

3:27 pm Jun 21, 2024

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

AMB

In re: SFWMD ORDER NO. 2024-039-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.

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ORDER RESCINDING EMERGENCY FINAL ORDER

The South Florida Water Management District (“SFWMD”) enters this Order rescinding SFWMD Order No. 2024-030-DAO (“Emergency Final Order”) under sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes (“Fla. Stat.”). The Emergency Final Order 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 in certain affected counties.¹

FINDINGS OF FACT

1. On May 31, 2024, SFWMD issued SFWMD Order No. 2024-030-DAO prohibiting the building or maintaining of fires on SFWMD Lands in Charlotte, Collier, Glades, Hendry, Highlands, and Polk counties.
2. Conditions affecting the SFWMD Lands in Charlotte, Collier, Glades,

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).

Hendry, Highlands, and Polk counties have improved such that a serious risk of wildfires threatening the public health, safety, and welfare no longer exists.

CONCLUSIONS OF LAW

3. Pursuant to Rule 40E-7.523 and 40E-7.537(9), Florida Administrative Code, and sections 120.569(2)(n) and 373.119(2), Fla. Stat., the Executive Director of the SFWMD, with the Governing Board’s concurrence, is authorized to require actions be taken, such as temporarily banning the building or maintaining of fires on SFWMD Lands, “[w]hen necessary during emergency conditions such as floods, severe weather events, or wildfire for public safety and the protection of natural resources.”

4. Because conditions have improved, the Executive Director may rescind SFWMD Order No. 2024-030-DAO as it is no longer necessary to protect the public health, safety, and welfare.

ORDER

THEREFORE IT IS ORDERED that:

5. SFWMD Order No. 2024-030-DAO is rescinded.

6. This Order is effective immediately upon execution.

DONE AND SO ORDERED in West Palm Beach, Florida, on this 21st day of June, 2024.

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.