



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.10.

4/23/2024

Subject:

Board Approval: Legislative Intent and Permission to Advertise the Establishment of an Emergency Management Ordinance

Fiscal Impact:

None

Dept/Office:

Public Safety Group: Emergency Management

Requested Action:

It is requested that the Board of County Commissioners authorize staff to advertise the Statement of Legislative Intent set forth below and direct staff to prepare an emergency management ordinance that ensures the County's ability to quickly respond to emergencies, codify necessary organizational flexibility, and streamline the process of receiving state and federal assistance.

Summary Explanation and Background:

Emergency Management ordinances are an increasingly best practice, with 67% of Florida counties having one; this figure rises to 75% amongst coastal counties. Notably, among counties with a population greater than 400,000, Brevard is the sole county without such an ordinance.

Historically, the Comprehensive Emergency Management Plan (CEMP) is sufficient to outline response and recovery efforts for emergencies. However, federal and state authorities increasingly prefer these core concepts to be outlined in an ordinance, especially for those areas where they directly interact with the County.

As emergencies evolve to be more complex, the need for swift decision-making and action becomes critical. This drives the need for the County's processes to be clear, concise, and direct. Establishing an Emergency Management ordinance will provide required clarity, timeliness, and codify a framework for an efficient and effective response and recovery.

Statement of Legislative Intent: Staff will prepare an ordinance to accomplish the following:

- Codify a delegation of authority to declare a local state of emergency from the Board of County Commission to the Chair, and when the Chair is not available to the Vice-Chair, as well as codify a delegation of authority to enact emergency protection measures to the Chair, and when the Chair is not available, to the Vice Chair, and when the Chair and Vice Chair are not available, to the County Manager, ensuring that the County can swiftly respond to all types of emergencies. Given the

unpredictable nature of disasters and the urgency of timely action, this delegation is critical to quickly deliver assistance to our residents and visitors. Furthermore, the Board retains the ability to rescind this delegation at any time with a majority vote.

- Define the role of emergency management and outline emergency powers and decision-making process. This clarity is essential to ensure effective coordination and prompt action during emergencies.
- Transfer the debris removal language from the Solid Waste ordinance to the Emergency Management ordinance. This adjustment will clarify the connection between the necessity for debris removal on both public and private roadways with the threat it poses to public health and safety. The justification will streamline federal assistance and reimbursement process.
- Allow for the waiving of specific zoning restrictions during disasters for residents eligible for federal or state disaster housing assistance. This would allow for the placement of a travel trailer, camper, or similar on the resident's property to serve as temporary housing while the owner repairs their property. Should it be determined at any point that the resident no longer meets eligibility criteria or fails to comply with requirements of the temporary disaster housing assistance program, the waiver of zoning restrictions would be rescinded, and standard requirements would immediately apply.

Clerk to the Board Instructions:

None



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

April 24, 2024

M E M O R A N D U M

TO: John Scott, Emergency Management Director

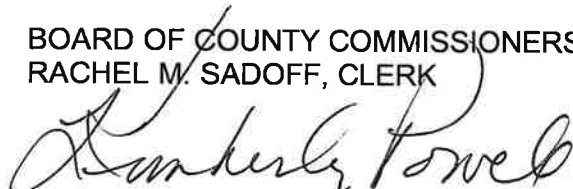
RE: Item F.10., Approval of Legislative Intent and Permission to Advertise the Establishment of an Emergency Management Ordinance

The Board of County Commissioners, in regular session on April 23, 2024, authorized staff to advertise the Statement of Legislative Intent; and directed staff to prepare an emergency management ordinance that ensures the County's ability to quickly respond to emergencies, codify necessary organizational flexibility, and streamline the process of receiving State and Federal assistance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK



Kimberly Powell, Clerk to the Board

/sm

cc: County Manager
County Attorney
Public Safety

ORDINANCE NO. 2024-X

AN ORDINANCE OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, SPECIFICALLY ADDING TO CHAPTER 42, ARTICLE V- DECLARATION OF EMERGENCY; RENUMBERING SEC. 94-331 AND ADDING ADDITIONAL DEFINITIONS TO CREATE SEC. 42-131- DEFINITIONS; RENUMBERING SEC. 94-330 - AND ADDING ADDITIONAL PROVISIONS TO CREATE SEC. 42-132 - DECLARATION OF LEGISLATIVE INTENT; CREATING SEC. 42-133 - DECLARATION OF EMERGENCY; CREATING SEC. 42-134 - DELEGATION OF EMERGENCY POWERS TO BE EXERCISED BY CHAIR, VICE CHAIR OR COUNTY MANAGER; CREATING SEC. 42-135 - THE COUNTY'S ADDITIONAL EMERGENCY POWERS AND DELEGATION OF SUCH POWERS; CREATING SEC. 42-136 DISASTER DEBRIS REMOVAL; RENUMBERING AND AMENDING SEC. 94-332 TO CREATE SEC. 42-136(1) –REMOVAL OF DISASTER GENERATED DEBRIS AUTHORITY, PRIORITIES AND LIMITATIONS; RENUMBERING AND AMENDING SEC. 94-334 TO CREATE SEC. 42-136(2) - INDEMNIFICATION AND HOLD HARMLESS FOR REMOVING DEBRIS FROM PRIVATE PROPERTY; RENUMBERING AND AMENDING SEC. 94-335 TO CREATE SEC. 42-136(3) - EMERGENCY ROADWAY CLEARANCE; RENUMBERING AND AMENDING SEC. 94-336 TO CREATE SEC. 42-136(4) - NO REQUIREMENT TO REMOVE DEBRIS FROM PRIVATE PROPERTY; DELETING SEC. 94-337 - NOTICE WAIVED; CREATING SEC. 42-136(5) AREA EMBRACED BY DISASTER DEBRIS REMOVAL PROVISIONS; CREATING SEC. 42-137 -TEMPORARY HOUSING UNITS PERMITTED WHEN INDIVIDUALS ARE DISPLACED FROM THEIR HOMES DUE TO DAMAGE FROM A DISASTER; RENUMBERING AND AMENDING SEC. 94.333 TO CREATE SEC. 42.138 FEDERAL REIMBURSEMENT, CREATING SEC. 42-139- PENALTIES FOR VIOLATION; PROVIDING FOR RESOLUTION OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN AREA EMBRACED BY PROVISIONS REGARDING THE AUTHORITY TO DECLARE A STATE OF EMERGENCY AND EXERCISE AND DELEGATE EMERGENCY POWERS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES.