

EMERGENCY ORDER #1 – HURRICANE MILTON

(Pursuant to Resolution 24-214)

AN EMERGENCY ORDER OF THE TOWN MANAGER OF THE TOWN OF FORT MYERS BEACH RELATED TO HURRICANE MILTON; DIRECTING A MANDATORY EVACUATION; ESTABLISHING A CURFEW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 5, 2024, Governor Ron DeSantis issued Executive Order 24-214, declaring a State of Emergency in 35 Florida counties, including Lee County, due to Tropical Storm Milton, now known as Hurricane Milton; and

WHEREAS, on October 6, 2024, the Chair of the Board of County Commissioners of Lee County, Florida, issued Emergency Resolution 24-10, declaring a State of Local Emergency for Lee County, Florida for Tropical Storm Milton, now known as Hurricane Milton; and

WHEREAS, also on October 9, 2024, the Fort Myers Beach Town Council adopted Resolution 24-214, declaring a State of Local Emergency for the Town of Fort Myers Beach, for Tropical Storm Milton, now known as Hurricane Milton; and

WHEREAS, Hurricane Milton is a Category 4 Hurricane and expected to make landfall on the west coast of Florida as a major Hurricane within the next 36 hours; and

WHEREAS, Hurricane Milton is forecasted to cause life-threatening conditions on Fort Myers Beach in the form of storm surge of up to 10 feet above land, tropical storm to hurricane-force winds, and torrential rains causing further flooding; and

WHEREAS, Hurricane Milton is also expected to cause electricity, telephone, and other vital services to be lost for an unknown period of time; and

WHEREAS, Town Code Section 12-23, “Emergency measures” provides that “In addition to any other powers conferred by law, upon the declaration of a state of local emergency pursuant to this article, the town manager or designees shall have the power and authority to order and promulgate all or any of the following emergency measures to be effective during the period of such emergency in whole or in part, with such limitation and conditions as the town manager or designees may deem appropriate to protect the town’s health, safety and welfare, and/or waive the procedures and formalities otherwise required of the town by law pertaining to these measures...”; and

WHEREAS, in light of the forecasted life-threatening conditions associated with Hurricane Milton, a mandatory evacuation and imposition of a curfew is necessary and appropriate for the protection of life, safety, and property.

NOW, THEREFORE, BE IT ORDERED by the Town Manager of the Town of Fort Myers Beach that:

SECTION 1. Findings. The above recitals are true and correct.

SECTION 2. Directing a Mandatory Evacuation. A mandatory evacuation of all persons within the municipal limits of the Town of Fort Myers Beach is hereby directed to occur no later than 10:00 p.m., Tuesday, October 8, 2024.

SECTION 3. Imposing a Curfew. Beginning at 10:00 p.m. Tuesday, October 8, 2024, a 24-hour daily general curfew is hereby imposed during this state of local emergency. The curfew prohibits any pedestrian or vehicular movement within the Town limits of the Town of Fort Myers Beach, except for on-duty fire, police, or Town employees, and other emergency services and utility personnel explicitly authorized by the Town of Fort Myers Beach. To best ensure only those with a proper purpose are on island, all individuals within the Town of Fort Myers Beach's legal boundaries are required to have in their possession and produce on request a 2023 or 2024 Fort Myers Beach Hurricane Pass or a government-issued identification with a Fort Myers Beach or Captiva address or otherwise be accompanied by an individual with such credentials. The territory embraced by the curfew includes all territory within the legal boundaries of the Town of Fort Myers Beach, Florida.

SECTION 4. Penalties. Any person who refuses to comply with or violates any provision of this Order shall be guilty of a municipal violation. Each day of such violation shall constitute a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages. In addition, any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

Nothing contained herein shall prevent the Town of Fort Myers Beach from taking such other lawful action in as is necessary to prevent or remedy any refusal to comply with, or violation of, this Order. Such other lawful action shall include but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

SECTION 5. Effective Date. This Order shall take effect immediately upon execution and shall remain in effect for 7 days, unless earlier modified or terminated by written Order by the Town Manager.

Executed this 8th day of October 2024.


Andrew Hyatt (Oct 8, 2024 12:02 EDT)

Andrew Hyatt, Town Manager



Amy Baker, Town Clerk


Becky Vose (Oct 8, 2024 10:50 EDT)

Vose Law Firm, LLP, Town Attorney