

**STATE OF FLORIDA  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**In re:**

**SFWMD ORDER NO. 2023-026-DAO**

EMERGENCY AUTHORIZATION FOR  
TEMPORARY BURN BAN ON DISTRICT  
LANDS SUBJECT TO CHAPTER 40E-7,  
Part V, F.A.C., IN COLLIER, HENDRY, HIGHLANDS,  
LEE, ORANGE, OSCEOLA AND POLK COUNTIES  
DUE TO DRY WINDY CONDITIONS AND  
IMMINENT DANGER OF WILDFIRES

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**RECEIVED  
DISTRICT CLERK'S OFFICE**

10:15 am Apr 7, 2023

**SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT**



**AMENDED EMERGENCY FINAL ORDER**

The Executive Director of the South Florida Water Management District (“SFWMD”) enters this Amended Emergency Final Order (“Order”), under sections 120.569(2)(n), 373.016, 373.119(2), and 373.1391, Florida Statutes (“Fla. Stat.”), in response to the imminent danger of wildfires due to dry windy weather conditions, and out of 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<sup>1</sup>.

**FINDINGS OF FACT**

1. South Florida is experiencing extremely dry conditions and the current weather outlook calls for the threat of fire to remain high in south Florida through the end of fire season in June.
2. The danger of wildfires will increase dramatically if dry conditions persist.

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<sup>1</sup> “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).

3. On March 14, 2023, the Executive Director issued Emergency Final Order SFWMD Order No. 2023-016-DAO implementing a burn ban on SFWMD Lands within Collier and Hendry counties.

4. Collier, Hendry, Highlands, Lee, Orange, Osceola, and Polk counties have established burn bans in their respective counties.

5. Building or maintaining fires for recreational purposes in fireplaces and fire rings on SFWMD Lands, as provided for under Rule 40E-7.537(9), Florida Administrative Code (“F.A.C.”), could result in additional wildfires. Therefore, the SFWMD finds that building or maintaining fires in fireplaces and fire rings on SFWMD Lands in the current dry weather conditions threatens the public health, safety, and welfare, natural resources, and recreational use of SFWMD Lands.

6. Immediate action is necessary to prevent or ameliorate dangers to the public health, safety, and welfare, natural resources, and recreational use of the SFWMD Lands posed by the increased risk of wildfires during the current dry weather conditions. The SFWMD finds that an emergency authorization is necessary to address the need for immediate action.

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

7. The Executive Director of the SFWMD is authorized to issue emergency orders with concurrence of the Governing Board by sections 120.569(2)(n) and 373.119(2), Fla. Stat., and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, or welfare.

8. Based on the findings recited in this Amended Order and pursuant to Section 373.119(2), Fla. Stat., it is hereby concluded that the current dry conditions and increased risk of wildfires threatens the public health, safety and welfare, natural resources, and recreational use of the SFWMD Lands in Collier, Hendry, Highlands, Lee, Orange, Osceola, and Polk counties.

### **ORDER**

Based upon the above Findings of Fact, Ultimate Facts and Conclusions of Law, the Executive Director orders that:

9. Building or maintaining fires in fireplaces and fire rings provided by the SFWMD or other authorized management agencies, as otherwise authorized under Rule 40E-7.537(9), F.A.C., is hereby prohibited on SFWMD Lands located in Collier, Hendry, Highlands, Lee, Orange, Osceola, and Polk counties until this Order is rescinded.

10. Using portable camp stoves and grills on SFWMD lands located in Collier, Hendry, Highlands, Lee, Orange, Osceola, and Polk Counties, subject to Rule 40E-7.537(9), F.A.C., is allowed for cooking purposes only.

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

12. This Order shall take effect immediately upon execution by the Executive Director of the SFWMD, and shall remain in effect until rescinded by the Executive Director or the Governing Board of the SFWMD.

**DONE AND SO ORDERED** in West Palm Beach, Florida, on this 7<sup>th</sup> day of April, 2023.

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT  
By its Executive Director



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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 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.