

STATE OF FLORIDA
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

4:18 pm May 31, 2024

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

gms

In re:

SFWMD ORDER NO. 2024-030-DAO

EMERGENCY AUTHORIZATION FOR
TEMPORARY BURN BAN ON DISTRICT
LANDS IN CHARLOTTE, COLLIER,
GLADES, HENDRY, HIGHLANDS, AND POLK
COUNTIES DUE TO DRY WEATHER CONDITIONS
AND IMMINENT DANGER OF WILDFIRES

EMERGENCY FINAL ORDER

The Executive Director of the South Florida Water Management District ("SFWMD") enters this 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 weather conditions and the resulting threat to the public health, safety, and welfare of the citizens of the subject counties, to natural resources, and to recreational use of SFWMD Lands.¹

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.
2. The danger of wildfires will increase dramatically if dry conditions persist.

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).

3. The Boards of County Commissioners for Charlotte, Collier, Glades, Hendry, Highlands, and Polk counties, which are within the SFWMD's jurisdiction, have established burn bans in their respective counties.

4. The building or maintaining of fires for recreational purposes on SFWMD Lands open to the public, as provided for under Rule 40E-7.537(9), Florida Administrative Code ("F.A.C."), could result in additional wildfires.

5. Immediate action is necessary to prevent or ameliorate dangers to the public health, safety and welfare, to natural resources, and to recreational use of the SFWMD Lands posed by the increased risk of wildfires during the current dry weather conditions.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

6. 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.

7. Based on the findings recited in this 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 located in the subject counties.

ORDER

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

8. Building or maintaining fires on SFWMD Lands, as provided for in Rule 40E-7.537(9), F.A.C., located in Charlotte, Collier, Glades, Hendry, Highlands, and Polk Counties, is hereby prohibited until this Order is rescinded.

9. Using portable camp stoves and grills on SFWMD lands as provided for in Rule 40E-7.537(9), F.A.C., is permitted for cooking purposes only.

10. 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 other applicable court.

11. 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 31st day of May, 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.