

4:20 pm Oct 7, 2024

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

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

YMB

In Re:

ORDER NO. 2024-077-DAO

EMERGENCY AUTHORIZATION
TEMPORARILY CLOSING ALL DISTRICT LANDS
MADE NECESSARY BY HURRICANE MILTON

EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Order No. 21-214, and sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes, and Rule 40E-7.523(3)(a), Florida Administrative Code (Fla. Admin. Code), the South Florida Water Management District ("District") enters this Order temporarily closing District Lands due to the impacts of Hurricane Milton ("the Storm").

FINDINGS OF FACT

1. Governor DeSantis issued Executive Order 21-214 ("the Executive Order") on October 5, 2024, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Storm. The Governor included all 16 counties within the District's jurisdiction in the Executive Order (the "Emergency Areas").

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

3. For the purposes of this Emergency Order, "District Lands" means any real property owned, leased, managed, or controlled by the District and includes lands or water areas defined in Rule 40E-7.521, Fla. Admin. Code, as Management Areas, Stormwater Treatment Areas, Impoundment Areas, Rights of Way, and vacant undesignated lands.

4. In preparation for the imminent weather conditions posed by the Storm, it is necessary to close District Lands to protect the public health, safety, and welfare.

5. 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.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

6. The Executive Director of the District 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, or welfare.

7. Section 373.1391(1)(a), Florida Statutes, requires lands titled to the District's Governing Board be "managed and maintained, to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition."

8. Section 373.1391(6), Florida Statutes, authorizes the District to adopt rules specifying management of District Lands. The District adopted rules for this purpose set forth in Chapter 40E-7, Fla. Admin. Code.

9. In accordance with Rule 40E-7.523(3)(a), Fla. Admin. Code, the District may temporarily close District Lands to public use 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."

10. Based on the above findings of fact and to protect the public's immediate health, safety, and welfare interests, it is both reasonable and appropriate to close all District Lands beginning October 8, 2024, at 6:00 PM.

THEREFORE, IT IS ORDERED that:

11. All District Lands are hereby closed for public access from October 8, 2024, 2024 at 6:00PM through October 11, 2024 at 6:00AM, unless this Order is terminated earlier by amendment or further order.

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

DONE AND ORDERED on this 7th day of October 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT



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 written 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 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 30 days after this Order is filed with the Clerk of the District.