

4:22 pm Aug 2, 2024

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

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT
MB

IN THE MATTER OF:

SFWMD ORDER NO. 2024-053-DAO

EMERGENCY AUTHORIZATION
ABROGATING TIME REQUIREMENTS,
NOTICE REQUIREMENTS, AND
DEADLINES FOR ACTION ON
PERMITS AND OTHER APPROVALS
AS MADE NECESSARY BY INVEST 97L

EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Order No. 24-156, incorporated herein by reference, and 120.569(2)(n), 252.46, 373.119(2), and 373.439, Florida Statutes, the South Florida Water Management District ("District"), enters this Order abrogating time requirements, notice requirements, and deadlines for actions on permit applications and other approvals due to the impacts and time constraints caused by Invest 97L ("the Storm").

FINDINGS OF FACT

1. On August 1, 2024, Governor DeSantis issued Executive Order 24-156 ("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 Governor included the following counties in the Executive Order that are within the District's jurisdiction: Charlotte, Collier, Lee, Monroe, Orange, Osceola and Polk counties ("the Emergency Areas").

2. The Storm has the potential to cause widespread flooding and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. In the Executive Order, the Governor found that the special duties and responsibilities of some agencies, including the District, in responding to disasters may require them to deviate from the statutes and rules they administer. More specifically, the Executive Order gave all agencies of the state, including the District, the authority to abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits and other approvals under any statute or rule that deems such applications approved unless disapproved in writing by specified deadlines.

4. Given the widespread potential impact of the Storm, District staff will spend extensive time addressing matters resulting from the Storm, including staffing emergency operations, performing field authorizations, and approving work necessary to address the Storm's impacts. Consequently, it is not feasible for District staff to effectively respond to all Storm-related impacts and simultaneously address all existing and new regulatory actions for projects not related to the Storm within the requisite timeframes under Florida law.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

5. The District's Executive Director is authorized to issue emergency orders with concurrence of the Governing Board by sections 120.569(2)(n) and 373.119(2), Florida Statutes, and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, and welfare.

6. 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.

7. The Executive Order permits an agency, including the District, to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business or the orders or rules of the agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. The Executive Order gave agencies the authority to take formal action by emergency rule or order to cope with the emergency.

8. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare, and to not prevent, hinder, or delay necessary action in coping with the emergency, it is both reasonable and appropriate to suspend and toll time requirements, notice requirements, and deadlines for action on applications for permits and other approvals until September 30, 2024.

ORDER

THEREFORE, IT IS ORDERED that:

1. The time requirements, notice requirements, and deadlines for the District to act on applications for permits and other approvals are suspended and tolled.

2. Any deadlines specified in statutes, rules, agreements, or District orders under which the District is required by law to take action within a specified time period, and under which failure by the District to timely take such action could result in any type of default binding on the District, including the time to request additional information on permit applications, are hereby suspended and tolled.

3. This Order is effective upon execution and remains in effect until until September 30, 2024, unless otherwise extended or terminated.

DONE AND ORDERED on this 2nd day of August, 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:  for _____
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 of the Florida Statutes, by filing a 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, 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 District.