

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 23-59

(Emergency Management – Amending Executive Order 12-23)

WHEREAS, on April 17, 1987, the State Emergency Response Commission for Hazardous Materials, hereinafter “the Commission,” was created pursuant to Executive Order 87-57 in compliance with the Superfund Amendments and Reauthorization Act of 1986, Title III, “Emergency Planning and Community Right-To-Know Act of 1986”; and

WHEREAS, the Emergency Planning and Community Right-To-Know Act of 1986 required the Governor of Florida to appoint a State Emergency Response Commission for Hazardous Materials with all the authority and responsibilities delineated in that Act; and

WHEREAS, the passage of Section 112(r) of the Federal Clean Air Act Amendments of 1990, as implemented by the Florida Accidental Release Prevention and Risk Management Planning Act of 1998, added a prevention component to the Florida Hazardous Materials Planning Program and directed the Commission to oversee hazardous materials prevention activities; and

WHEREAS, the proliferation of hazardous materials will continue to pose a significant risk to the public's health, safety, and welfare unless responsible planning, prevention, and coordination measures are instituted and maintained; and

WHEREAS, since 1987, the Commission’s authorization has been extended by Executive Orders 94-138, 98-153, 98-155, 05-122, and 12-23, respectively; and

WHEREAS, circumstances pertaining to the Commission have changed since the issuance of Executive Order 12-23, rendering certain provisions regarding appointment and membership to be impractical, obsolete, or administratively burdensome.

NOW, THEREFORE, I, RON DESANTIS, 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, promulgate the following Executive Order, to take immediate effect:

Section 1. Section 2 of Executive Order 12-23 is amended to read as follows:

The members of the Commission shall be appointed by and serve at the pleasure of the Governor. The Governor may delegate to the agency head or chief executive officer of each agency or organization the authority to appoint the representative from that agency or organization. Each agency or organization shall designate an alternate representative to serve on the Commission in the absence of the primary representative as necessary to maintain a quorum. The Commission shall be chaired by the Director of the Division of Emergency Management and the Deputy Director of the Division of Emergency Management shall serve as the Alternate Chair in the absence of the Chair. If the Director or Deputy Director is absent, the Director may designate an Alternate Chair for that Commission meeting only.

The Commission shall also include one member representing each of the following state agencies or organizations:

- 1) Florida Department of Environmental Protection;
- 2) Florida Department of Transportation;
- 3) Florida Department of Highway Safety and Motor Vehicles, Division of Florida Highway Patrol;
- 4) Florida Department of Law Enforcement;
- 5) Florida Department of Agriculture and Consumer Services;
- 6) Florida Department of Health;
- 7) Executive Office of the Governor;

- 8) Florida Fire Chief Association;
- 9) Florida Association of Counties;
- 10) Florida League of Cities;
- 11) Florida Regional Councils Association;
- 12) Florida Emergency Preparedness Association;
- 13) Florida Department of Financial Services, Division of State Fire Marshal;
- 14) Florida Mineral and Chemistry Council;
- 15) Florida Sheriffs Association;
- 16) Florida Professional Firefighters;
- 17) Florida Department of Economic Opportunity;
- 18) Florida Police Chiefs Association;
- 19) The Department of Military Affairs; and
- 20) The Florida State Guard.

The Commission shall also consist of:

- 21) The chairperson of one Local Emergency Planning Committee;
- 22) Two members representing public interest, environmental, or consumer organizations;
- 23) One member representing the Phosphate Industry;
- 24) One member representing the Petroleum Industry;
- 25) One member representing the Liquefied Petroleum Gas Industry;
- 26) One member representing the Agriculture Industry;
- 27) One member representing the Utility Industry;
- 28) One member representing the Transportation Industry; and
- 29) One member representing Space Florida.

Section 2. Section 7 of Executive Order 12-23 is amended to read as follows:

The Commission shall meet at the times and places designated by the Chair. Any vacancy occurring on this Commission shall be filled by the Governor or by an individual delegated with appointment authority pursuant to Section 1 of this Executive Order. A majority of appointed or designated members shall constitute a quorum for purposes of conducting Commission business.

Section 3. Except as amended herein, Executive Order 12-23 is ratified and reaffirmed.

Section 4. This Executive Order is effective immediately and shall remain in effect until rescinded.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 17th day of March, 2023.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED
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DEPARTMENT OF STATE
TALLAHASSEE, FL