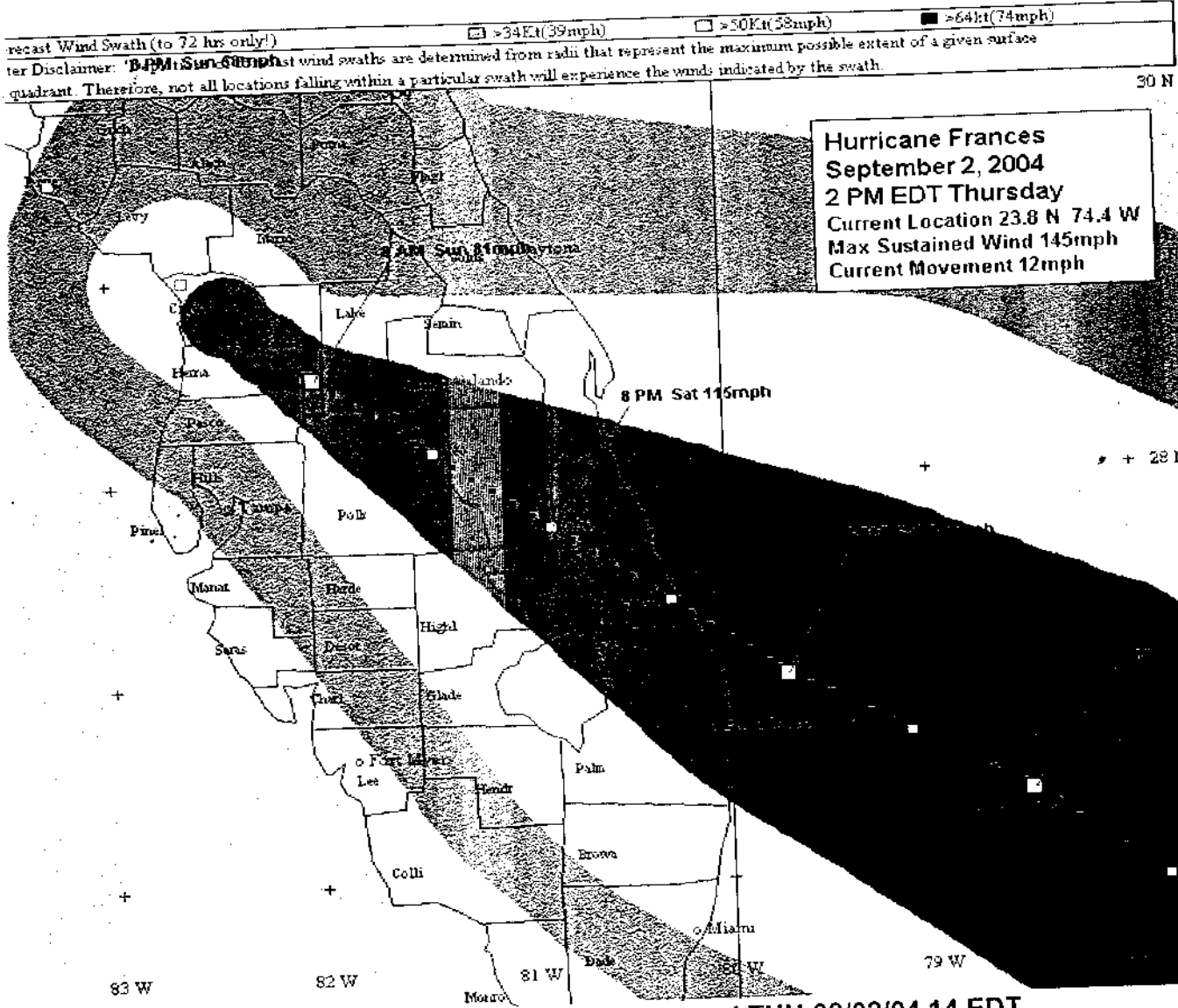
transient lodging facilities, and any rental of storage facilities. In accordance with Section 501.160(1)(b), Florida Statutes, any price exceeding the average price for such essential equipment, services, or supplies for the thirty (30) days immediately preceding the date of this Executive Order shall create a presumption that the price is unconscionable unless such increase is caused by actual costs incurred in connection with such essential equipment, services, or supplies, or is caused by national or international economic trends.

Section 12. All state agencies that enter emergency final orders or rules, or take other final actions based on the existence of this emergency shall advise the State Coordinating Officer in writing of the action taken as soon as practicable, but in no event later than the expiration of sixty (60) days from the date of this Executive Order.

Section 13. This Executive Order shall be deemed to have taken effect on September 1, 2004, and all actions taken by the Director of the Division of Emergency Management with respect to Hurricane Frances before the issuance of this Executive Order are hereby ratified. This Executive Order shall expire sixty (60) days from the date hereof unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 1st day of September, 2004.



Forecast track shown (dots) is based on Advisory issued THU 09/02/04 14 EDT

Wind Swaths shown here, are the official Hurricane Center Advisory for the storm and advisory number shown above. These forecasts are subject to errors smaller in the first hours, becoming greater with each hour.

Forecast error = at 12hours..47 miles 24hrs..88 mi. 36hrs..127 mi. 48hrs..166 mi. 72hrs..249 mi.)