

4:47 pm Oct 01, 2022

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

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

IN THE MATTER OF:

SFWMD ORDER NO. 2022-051-DAO

EMERGENCY AUTHORIZATION FOR
PUMPING AND OTHER MEASURES
TO ADDRESS FLOODING CAUSED
BY STORM IAN

ORDER AMENDING EMERGENCY FINAL ORDER NO. 2022-046-DAO

Under the authority of State of Florida Executive Order Nos. 22-218 and 22-219, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("SFWMD"), enters this Order amending SFWMD Order No. 2022-046-DAO to narrow and redefine the Emergency Area authorized to pump and take other emergency measures to address the impacts of Hurricane Ian.

FINDINGS OF FACT

1. On September 23, 2022, the Governor of Florida issued Executive Order 22-218 declaring a state of emergency in 24 counties based upon the serious threat to the public health, safety, and welfare posed by Tropical Depression Nine. On September 24, 2022, the Governor of Florida issued Executive Order 22-219 expanding the state of emergency to the entire State of Florida.

2. On September 23, 2022, the National Hurricane Center upgraded Tropical Depression Nine to Tropical Storm Ian.

3. On September 24, 2022, the SFWMD issued Order No. 2022-046-DAO, an Emergency Final Order authorizing pumping and other emergency measure to address the impacts of Tropical Storm Ian within the entire SFWMD jurisdictional boundary.

4. On September 26, 2022, the National Hurricane Center upgraded Tropical Storm Ian to Hurricane Ian.

5. Hurricane Ian made landfall on the southern west coast of Florida on September 28, 2022, moving northeast across the state causing widespread damage to the southwest and northeast coasts, and central Florida. The impacts of Hurricane Ian include widespread flooding, power outages, and sever wind damage to homes, roads, businesses, and infrastructure, causing an immediate danger to the lives and property of persons within the following counties within SFWMD's jurisdiction: Orange, Osceola, Polk, Okeechobee, Highlands, Glades, Hendry, Charlotte, Lee, and Collier.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

6. The SFWMD issues this Order to carry out the directives in the Governor's Executive Orders. Additionally, the SFWMD has authority to issue this Order under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes.

7. Based on the above findings of fact, and to continue protecting the public's immediate health, safety, and welfare, it is both reasonable and appropriate that Order No. 2022-046-DAO is amended to be narrowly tailored and procedurally fair under the circumstances to address the immediate need for action.

ORDER

THEREFORE, IT IS ORDERED that SFWMD Order No. 2022-046-DAO is hereby amended to narrow and redefine the Emergency Area covered by the Order to only include Orange, Osceola, Polk, Okeechobee, Highlands, Glades, Hendry, Charlotte, Lee, and Collier counties. The remainder of the counties within SFWMD's jurisdiction are no longer included in the Emergency Area covered by SFWMD Order No. 2022-046-DAO, which is ratified and affirmed in all other respects.

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68, 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 1st day of October, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:



Drew Bartlett
Executive Director