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RESOLUTION NO. 26-27-52

A RESOLUTION OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO THE LOCAL STATE OF EMERGENCY STEMMING FROM FLOODING CAUSED BY EXCESSIVE RAINFALL; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE DECLARATION OF A LOCAL STATE OF EMERGENCY; PROVIDING FOR THE ESTABLISHMENT AND ENFORCEMENT OF CURFEW; PROVIDING FOR DISASTER ESSENTIAL EMPLOYEE DESIGNATIONS AND OVERTIME PAY; PROVIDING FOR THE DURATION OF THE LOCAL STATE OF EMERGENCY; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, heavy rain has caused the National Weather Service to issue a Flood Warning in Highlands County, Florida, in effect from November 2, 2026 at 3:29pm until November 3, 2026 at 12:15am; and

WHEREAS, this rainfall event has generated widespread precipitation totals exceeding thirteen inches (13") in some areas of Highlands County, triggering flooding of rivers, creeks, streams and other low-lying and flood-prone locations; and

WHEREAS, the severe flooding has created hazardous travel conditions and reduced visibility, resulting in numerous road closures; and

WHEREAS, the severe flooding has compromised the safety, security and well-being of the residents of Highlands County; and

WHEREAS, on November 2, 2026, due to widespread heavy rainfall across portions of Florida with several occurrences of consequential flooding, Governor DeSantis issued Executive Order 26-227, declaring a state of emergency in various counties of Florida, including Highlands County; and

WHEREAS, there is the possibility of continued rounds of heavy rain that could further exacerbate ongoing flood conditions over vulnerable areas of Highlands County that have already been impacted; and

WHEREAS, the severe impacts of this ongoing weather emergency require an immediate, coordinated operational response and deployment of localized resources; and

WHEREAS, Florida Statutes, Section 252.38, declares it the innate responsibility of local government to safeguard the life and property of its citizens; and

WHEREAS, Florida Statutes, Section 252.38(3)(a)(5), provides authority for political subdivisions to declare a state of local emergency and to waive the procedures and formalities, otherwise required of political subdivisions, in order to take whatever action is necessary to ensure the health, safety and welfare of the community; and

WHEREAS, Section 252.34, Florida Statutes defines "emergency" as any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property; and

WHEREAS, the County has determined that it is in the best interest of its employees, citizens and visitors to declare a local state of emergency related to uncontrolled flooding.

NOW, THEREFORE, BE IT RESOLVED BY HIGHLANDS COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings and Intent. Highlands County has complied with all requirements and procedures of Florida law in processing this Resolution. The above recitals are hereby adopted.

SECTION 2. Declaring a Local State of Emergency. The state of emergency stemming from flooding caused by excessive rainfall poses a threat to Highlands County, as declared by Governor DeSantis. To the extent necessary under the circumstances and as the status of flooding changes, certain procedures and formalities otherwise required of the County may be waived, as collectively determined by the Chair of the Board of County Commissioners, the County Administrator and the County Attorney, to ensure that the County can continue providing day to day operations with as little disruption as possible. The procedures and formalities which may be waived are set forth in Florida Statutes, Section 252.38(3)(a)(5), and include but are not limited to:

a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety and welfare of the public;
b. entering into contracts;
c. incurring obligations;
d. employment of permanent and temporary workers;
e. utilization of volunteer workers;
f. rental of equipment;
g. acquisition and distribution, with or without compensation, of supplies, materials and facilities;
h. appropriation of expenditure of public funds;

SECTION 3. Establishment and Enforcement of Curfew. The Highlands County Sheriff is hereby authorized to establish and enforce a curfew within the unincorporated areas of Highlands County, Florida, during the state of local emergency declared by this Resolution and is further authorized to modify and terminate that curfew to the extent necessary under the circumstances and as the status of the flooding changes.

SECTION 4. Disaster Essential Employee Designations and Overtime Pay. For the duration of the state of emergency, as declared hereby, there shall not be a suspension of the day to day operations of the County; thus, certain employees will need to be designated as disaster essential. The County Administrator shall work with each department to determine disaster essential positions. The County Administrator shall have the authority to reject a position as disaster essential or to reject the payment of unverified overtime hours pursuant to Highlands County Personnel Manual, Policy 704.

SECTION 5. Duration of Local State of Emergency. This declared state of local emergency shall remain in full force and effect from the date of adoption of this Resolution, and shall automatically expire seven (7) days after adoption but may be extended by a majority vote of the County, as necessary, in seven (7) day increments for a total duration of not more than forty-two (42) days.

SECTION 6. Implementation of Administrative Actions. The County Administrator is hereby authorized and directed to take such action as may be deemed necessary and appropriate in order to implement the provisions of this Resolution. The County Administrator may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such County employees as deemed effectual and prudent.

SECTION 7. Savings Clause. All prior actions of Highlands County pertaining to the state of local emergency related to flooding, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Resolution.

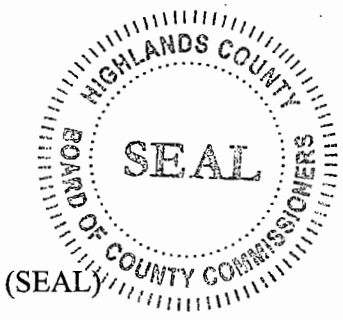
SECTION 8. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the County Administrator and City Attorney, may be corrected.

SECTION 9. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 10. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 11. Effective Date. This Resolution shall become effective immediately upon adoption.

DONE AND ADOPTED, this 3rd day of November 2026.



(SEAL)

HIGHLANDS COUNTY, FLORIDA

By: _____
Don Elwell, Chair, Board of County Commissioners

ATTEST:

_____
Jerome Kaszubowski, Clerk