

RESOLUTION NUMBER 25-206

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING A SECOND AMENDMENT TO THE EMERGENCY SERVICE PROVIDER AGREEMENT DATED DECEMBER 2, 2024 WITH FLORIDA MARINE CONTRACTING & RECOVERY, LLC, WHICH WAS PREVIOUSLY RATIFIED BY THE TOWN COUNCIL ON JANUARY 8, 2025, TO FURTHER EXTEND THE TERM OF THE AGREEMENT RETROACTIVELY FROM APRIL 30, 2025 TO MAY 15, 2025 TO ALLOW FOR PAYMENT OF OUTSTANDING INVOICES FOR DEBRIS REMOVAL FROM WATERWAYS IN THE TOWN OF FORT MYERS BEACH CAUSED BY HURRICANES HELENE AND MILTON AND DISPOSAL AT AN AUTHORIZED WASTE MANAGEMENT SITE COMPLETED AFTER EXPIRATION OF THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach ("Town") empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, on October 5, 2024 Governor Ron DeSantis by Executive Order No. 24-214, declared a State of Emergency throughout the Emergency Area based upon the serious threat to the public health, safety, and welfare posed by developing Hurricane Milton and

WHEREAS, on October 6, 2024, the Florida Department of Environmental Protection issued Emergency Final Order OGC NO. 24-2580 for an Emergency Area of 61 counties including Lee County; and

WHEREAS, on October 6, 2024 the Florida Department of Environmental Protection issued Emergency Procurement Order OGC NO. 24-2580 to suspend, to the extent necessary to ensure said emergency response functions, the effect of any statute, rule, or order, including Chapter 255 and Sections 287.055(3)(a)-(d), 4(a)-(d), 5(a)-(c), and 287.057(3), Florida Statutes, and Chapters 60A-1.002(4), 60A-1.021(2), and 60A-1.043(1)-(3), and 60D-5, Florida Administrative Code, to the extent needed to procure any and all necessary supplies, commodities, services, temporary premises, and other resources to include, without limiting the generality of the foregoing, any and all statutes, rules, and orders which affect budgeting, leasing, printing, purchasing, travel, the conditions of employment, and the compensation of employees as set forth in an established Tracker item at the Florida Emergency Operations Center, as prescribed in the State Comprehensive Emergency Management Plan, as directed by the State Coordinating Officer, or as directed by the Executive Office of the Governor; and

WHEREAS, on October 6, 2024 the Town of Fort Myers Beach approved Resolution 24-214 declaring a state of local emergency as authorized by Section 252.38(3), Florida Statutes, thereby waiving the procedures and formalities otherwise required of political subdivisions by; and

WHEREAS, Chapter 12 of the Town Code of the Town of Fort Myers Beach authorizes certain powers in the event of a local state of emergency; and

WHEREAS, the Town of Fort Myers Beach Code Sec. 2-480 (d) provides the basis for emergency purchase for the Town Manager to make, or authorize others to make, emergency purchases of supplies, services or construction items when there exists a threat to public health, welfare or safety; provided that such emergency purchases are made with such competition as is practicable under the circumstances.

WHEREAS, on December 2, 2024 the Town Manager entered into an Emergency Service Provider Agreement (SPA-24-14) with Florida Marine Contracting and Recovery LLC with a not-to-exceed amount of \$200,000.00 for a term of 40 days, from the 2nd day of December to the 11th day of January 2025, to remove debris from waterways in the Town of Fort Myers Beach caused by Hurricanes Helene and Milton and to dispose of the debris at an authorized waste management facility to protect the health and welfare of the citizens and visitors of the Town of Fort Myers Beach, as well as to abate the socioeconomic impacts on the community caused by debris impairing navigable waterways; and

WHEREAS, on the 8th day of January, 2025 the Town Council ratified contract SPA-24-14-EN between the Town of Fort Myers Beach and Florida Marine Contracting and Recovery, LLC.; and

WHEREAS, on the 3rd day of March 2025, the Town Council approved the 1st amendment of contract SPA-24-14-EN between the Town of Fort Myers Beach and Florida Marine Contracting and Recovery, LLC to extend the time period of the contract to April 30, 2025 and increase the not to exceed amount to \$2,000,000.00; and

WHEREAS, the debris deposited into the waterways by Hurricanes Helene and Milton was far greater than expected, requiring additional time and efforts by Florida Marine Contracting and Recovery LLC to remove and dispose of submerged debris, thereby prompting the need for further extension of the contract to May 15, 2025 to provide for payment for work completed from April 30, 2025 to May 15, 2025; and

WHEREAS, approval of the Second Amendment to SPA-24-14-EN with Florida Marine Contracting is in the best interest of the health, safety and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH, AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. This Resolution approves the Second Amendment to SPA-24-14-EN with Florida Marine Contracting and Recovery, LLC attached as Exhibit A.

Section 3. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Mayor Allers and seconded by Council Member Safford and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 16th day of June 2025 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers
Dan Allers, Mayor (Oct 8, 2025 15:41:10 EDT)

ATTEST:

Amy Baker
Amy Baker, Town Clerk (Oct 8, 2025 14:17:18 EDT)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

Nancy Stuparich
Vose Law Firm, LLP, Town Attorney (Oct 8, 2025 10:25:55 EDT)

This Resolution was filed in the Office of the Town Clerk on: Oct 8, 2025.

**SECOND AMENDMENT TO EMERGENCY SERVICE PROVIDER AGREEMENT
FLORIDA MARINE CONTRACTING & RECOVERY LLC**

THIS SECOND AMENDMENT is made and entered into this 16th day of June, 2025, by and between the TOWN OF FORT MYERS BEACH, a Florida municipality, hereinafter referred to as the “Town”, and FLORIDA MARINE CONTRACTING & RECOVERY LLC hereinafter referred to as “Provider” or “Contractor”, to that certain Emergency Service Provider Agreement, dated December 2, 2024 (“Agreement”) for ongoing emergency services as ratified by the Town Council of the Town of Fort Myers Beach on Wednesday, January 8, 2025 and amended on March 3, 2025.

WITNESSETH:

WHEREAS, the services provided by Provider to date have been beneficial to the Town, and as a result, the parties desire to retroactively extend the term of the agreement from April 30th, 2025 to May 15, 2025; and

NOW, THEREFORE, in consideration of the covenants set forth herein, the parties agree to this Amendment as follows:

1. Amendment. This Amendment hereby amends and supplements the terms of the Agreement as previously amended. In the event of a conflict between the terms of the Agreement, as previously amended, then the terms of this Amendment shall prevail.

2. Duration of Agreement. The term of the Agreement shall be retroactive to April 30, 2025 and expire on May 15, 2025.

IN WITNESS WHEREOF, the parties hereto have executed and delivered this instrument on the days and year indicated below and the signatories below to bind the parties set forth herein.

Provider:



Print Name: Stephen Lee

Title: Managing Member

Company: Florida Marine Contracting & Recovery, LLC

ATTEST:

Town of Fort Myers Beach



Amy Baker, Town Clerk



Dan Allers, Mayor

APPROVED AS TO FORM & SUFFICIENCY



Vose Law Firm, Town Attorney