



Legislation Text

File #: ORD 2022-005, Version: 1

AGENDA ITEM REPORT

TITLE:

AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CITY COMMISSION," SECTION 2-25, "DECLARATION OF CITY-WIDE STATE OF EMERGENCY," TO PROVIDE A DEFINITION OF PUBLIC HEALTH EMERGENCY, UPDATE NOTICE REQUIREMENTS, CLARIFY AUTHORITY CONSISTENT WITH PRACTICES AND EMERGENCY NEEDS, AND REVISE THE PERMITTED DURATION OF CERTAIN EMERGENCY MEASURES, WHICH LIMIT THE RIGHTS OR LIBERTIES OF INDIVIDUALS OR BUSINESSES WITHIN THE CITY TO SEVEN (7) DAY PERIODS WITH RENEWALS NOT TO EXCEED FORTY-TWO (42) DAYS PURSUANT TO STATE LAW. (SECOND READING)(PUBLIC HEARING)

BACKGROUND:

At the May 12, 2022, City Commission meeting, this item was approved on First Reading, as amended to provide joint authority of both the Mayor and City Manager to declare a state of emergency due to a natural, technological, or man-made emergency and both the Mayor and Police Chief to declare a state of emergency due to a threat of violence.

During emergency situations, it is important to mitigate the dangers that are posed through prompt and efficient action by City officials. To ensure the safety of the City's residents, property owners, and visitors, the City's Code of Ordinances currently authorizes the Mayor to declare a city-wide state of emergency by proclamation without need of a formal act by the City Commission pursuant to Section 2-25, "Declaration of city-wide state of emergency."

DISCUSSION:

The purpose of this ordinance is to make the Code of Ordinances consistent with state law, which was amended by Senate Bill 2006 (2021) to limit the duration for an emergency declaration and emergency protective measures differently based on whether or not the declaration or measures limit the rights or liberties of individuals or businesses within the City.

A public health emergency may only be issued by the State Health Officer, but once declared, all emergency powers under Florida Statutes remain available to local governments in the same way as they do for other types of emergencies. A definition of public health emergency has been added to the ordinance. In addition, the ordinance clarifies the City's emergency procedures and amends them to provide for the duration, expiration, and renewal procedures and limitations consistent with the new state law.

The ordinance also changes the designation of authority to declare emergencies and emergency measures from the mayor to the chief of police (for *threat of violence* emergencies) and city manager (for all other types of emergencies) consistent with emergency management practices and state law. Emergency declarations issued during a natural emergency, such as a hurricane, may be issued and renewed in seven (7) day increments by the city manager. The city manager may also issue proclamations imposing emergency measures during a natural emergency that can stay in place for the duration of the state of emergency. These same duration (seven-day increments) and renewal (by the city manager) provisions will continue to apply for emergency declarations and measures under man-made, technological, or public health emergencies provided the declaration or measures do not limit the rights or liberties of individuals or businesses within the City.

If any emergency declaration or emergency measures, unrelated to a natural emergency, limit the rights or liberties of individuals or businesses within the City, then that declaration or measure may only be extended beyond the original seven-day proclamation by a majority vote of the City Commission. Further, such measures may be imposed for no more than 42 days in total. Upon the expiration of an emergency declaration or measure which limits the rights or liberties of individuals or businesses within the City, the City may not issue the same or similar emergency orders or measures during the relevant state of emergency.

The duration of local state of emergency declarations related to threats of violence is still limited to seventy-two (72) hours, which can be extended by the City Commission via meeting at the request of the chief of police, or if the City Commission is unable to meet, by the chief of police and city manager together with ratification by the City Commission, provided that if any such declaration or measure limits the rights or liberties of individuals or businesses within the City, such declaration may not be extended beyond the first seven (7) days unless approved by a majority of the City Commission at a meeting.

RECOMMENDATION:

Staff recommends approval of this ordinance.

FISCAL IMPACT: N/A