

**AN ORDER OF THE ST. LUCIE COUNTY ADMINISTRATOR
REQUIRING IMMEDIATE REMOVAL OF DEBRIS FROM
THE SPANISH LAKES COUNTRY CLUB COMMUNITY
(HURRICANE MILTON)**

WHEREAS, the St. Lucie County Administrator has made the following determinations:

1. Pursuant to Section 252.38, Florida Statutes, political subdivisions of the state have the power during a state of local emergency to provide for the health and safety of persons and property.
2. The Board of County Commissioners of St. Lucie County has adopted Resolution No. 00-277 and Ordinance No. 06-046 (now codified at St. Lucie County Code § 38-161) authorizing the St. Lucie County Administrator and the St. Lucie County Public Safety Director to exercise certain emergency powers and authority during a local emergency.
3. The Governor of the State of Florida issued Executive Orders 24-214 dated October 5, 2024, and 24-215 dated October 6, 2024, declaring a state of emergency that includes St. Lucie County.
4. Executive Orders 24-214 and 24-215, in accordance with Section 252.38, Florida Statutes, authorized political subdivisions to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
5. The President of the United States issued an Emergency Federal Declaration, EM-3622-FL on October 7, 2024 with an incident period starting October 5, 2024 and continuing.
6. The impact of Hurricane Milton has placed St. Lucie County in a state of emergency, exposing the citizens thereof to danger to life and property.
7. On October 7, 2024, at 12:00 p.m., the St. Lucie County Public Safety Director declared a state of local emergency.
8. In order to respond to such emergency, upon this declaration, the County Administrator or his designee is authorized to initiate and take such actions authorized by Resolution No. 00-277 and Ordinance No. 06-046 and 15-015 (now codified at St. Lucie County Code § 38-161) (copies attached) for and on behalf of the Board of County Commissioners during the term of such local state of emergency.
9. On October 9, 2024, Hurricane Milton made landfall near Siesta Key, Florida as a Category 3 storm. As the hurricane made its way across the state, it conjured tornadoes in St. Lucie County that caused significant destruction. More than 160 tornado warnings were issued for South Florida and more

than a dozen tornadoes touched down throughout the day. One of the most significantly impacted areas was Spanish Lakes Country Club Village, a private community of mostly senior citizens, where tornadoes damaged at least 100 homes. As of October 14, 2024, the death toll from Hurricane Milton is six and many are still hospitalized.

10. St. Lucie County has the legal responsibility to remove debris during a state of emergency. As noted above, St. Lucie County Code § 38-161 provides certain emergency powers to the County Administrator, or his designee, during a state of emergency: “During the state of emergency, the procedures and formalities otherwise required of the county by law may be waived by the county administrator and he may authorize actions pertaining to the following as he deems necessary.” The actions include, “Performing public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community”; “Authoriz[ing] the county or their contracted agent right of access to private roads or gated communities as needed by emergency vehicles, such as, but not limited to, police, fire, medical care, debris removal, and sanitation to alleviate immediate threats to public health and safety”; and “Authoriz[ing] the removal of debris and wreckage resulting from a major disaster from all property whether public lands, public or private roads, or gated communities for a safe and sanitary living or functioning condition.” The County Administrator declared a local state of emergency on October 7, 2024 and on October 14, 2024 issued an Order requiring removal of debris from private property.

11. St. Lucie County Code § 38-161(e) further provides “to indemnify and hold harmless the United States Government, the Federal Emergency Management Agency (FEMA), the state, the county and their agencies, agents, contractors, and subcontractors, for damages of any type whatsoever, either to property or to persons situated thereon, by obtaining a right of entry permit and agreement from private and gated communities prior to removing storm-generated debris from the property.” In order to conduct debris removal from the Spanish Lakes Country Club Community, the County has obtained the necessary right-of-entry agreements from the relevant homeowners’ associations and property owner that contain provisions holding the Federal Government harmless. The County is working to obtain right-of-entry agreements from individual homeowners within the Spanish Lakes Country Club Community, but that process has been challenged by the incapacitation or death of some individuals and the displacement of disaster survivors.

12. St. Lucie County Code § 38-161(d)(3) authorizes the County Administrator, under a state of emergency, to “[d]etermin[e] a threat to public health and safety that may result from the generation of widespread debris throughout the county, that such debris constitutes a hazardous environment for all modes of movement and transportation of the residents as well as emergency aid and relief services, endangerment to all properties in the county, an environment conducive to breeding disease and vermin, and greatly increased risk of fire, and that it is in the public interest to collect and remove disaster debris from all property whether public lands, public or private roads, and gated communities to eliminate an immediate threat to life, public health and safety to reduce the threat of additional damage to improved property and to promote economic recovery of the community at large.”

13. There is a clear and present threat to life and public health and safety as well as a threat of significant damage to improved property within the Spanish Lakes County Club Community and it is necessary to immediately remove debris from that Community. This determination was made in consultation with the St. Lucie County Public Safety Director and is supported by the Administrator of the Florida Department of Health in St. Lucie County, Clint Sperber, MPA, who issued an opinion that Hurricane Milton’s debris “presents a potential immediate concern to life, public health and/or public safety.” Among the reasons Mr. Sperber came to this conclusion include that the debris in Spanish Lakes Country Club creates conditions capable of transmitting disease such as Zika and West Nile Viruses, that the debris blocks access to public safety services, and has the potential to become airborne during a subsequent storm (as happened with Hurricane Helene debris in other parts of Florida during Hurricane Milton). Mr. Sperber advised that debris should be removed from public and private property “without delay.”

14. Immediate removal of debris from the Spanish Lakes Country Club Community will ensure the economic recovery of that community to the benefit of St. Lucie County. Performing this action is necessary to ensure the health, safety, and welfare of the community. Widespread debris is a threat to public health and safety, the debris constitutes a hazardous environment for all modes of movement and transportation of the residents as well as emergency aid and relief services, endangerment to all properties in the county, an environment conducive to breeding disease and vermin, and greatly increased risk of fire. Furthermore, hurricane season remains active and another storm may form in the Gulf of Mexico or the Atlantic quickly. Existing debris can become dangerous projectiles in such storms,

as was the case on the West Coast of Florida with Hurricane Milton, which occurred shortly after Hurricane Helene, before Helene-generated debris could be removed. The removal of debris expeditiously is important to the safety of all residents. As such, it is in the public interest to collect and remove disaster debris from all property in the Spanish Lakes Country Club Community to eliminate an immediate threat to life, public health and safety to reduce the threat of additional damage to improved property and to promote economic recovery of the community at large.

NOW, THEREFORE, I am issuing the following Order:

1. Effective October ____, 2024 at ____:____ __.m., the Public Utilities Director is directed to require the County's debris removal contractors to begin removing disaster-generated debris from the Spanish Lakes Country Club Community.

2. This Order shall, within 3 days after issuance, be filed in the office of the Clerk of the Circuit Court and delivered to the appropriate news media for publication and radio and television broadcast thereof. In addition, this Order shall be available on a dedicated webpage accessible through a conspicuous link on the County's homepage.

Signed this October ____, 2024, at ____:____ __.m.

George Landry
County Administrator

CONCURRENCE:

Keith Pearson
St. Lucie County Sheriff

Jeff Lee
St. Lucie County Fire District Chief

Patrick Dayan, P.E.
St. Lucie County Public Works Director

Rebecca Olson,
St. Lucie County Director of Public Utilities & Solid Waste