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SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 Gun Club Road  
West Palm Beach, Florida

4:18 pm Mar 17, 2020

SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT

LB

IN THE MATTER OF:

SFWMD ORDER NO. 2020-004-DAO

EMERGENCY AUTHORIZATION  
FOR CONTINUITY OF OPERATIONS,  
PROCUREMENT, AND CERTAIN OTHER  
MEASURES MADE NECESSARY BY COVID-19

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### EMERGENCY ORDER

Under the authority of the State of Florida Executive Order No. 20-52 ("Executive Order"), attached as Exhibit A, and section 120.569(2)(n) of the Florida Statutes, the South Florida Water Management District ("SFWMD"), enters this Emergency Order to address the continuity of operations, procurement, and certain other measures due to the public health emergency and impacts associated with the Novel Coronavirus Disease 2019 (COVID-19).

### FINDINGS OF FACT

1. On March 9, 2020, the Governor of Florida issued the Executive Order declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by COVID-19, and its possible impacts throughout the State of Florida. The Executive Order covers all of the SFWMD's jurisdiction, referred to as the "Emergency Areas."

2. COVID-19 has created a public health emergency and poses a risk to the entire State of Florida with the potential to cause widespread outbreaks and possible

quarantining of persons throughout the Emergency Areas. The Executive Order seeks to mitigate these impacts through appropriate measures.

3. In accordance with recommendations from the Centers for Disease Control and Prevention (CDC) and other health organizations, many companies and government agencies, including the SFWMD, are directing employees to work remotely to minimize the risk of spreading COVID-19. The CDC also recommends not holding in-person events and meetings that consist of 10 people or more.

4. While social distancing is a critical component to reducing the transmission of COVID-19, it may impact the SFWMD's ability to carry out some of its duties, such as, holding in-person public meetings and hearings.

5. The SFWMD holds monthly Governing Board and other in-person meetings which are open to the public. Many of SFWMD's lands, facilities, and buildings are also open to the public. These circumstances could impair SFWMD's ability to mitigate the public health emergency.

6. The nature of the SFWMD procurement process is such that the statutory, rule, or policy requirements relating to procurement may impede SFWMD's ability to protect the health, safety, and welfare of the public and SFWMD employees during the public health emergency.

7. The Executive Order permits the SFWMD to suspend the requirements of any statute, rule, policy, or order when strict compliance with the requirements of any such statute, rule, policy, or order, would, in any way, prevent, hinder, or delay necessary action in coping with the emergency. The Executive Order gives agencies the authority to take formal action by emergency rule or order to deal with this emergency.

8. The Executive Order found that the special duties and responsibilities of some state, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. More specifically, under Section 4 of the Executive Order, the Governor gave each political subdivision within the state, including the SFWMD, the authority to waive procedures and formalities otherwise required of the political subdivision by law pertaining to:

- a. performing public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- b. entering into contracts;
- c. incurring obligations;
- d. employing permanent and temporary workers;
- e. utilizing volunteer workers;
- f. renting equipment;
- g. acquiring and distributing, with or without compensation, supplies, materials, and facilities; and
- h. appropriating and expending public funds.

9. The SFWMD finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action in coping with or mitigating this public health emergency, and that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally appropriate under the circumstances.

## **ULTIMATE FACTS AND CONCLUSIONS OF LAW**

10. The SFWMD issues this Emergency Order to carry out the directives in the Executive Order. The SFWMD also has the authority to issue this Emergency Order under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439 of the Florida Statutes.

11. Based on the above findings of fact, and to protect the public's immediate health, safety, and welfare, it is both reasonable and appropriate to:

a. waive any statute, including, but not limited to, Chapters 373, 255, 218, and 287 of the Florida Statutes, and any SFWMD rule, policy, or order pertaining to the procurement of equipment, services, and commodities to mitigate this public health emergency;

b. conduct all public meetings or hearings during the term of this Order only by electronic means, including, but not limited to, web conference and telephone to encourage public engagement while protecting the public health;

c. cancel or postpone meetings as necessary;

d. close or restrict access to SFWMD buildings, facilities, and rights of way, and close or restrict recreational use (including camping) of SFWMD lands to the extent necessary to meet this emergency; and

e. appropriate and expend public funds as necessary to address or mitigate the impacts of this public health emergency.

## **ORDER**

**THEREFORE, IT IS ORDERED** that to the extent necessary to meet this public health emergency the SFWMD shall:

1. conduct all public meetings or hearings during the term of this Order only by electronic means, including, but not limited to, web conference and telephone to encourage public engagement while protecting the public health. The SFWMD shall not hold any in-person public meetings or hearings during the term of this Order;

2. cancel or postpone meetings as necessary;

3. waive all requirements for advertisement and competition for the procurement of equipment, services, and commodities, set forth in any statute, including, but not limited to, Chapters 218, 255, 287, and 373 of the Florida Statutes, and any SFWMD rule, policy, or order. All such procurements shall be reported to the Governing Board prior to or at the next regularly scheduled Governing Board meeting;

4. close or restrict access to SFWMD buildings, facilities and rights of way, and close or restrict recreational use of, including, but not limited to camping, SFWMD lands to the extent necessary to meet or mitigate this public health emergency;

5. appropriate and expend public funds to meet or mitigate this public health emergency.

This Order shall take effect immediately upon execution by the Executive Director and shall expire on May 8, 2020, unless modified or extended by further order.

### **NOTICE OF RIGHTS**

Any party substantially affected by this Order has the right to seek judicial review under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, and by filing a copy of the notice of appeal

accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.

**DONE AND ORDERED** on this 17 day of March 2020, in West Palm Beach, Florida.

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT

By: \_\_\_\_\_



Drew Bartlett  
Executive Director

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 20-52

(Emergency Management - COVID-19 Public Health Emergency)

**WHEREAS**, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

**WHEREAS**, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

**WHEREAS**, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

**WHEREAS**, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

**WHEREAS**, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

**WHEREAS**, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

**WHEREAS**, on March 7, 2020, I directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

**WHEREAS**, as of March 9, 2020, eight counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

Exhibit "A"

**WHEREAS**, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

**WHEREAS**, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

**WHEREAS**, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

**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, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I declare a state of emergency exists in the State of Florida.



Section 2. I designate the Director of the Division of Emergency Management ("Director") as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Additionally, I designate the State Health Officer and Surgeon General as a Deputy State Coordinating Officer and State Incident Commander.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

B. Designate additional Deputy State Coordinating Officers, as necessary.

C. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

D. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54, Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions.

C. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

D. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- 2) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);
- 3) Incurring obligations;
- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;
- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 8) Appropriation and expenditure of public funds.

E. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each State agency to report the closure of any State

building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

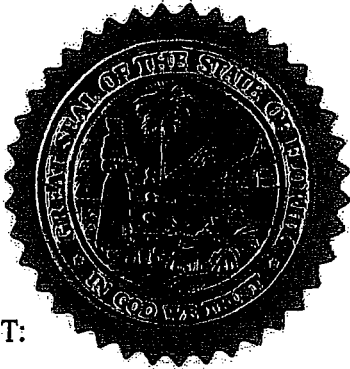
- 1) Maintain an accurate and up-to-date list of all such closures; and,
- 2) Provide that list daily to the State Coordinating Officer.

Section 5. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and the funds currently available may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 6. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 8. All activities taken by the Director of the Division of Emergency Management and the State Health Officer and Surgeon General with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.



ATTEST:

  
SECRETARY OF STATE

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 9th day of March, 2020.

  
RON DESANTIS, GOVERNOR

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