

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

**In Re:**

**ORDER NO. 2022-066-DAO**

**EMERGENCY AUTHORIZATION  
TEMPORARILY CLOSING DISTRICT LANDS  
MADE NECESSARY BY  
SUBTROPICAL STORM NICOLE**

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**RECEIVED  
DISTRICT CLERK'S OFFICE**

12:13 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 sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes, and Florida Administrative Code Rule 40E-7.523(3)(a), the South Florida Water Management District ("District") enters this Order temporarily closing District Lands due to the impacts of 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. "District Lands" means all land owned by or leased to the District, including lands managed in partnership with Florida Fish and Wildlife Conservation Commission,

but not including lands that District leases to other entities for management purposes. In preparation for the imminent weather conditions posed by the Storm, it is necessary to close District Land to protect the public health, safety, and welfare.

4. The District finds that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally fair under the circumstances.

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

5. Section 373.1391(1)(a), Florida Statutes, requires lands titled to the District 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.”

6. Section 373.1391(6), Florida Statutes, authorizes the District to adopt rules specifying management of its lands. The District adopted rules for this purpose set forth in chapter 40E-7, Florida Administrative Code.

7. In accordance with Rule 40E-7.523(3)(a), Florida Administrative Code, the District may temporarily close District 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.”

8. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare interests, it is both reasonable and appropriate to close District Lands in the counties of Orange, Osceola, Polk, Highlands, Okeechobee, Glades, Hendry, St. Lucie, Martin, and Palm Beach beginning.

**THEREFORE, IT IS ORDERED** that:

9. All District Lands in the counties of Orange, Osceola, Polk, Highlands, Okeechobee, Glades, Hendry, St. Lucie, Martin, and Palm Beach are hereby closed for public access from November 8, 2022 at 5:00 p.m., through Friday, December 18, 2022 at 5:00 p.m., unless extended or terminated by amendment or further order.

10. Failure to comply with the terms of this Order shall constitute a violation of a District Final Order under Chapter 373, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

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

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT



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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, Florida Statutes, by filing a written notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the District 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 District.