

RESOLUTION 2026-080

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF NASSAU COUNTY, FLORIDA
DECLARING A LOCAL STATE OF EMERGENCY IN NASSAU
COUNTY RELATED TO OPEN BURNING AND BRUSH FIRES**

WHEREAS, the National Weather Service and Florida Forest Service have identified that Nassau County continues to experience extremely dry conditions that are forecast to persist for at least a week and that these conditions have created extreme drought conditions and high fire danger for Nassau County; and

WHEREAS, the Keetch-Bynum Drought Index (KBDI) for Nassau County has steadily crept upward and as of April 14, 2026, was at 541 denoting significant danger of fire, with drought conditions expected to remain high for the next two weeks; and

WHEREAS, due to the extended dry conditions, wooded and grassy areas near homes, businesses, and agricultural production activities are growing more combustible as the dry conditions increase with little to no rainfall; and

WHEREAS, the Nassau County Fire Rescue Chief and Emergency Management Executive Policy Group advise that the risk of forest and brush fires in Nassau County is high given weather and ecological conditions and that open fires, and even playing with or discharging fireworks or other combustibles in any form, could cause wildfires that pose a severe threat to the health, safety and property of residents and visitors within Nassau County; and

WHEREAS, to protect our residents, visitors, businesses, and their property, the County must aggressively minimize the risk of wildfire through rules promulgated by way of this Declaration; and

WHEREAS, Section 252.38, Florida Statutes, states that “[s]afeguarding the life and property of [the county’s] citizens is an innate responsibility of the governing body of each political subdivision of the state”, and further grants to the County the power to provide for the health and safety of persons and property and to waive the procedures and formalities otherwise required of the County pertaining to taking whatever prudent action is necessary to ensure the health, safety and welfare of the community; and

WHEREAS, in order to be in a position to provide the most effective assistance to the citizens of Nassau County and the State of Florida, it is necessary that the declaration of an emergency be invoked on the 15th day of April 2026.

NOW THEREFORE, BE IT DECLARED AS FOLLOWS:

Section 1. Adoption and Incorporation of Recitals. The Board of County Commissioners of Nassau County, Florida adopted the recitals outlined above and incorporates them herein as a part of this resolution.

Section 2. Declaration of Local Emergency.

- a. Pursuant to the authority established in Section 252.38, Florida Statutes, it is determined that dry weather conditions currently exist and are likely to continue into the near future and these conditions, combined with the abundance of easily ignitable vegetation, increase the potential of serious fires occurring in Nassau County.
- b. The Board of County Commissioners of Nassau County does hereby proclaim and declares a State of Local Emergency in Nassau County, Florida, for seven (7) days. This Proclamation shall commence on April 15, 2026.
- c. This Declaration authorizes the County Manager, or his designee, the Fire Chief, or in the absence of both, the Emergency Management Director, to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary, subject to the limitations of Section 252.33, Florida Statutes. All rules and orders promulgated hereunder shall be filed with the Clerk of the Board.
- d. This Declaration further authorizes the County Manager, or his designee, or the Fire Chief, or in the absence of both, the Emergency Management Director, to utilize all lawful authority granted to Nassau County by the Nassau County Comprehensive Emergency Management Plan and by federal, state, or local emergency management laws, rules, regulations, orders, including but not limited to, Sections 252.38(3) and 252.46, Florida Statutes.
- e. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 through 252.71, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this declaration shall be suspended during the period and to the extent that such conflict exists.
- f. Pursuant to Section 252.38(3), Florida Statutes, the County hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts subject to federal limits for contracts for time and materials,
 - Incurring obligations;
 - Employment of permanent and temporary workers;

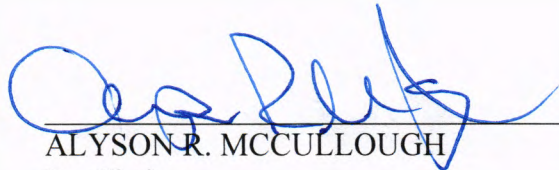
- Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds.
- g. During this Local Emergency, the use, ignition, or discharge of (a) any items containing any "explosive compound" as defined in Section 791.01(3), Fla. Stat.; (b) any items defined as "fireworks" in Section 791.01(4)(a), Fla. Stat.; (c) "sparklers" as defined in Section 791.01(8), Fla. Stat., whether or not "approved by the Division"; (d) any item or product using or containing any amount of pyrotechnic composition; or (e) flares is prohibited.
- h. Open burning, including that of yard waste, lawn debris, campfires, bonfires, fire pits, and similar burnings is prohibited.
- i. No matches or cigarettes, or any other item likely to cause a fire may be thrown from vehicles.
- j. The testing of fireworks and pyrotechnics by licensed pyrotechnic wholesale manufacturers who have operated in Nassau County for five (5) or more years is permitted. Additionally, displays by licensed pyrotechnics companies, with five (5) or more years of commercial experience, are allowed only with the written approval, on a per display basis, of the Nassau County Fire Rescue Chief or applicable municipal Fire Chief.
- k. The use of outdoor cookers, cooking grills, and similar purposely constructed outdoor cooking equipment and structures is permissible, as long as responsible adults always attend to the cooker or grill while the unit is burning, cooking or otherwise in use.
- l. This order does not apply to any other activity for which a valid state open burn authorization has been issued by the Florida Forest Service or Department of Environmental Protection.
- m. Any person violating any rule or order issued pursuant to this Declaration or any person who willfully fails or refuses to comply with the order or orders of any duly authorized fire personnel, law enforcement officer, or other personnel charged with the responsibility for the enforcement of such orders shall, upon conviction, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.
- n. The declared State of Emergency may be modified in whole or in part or may be terminated upon the joint recommendation of the County Manager, the Fire Chief, and the Emergency Management Director, by action of the Chair of the

Board of County Commissioners, or if unavailable, with ratification in any event by the Board of County Commissioners as soon as is practicable at a regular or special meeting. This Declaration shall remain in effect for no longer than seven (7) days unless terminated, modified earlier, or extended in accordance with law.

- o. If any provision of this Declaration is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Declaration, which shall have the full force and effect of law.

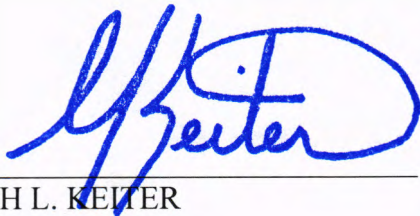
DONE AND ORDERED in Nassau County, Florida this 15th day of April 2026.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



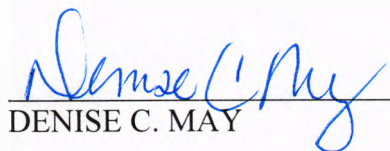
ALYSON R. MCCULLOUGH
Its: Chair

Attest as to Chair's signature:



MITCH L. KEITER
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



DENISE C. MAY