

2:36 pm Sep 25, 2024

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

**SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT**  
GMB

**In Re:**

**ORDER NO. 2024-070-DAO**

**EMERGENCY AUTHORIZATION  
TEMPORARILY CLOSING DISTRICT LANDS  
MADE NECESSARY BY HURRICANE HELENE**

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**EMERGENCY FINAL ORDER**

Under the authority of the State of Florida Executive Orders No. 24-208 and 24-209, 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, the South Florida Water Management District ("District") enters this Order temporarily closing District Lands due to the impacts of Hurricane Helene ("the Hurricane").

**FINDINGS OF FACT**

1. Governor DeSantis issued Executive Orders 24-208 and 24-209 ("the Executive Orders") on September 23 and 24, 2024, respectively, declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by then Potential Tropical Cyclone 9, which has since progressed into Hurricane Helene ("the Hurricane"). The following areas are included in the Executive Orders and within the District's jurisdiction: Charlotte, Collier, Glades, Hendry, Highlands, Lee, Monroe, Okeechobee, Orange, Osceola, and Polk counties ("the Emergency Areas").

2. The Hurricane has the potential to cause widespread wind damage and flooding and poses an immediate danger to the lives and property of persons within the District's jurisdiction.

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, F.A.C., 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 Hurricane, 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, Florida Administrative Code.

9. In accordance with Rule 40E-7.523(3)(a), Florida Administrative 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 September 25, 2024, at 8:00 PM.

**THEREFORE, IT IS ORDERED** that:

11. All District Lands are hereby closed for public access from September 25, 2024, 2024 at 8:00PM through September 27, 2024 at 6:00AM, unless 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 25th day of September 2024, in West Palm Beach, Florida.

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT



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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 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.