

4:17 pm Jun 22, 2023

STATE OF FLORIDA
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

In re:

SFWMD ORDER NO. 2023-035-DAO

RESCISSION OF EMERGENCY
AUTHORIZATION FOR TEMPORARY BURN
BAN ON DISTRICT LANDS SUBJECT TO
CHAPTER 40E-7, Part V, F.A.C., DUE TO DRY
WINDY CONDITIONS AND IMMINENT
DANGER OF WILDFIRES.

ORDER RESCINDING AMENDED EMERGENCY FINAL ORDER

Under sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes ("F.S."), the South Florida Water Management District ("SFWMD") enters this Order rescinding Amended Emergency Final Order, which implemented a burn ban on SFWMD Lands to address an imminent danger of wildfires and concern for the threat to the public health, safety, and welfare of the citizens of the State of Florida, natural resources, and recreational use of SFWMD Lands.¹

FINDINGS OF FACT

1. On April 7, 2023, SFWMD issued SFWMD Order No. 2023-026-DAO prohibiting building or maintaining fires in fireplaces and fire rings on SFWMD Lands in Collier, Hendry, Highlands, Lee, Orange, Osceola, and Polk counties.
2. Conditions affecting the SFWMD Lands in Collier, Hendry, Highlands, Lee, Orange, Osceola, and Polk counties have improved and there is no longer a serious threat to public health, safety, and welfare on these lands.

¹ "SFWMD Lands" shall mean any real property in which the District has an interest and is limited to Management Areas, Stormwater Treatment Areas, Impoundment Areas, Right of Way, and vacant undesignated lands. Fla. Admin. Code r. 40E-7.521(6).

CONCLUSIONS OF LAW

3. Pursuant to Rule 40E-7.523 and 40E-7.537(9), F.A.C., and sections 120.569(2)(n) and 373.119(2), Fla. Stat., the Executive Director of the SFWMD with concurrence of the Governing Board is authorized to temporarily ban the building or maintaining of fires in fireplaces and fire rings on SFWMD Lands 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.”

4. Based on the findings recited above, it is hereby concluded that because conditions have improved, the burn ban authorized by SFWMD Order No. 2023-026-DAO is no longer necessary to protect the public health, safety, and welfare on SFWMD Lands in Collier, Hendry, Highlands, Lee, Orange, Osceola, and Polk counties.

ORDER

THEREFORE IT IS ORDERED that:

5. SFWMD Order No. 2023-026-DAO is rescinded.

6. This Order is effective immediately upon execution.

DONE AND SO ORDERED in West Palm Beach, Florida, on this 22 day of June, 2023.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
By its Executive Director



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 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.