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

6:48 pm Oct 11, 2022

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

In Re:

ORDER NO. 2022-054-DAO



EMERGENCY AUTHORIZATION TEMPORARILY
CLOSING SFWMD MANAGEMENT
LANDS MADE NECESSARY
BY HURRICANE IAN

SECOND ORDER AMENDING EMERGENCY FINAL ORDER NO. 2022-049-DAO

Under Sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes, and Rule 40E-7.523, Florida Administrative Code, the South Florida Water Management District ("SFWMD") enters this Second Order Amending SFWMD Order No. 2022-049-DAO regarding the temporary closure of SFWMD Managed Lands due to 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 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, SFWMD issued SFWMD Order No. 2022-049-DAO, which ordered the temporary closure to public access of all SFWMD Managed

Lands¹ due to the serious threat to public health, safety, and welfare from Tropical Storm Ian.

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

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.

6. On October 2, 2022, SFWMD issued Order No. 2022-053-DAO, amending SFWMD Order No. 2022-049-DAO to remove SFWMD Managed Lands in Hendry, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties from the Order, effective Monday, October 3, 2022, at 5:00 P.M.

7. Upon continued review of the conditions of all SFWMD Managed Lands, the SFWMD finds that the SFWMD Managed Lands in Monroe, Orange, Osceola, Polk, Okeechobee, Highlands, Glades, and Charlotte counties are now safe for public access.

8. SFWMD continues to monitor and evaluate the conditions and safety of the remaining SFWMD Managed Lands.

¹ SFWMD Managed Lands means “District Lands” as defined in Rule 40E-7.521(6), Florida Administrative Code.

CONCLUSIONS OF LAW

9. Section 373.1391(1)(a), Florida Statutes, requires lands titled to the SFWMD governing board be “managed and maintained, to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition.”

10. Section 373.1391(6), Florida Statutes, authorizes the SFWMD to adopt rules specifying management of its lands. The SFWMD adopted rules for this purpose under Chapter 40E-7 of the Florida Administrative Code.

11. In accordance with Rule 40E-7.523(3)(a), Florida Administrative Code, SFWMD may temporarily close SFWMD Managed Lands to public use under certain circumstances, including, “[w]hen necessary during emergency conditions such as floods, severe weather events, or wildfire for public safety and the protection of natural resources.” The District Managed Lands discussed in Paragraph 7 of this Order no longer require temporary closure under the Rule.

ORDER

THEREFORE IT IS ORDERED that:

12. SFWMD Order No. 2022-049-DAO is hereby amended to remove SFWMD Managed Lands in Monroe, Orange, Osceola, Polk, Okeechobee, Highlands, Glades, and Charlotte counties from the Order, effective Thursday, October 13, 2022, at 5:00 P.M. SFWMD Managed Lands in Monroe, Orange, Osceola, Polk, Okeechobee, Highlands, Glades, and Charlotte counties shall reopen at that time.

13. SFWMD Order No. 2022-049-DAO is ratified and reaffirmed in all other respects.

DONE AND ORDERED on this 11 day of October, 2022, in West Palm Beach, Florida.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT



Drew Bartlett
Executive Director

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under Section 120.68, F.S., by filing a written 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 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 30 days after this Order is filed with the Clerk of the SFWMD.