

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

IN THE MATTER OF:

SFWMD ORDER NO. 2022-062-DAO

**EMERGENCY AUTHORIZATION
ABROGATING TIME REQUIREMENTS,
NOTICE REQUIREMENTS AND
DEADLINES FOR ACTION ON
PERMITS AND OTHER APPROVALS
MADE NECESSARY BY
SUBTROPICAL STORM NICOLE**

**RECEIVED
DISTRICT CLERK'S OFFICE**

12:06 pm Nov 8, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Order No. 22-253, incorporated herein by reference, and section 120.569(2)(n), Florida Statutes, the South Florida Water Management District ("SFWMD"), enters this Order abrogating time requirements, notice requirements, and deadlines for actions on permit applications and other approvals due to the impacts and time constraints caused by Subtropical Storm Nicole ("the Storm").

FINDINGS OF FACT

1. On November 7, 2022, the Governor of Florida issued Executive Order 22-253 ("the Executive Order") declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The following areas within the SFWMD's jurisdiction are included in the Executive Order: Lee, Collier, Charlotte, Orange, Osceola, Polk, Highlands, Okeechobee, Glades, Hendry, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties ("Emergency Areas").

2. The Storm has the potential to cause widespread damage and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. The Executive Order found that the special duties and responsibilities of some agencies in responding to disasters may require them to deviate from the statutes and rules they administer. More specifically, the Executive Order gave all agencies of the state, including the SFWMD, the authority to abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits and other approvals under any statute or rule that deems such applications approved unless disapproved in writing by specified deadlines.

4. Given the widespread potential impact of the Storm, SFWMD staff will spend extensive time addressing matters resulting from the Storm, including staffing emergency operations, performing field authorizations, and approving work necessary to address the Storm's impacts. Consequently, it is infeasible for SFWMD staff to effectively respond to all Storm-related impacts and simultaneously address all existing and new regulatory actions for projects not related to the Storm within the requisite timeframes under Florida law.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

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

6. The Executive Order permits an agency, such as the SFWMD, to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business or the orders or rules of the 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. The Executive Order gave agencies the authority to take formal action by emergency rule or order to cope with the emergency.

7. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare, it is both reasonable and appropriate that to suspend and toll time requirements, notice requirements, and deadlines for action on applications for permits and other approvals until January 6, 2023.

ORDER

THEREFORE, IT IS ORDERED that:

1. The time requirements, notice requirements, and deadlines for SFWMD to act on applications for permits and other approvals are suspended and tolled.

2. Any deadlines specified in statutes, rules, agreements, or SFWMD orders, under which SFWMD is required by law to take action within a specified time period, and under which failure by SFWMD to timely take such action could result in any type of default binding on SFWMD, including the time to request additional information on permit applications, are hereby suspended and tolled until January 6, 2023, provided such deadline has not expired as of the effective date of this Order.

DONE AND ORDERED on this 8th day of November, 2022, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:



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 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.