

**STATE OF FLORIDA  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

**IN THE MATTER OF:**

**SJRWMD ORDER NO. 2016-20**

*SJR 2016-22*

**EMERGENCY AUTHORIZATION  
FOR FLOOD RELIEF AND CERTAIN OTHER MEASURES  
MADE NECESSARY BY HURRICANE MATTHEW**

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**ORDER**

THIS MATTER came before the Governing board of the St. Johns River Water Management District ("District") on October 11, 2016, pursuant to subsection 373.119(2), Florida Statutes ("F.S."), for hearing on the Executive Director's issuance of an Emergency Order authorizing certain activities for flood relief and suspending specific provisions of statutes and rules to prevent delay. A copy of the Emergency Order is attached hereto as Exhibit "1". The Governing Board concurs with the Executive Director's finding that an emergency existed due to Hurricane Mathew and that flooding from the hurricane posed a continuing and immediate danger to the public health, safety and welfare.

**THEREFORE, IT IS ORDERED** that this Governing Board hereby concurs with the entry of the Emergency Order, and that the Emergency Order remains in full force and effect pursuant to the conditions stated herein.

**DONE AND ORDERED** this 11<sup>th</sup> day of October, 2016.

ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT

  
\_\_\_\_\_  
JOHN A. MIKLOS, CHAIRMAN  
GOVERNING BOARD

RENDERED this 11<sup>th</sup> day of October, 2016.

*Sandra Bertram*

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SANDRA BERTRAM  
DISTRICT CLERK

**STATE OF FLORIDA  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

SJR 2016-21

**IN THE MATTER OF:**

**SJRWMD ORDER NO. 2016-20**

**EMERGENCY AUTHORIZATION  
FOR FLOOD RELIEF AND CERTAIN OTHER MEASURES  
MADE NECESSARY BY HURRICANE MATTHEW**

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**EMERGENCY ORDER**

Under the authority of the State of Florida Executive Order No. 16-230, (attached as Exhibit A), and sections 120.569(2)(n), 252.32(1)(b), 252.36, 252.363, 252.46, 373.439, and 373.119(2) of the Florida Statutes, the St. Johns River Water Management District ("the District"), enters this Emergency Order making the following findings of fact and conclusions of law in response to the immediate and continuing danger to the public health, safety, and welfare of the citizens of the State of Florida resulting from the devastation caused by Hurricane Matthew, as follows:

**FINDINGS OF FACT**

1. The District, a special taxing district created by Chapter 373, *Florida Statutes*, is empowered to administer and enforce the provisions of Parts II, III, and IV of Chapter 373, *Florida Statutes*, and the rules promulgated thereunder.

2. On October 3, 2016, the Governor of Florida issued Executive Order 16-230 ("the Executive Order") declaring that a state of emergency exists throughout the State of Florida, based upon the serious threat to the public health, safety and welfare posed by Hurricane Matthew ("the Hurricane").

3. Between October 6 and October 9, the Hurricane struck Florida's east

coast while rated as a Category 4 and Category 3 major Hurricane. The Hurricane struck areas of Florida's coastal counties north of St. Lucie County with reported maximum sustained winds over 100 miles per hour. Matthew caused substantial rainfall and created storm surges within the District's coastal boundaries occurring from Indian River County northward through Nassau County. The Hurricane caused impacts to every county within the District and caused major flooding to coastal areas within the District boundary. Therefore, this order shall apply to the entire District, which shall be referred to as the "Emergency Area."

4. The Governor's Executive Order found that the special duties and responsibilities of some agencies in responding to disasters may require them to deviate from the statutes and rules they administer. The Executive Order permits an agency, such as the District, to suspend the provisions of any regulatory statute prescribing the procedures for conduct of 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.

5. The District's Executive Director has determined that an emergency authorization is required to address the need for immediate action within the District's Emergency Area.

6. District staff will spend extensive time addressing permitting and regulatory matters resulting from the Hurricane. District emergency activities in response to the Hurricane have included and will continue to include assignment of staff to emergency operations, performing field authorizations, and approving work necessary to address Hurricane impacts that have occurred in the emergency area. In

addition, District office operations have been slowed by the Hurricane, and District employees may be given administrative leave to address personal problems caused by the Hurricane. Consequently, District staff may not be able to effectively address all Hurricane-related impacts while at the same time also adequately addressing all existing and new permit (or variance) application review timelines for projects not related to the Hurricane in the timeframes required by Chapters 120 and 373 of the Florida Statutes and the District's own rules.

7. The District finds that immediate, strict compliance with the provisions of the statutes, rules or orders noted in Paragraph 17 of the Order below would prevent, hinder, or delay necessary action in coping with the emergency.

#### **ULTIMATE FACTS AND CONCLUSIONS OF LAW**

8. This Order is being issued to carry out the directives in the Executive Order. The Executive Order was properly issued under the authority of Sections 252.36 and 252.46 of the Florida Statutes. Additionally, the District has authority to issue this Order under Sections 120.569(2)(n), 252.32(1)(b), 252.36, 252.363, 252.46, 373.119(2), and 373.439 of the Florida Statutes.

9. The Executive Order and Chapter 252 of the Florida Statutes permit an agency, such as the District, to suspend the provisions of any regulatory statute prescribing the procedures for conduct of 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 and Chapter 252 give agencies the authority to take formal action by emergency rule or order to cope with the emergency.

10. Based on the above findings of fact, and in order to protect the public's immediate health, safety and welfare interests, it is both reasonable and appropriate that the suspension and tolling of time requirements, notice requirements, and deadlines for action on applications for permits and other approvals should extend to November 2, 2016. Tolling deadlines to this date will give the District staff time to address emergency Hurricane impacts, yet result in as little delay as possible for pending applications. In addition, it is also both reasonable and appropriate to authorize temporary consumptive uses of water in the emergency area to address or alleviate flooding. The emergency has also created a reasonable and appropriate need for the District to waive any statute or rule to procure supplies, services and to compensate employees as necessary to respond to the emergency created by the Hurricane.

**THEREFORE, IT IS ORDERED** that within the Emergency Area, the following authorizations apply:

11. **Abrogation of time requirements, notice requirements, and deadlines for actions on permit applications**

a. The time requirements, notice requirements, and deadlines for action on applications for permits and other approvals are suspended and tolled.

b. The extent of the suspension and tolling of these requirements are as follows:

i. All time requirements, notice requirements, and deadlines for final action by the District (including delegated local programs) on applications for permits and other approvals where such time requirements had not expired on October

5, 2016, shall be tolled and suspended until November 2, 2016, unless otherwise extended or terminated by the Executive Director or Governing Board.

ii. This suspension and tolling of time requirements, notice requirements and deadlines for final action as provided in paragraph a. shall be applicable to all permit application reviews and approval requests in all counties under the District's jurisdiction.

12. **Suspension of the effect of any statute, rule or order to ensure the emergency procurement of any and all supplies, commodities, services, temporary premises, or other resources necessary for emergency response.**

a. To ensure the District is able to meet emergency response functions, the Executive Director hereby suspends, to the extent necessary, the effect of any statute, rule or order, to procure any and all necessary supplies, commodities, services, temporary premises, and other resources including, without limitation the foregoing;

i. Any and all statutes, rules and orders which affect budgeting to the extent necessary to cope with this emergency.

ii. Any and all statutes, rules and orders affecting the leasing, printing, purchasing, travel, conditions of employment and the compensation of employees, necessary for coping with this emergency.

13. **Consumptive Uses of Water (including for pumping or diverting water)**

The District hereby authorizes the following temporary consumptive uses of water to address emergency conditions created by Hurricane Mathew:

**a. *On-Site Discharges – No Notice Required***

Internal movement of water from flooded areas within a project site to other areas within the same project site by the same owner shall be allowed in the Emergency Areas during the course of this Order. No notice to the District is required. Examples of activities authorized by this paragraph include moving water from internal roadways, and parking lots, swales or other on-site areas to on-site surface water management ponds or lakes, or other areas on-site that would not directly discharge off-site. This Order does not authorize pumping or discharging of flood waters to off-site property, canals, or water bodies not completely on-site other than through permitted facilities.

**b. *Off-Site Discharges by governmental entity – No Notice Required***

Moving water from a flooded area that creates an ongoing emergency condition shall be allowed by state, regional, or local governmental agencies from October 5 through October 14, 2016, without notice to the District. Examples of such an ongoing emergency condition include flooded roads and parking lots, flooded homes, and flooded essential buildings.

**c. *Off-Site Discharges by governmental entity – Notice Required***

State, regional, or local governmental agencies may continue to move water from a flooded area, as described in b. above, on or after October 14, 2016, upon providing notice to the District and receiving oral or written authorization to continue the movement of water, in accordance with the conditions of the District's authorization.

**d. *Off-Site Discharges by private landowner – Notice Required***

Moving water from a flooded area that creates an ongoing emergency condition may be allowed by a landowner, from October 5 through October 14, 2016, upon



providing notice to the District and receiving oral or written authorization to move water, in accordance with the conditions of the District's authorization.

14. **General Conditions**

All activities authorized under paragraph 13 shall be conducted in accordance with the following conditions and requirements:

a. All activities shall be performed in a manner which minimizes adverse water quality and water quantity impacts. This includes properly installed and maintained erosion and turbidity control devices to prevent erosions and shoaling and to control turbidity, nutrient loading, and sedimentation in off-site receiving waters.

b. Entities operating under this Order shall immediately correct any erosion, shoaling, or water quality problems that result from the activities authorized under this Order.

c. This Order is temporary in nature and shall not relieve the entities of any obligation to obtain necessary federal, state, local or District permits or approvals.

d. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

e. This Order only serves as relief for the duration of the Order from the regulatory requirements of the District only, and does not provide relief from the requirements of other federal, state, water management districts, and local agencies. This Order therefore does not negate the need for the property owner to obtain any other required permits or authorizations, nor does it negate the need to comply with all the requirements of those agencies.

15. **Other Authorizations Required**

Nothing in this Order shall eliminate the necessity for obtaining any other federal, state, water management district, or local permits or other authorizations that may be required.

16. **Extension of time to comply with specified deadlines**

For activities, systems, consumptive uses, water well construction permits, and water well contractor licenses regulated by the District in the Emergency Area, this Order extends by thirty days the time to comply with the following specified deadlines that occur between October 5, 2016 and November 2, 2016:

a. The time deadlines to conduct or report periodic monitoring or to take any other action required by a permit (including compliance with any permit condition), consent order, lease, consent of use, or other authorization under Chapters 253, 258, or 373 of the Florida Statutes, and rules adopted thereunder;

b. The time deadlines to file an application for modification (including a modification to extend the duration) or renewal of an existing permit, lease, consent of use, or other authorization under Chapters 253, 258, or 373 of the Florida Statutes, and rules adopted thereunder;

c. The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit approval was issued;

d. The expiration dates for an existing permit, lease, consent of use, or other authorization under Chapters 253, 258, or 373 of the Florida Statutes, and rules adopted thereunder; and

e. The time deadlines to file an application for an operation permit or renewal of an operation permit under Chapter 373 of the Florida Statutes, and rules adopted thereunder.

f. This Order does not toll or extend any deadlines applicable to an authorization under a programmatic general permit issued by the U.S. Army Corps of Engineers.

17. **Suspension of Statutes and Rules**

a. Pursuant to the authorities in the Executive Order and in Chapter 252 of the Florida Statutes, the following provisions of statutes and rules are hereby suspended for the activities authorized by this Order for the duration of this Order:

i. All requirements for permits, leases, consent of uses or other authorizations, including, but not limited to, provisions in Chapters 120, 161, 253, 258, 373, 376, and 403 of the Florida Statutes, and Rules adopted thereunder;

ii. All notice requirements, including, but not limited to, provisions in Chapters 120, 161, 253, and 373 of the Florida Statutes, and Chapters 18-18, 18-20, 18-21, 40C-1, 40C-2, 40C-4 and 62-330 of the Florida Administrative Code;

iii. All application fee, lease fee, and easement fee requirements, including, but not limited to, provisions in Chapters 161 and 373 of the Florida Statutes and Chapters 18-18, 18-20, 18-21, 40C-1, 40C-2, 40C-4, and 62-330 of the Florida Administrative Code, provided, however, that such lease and easement fees shall be suspended only in proportion to the percentage loss of functionality of the total area under lease or easement, and only for the duration of this Order unless otherwise provided in a field authorization. The duration of the suspension of lease and easement fees under a field authorization

may be extended on a showing that contractors or supplies are not available to commence the necessary repairs or replacement, or if additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers; and

iv. Prohibitions for dredging and filling in waters approved or conditionally approved, for shellfish harvesting adopted under Sections 403.061(29) and 373.414(9) of the Florida Statutes.

18. **General Limitation**

The District issues this Emergency Order solely to address the emergency created by Hurricane Mathew. This Emergency Order shall not be construed to authorize any activity within the jurisdiction of the District except in accordance with the express terms of this Emergency Order.

19. **Expiration Date**

This Order shall take effect immediately upon execution by the Executive Director of the District, and shall apply retroactively to October 5, 2016 and expire on November 2, 2016, unless otherwise extended or terminated by the Executive Director or Governing Board.


**NOTICE OF RIGHTS**

Any party substantially affected by this Order has the right to seek judicial review of it 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 4049 Reid Street, Palatka, Florida 32177, 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.

**DONE AND ORDERED** on this 11<sup>th</sup> day of October 2016, in Palatka, Florida.

ST JOHNS RIVER WATER MANAGEMENT DISTRICT

By:   
Ann B. Shortelle, Ph. D.  
Executive Director

Filed with the District Clerk and RENDERED this 11<sup>th</sup> day of October, 2016.

  
Sandra Bertram  
District Clerk

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 16-230 (Emergency Management – Hurricane Matthew)

**WHEREAS**, Hurricane Matthew is a major hurricane traveling north through the central part of the Caribbean Sea;

**WHEREAS**, the five-day forecast from the National Hurricane Center suggests that large portions of the East Coast of Florida may face significant impacts from Hurricane Matthew;

**WHEREAS**, Hurricane Matthew poses a severe threat to the entire State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State;

**WHEREAS**, as Governor, I am responsible to meet the dangers presented to this state and its people by this emergency; and,

**NOW, THEREFORE, I, RICK SCOTT**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, I declare that a state of emergency exists in every county in the State of Florida due to the severity and magnitude of this storm.

Section 2. I designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and direct him to

execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)–(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Invoke and administer the Emergency Management Assistance Compact ("EMAC") (sections 252.921-933, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as best to meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

C. Direct all state, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Designate Deputy State Coordinating Officers.

E. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

F. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to waive or deviate from the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may waive all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such waiver issued by the Executive Office of the Governor.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that 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. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency



Management Plan ("CEMP"); or, (2) directed by the State Coordinating Officer. Any waiver of statutes, rules, ordinances, or orders shall be by emergency rule or order in accordance with sections 120.54(4) and 252.46, Florida Statutes, and shall expire thirty days from the date of this Executive Order, unless extended in increments of no more than thirty days by the agency, and in no event shall remain in effect beyond the earlier of the date of expiration of this Order, as extended, or ninety (90) days from the date of issuance of this Order.

C. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- 2) Entering into contracts;
- 3) Incurring obligations;
- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;
- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 8) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified by the American Red Cross as disaster service volunteers within the meaning of Section 110.120(3), Florida Statutes,

may release any such employees for such service as requested by the Red Cross to meet this emergency.

E. The Department of Transportation (DOT) may:

1) Waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to provide emergency assistance or facilitate the evacuation of the affected counties;

2) Reverse the flow of traffic or close any and all roads, highways, and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties that the State Coordinating Officer may designate as destination counties for evacuees in this emergency;

3) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

4) Waive the hours of service requirements for such vehicles;

5) Waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services; and,

6) Waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, supplies, and agricultural commodities and citrus as recommended by the Commissioner of Agriculture, allowing the establishment of alternate size and weight restrictions for all such vehicles for the

duration of the emergency. The DOT shall issue permits and such vehicles shall be subject to such special conditions as the DOT may endorse on any such permits.

Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order, or other legal requirement not specifically waived herein or by supplemental order by the State Coordinating Officer;

F. The Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) may:

1) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

2) Waive the hours of service requirements for such vehicles;

3) Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to Chapter 207 Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;

4) Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, vehicle license plates, vehicle registration certificates, vehicle tag certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses, and replacement identification cards and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions; and,

5) Defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions.

Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

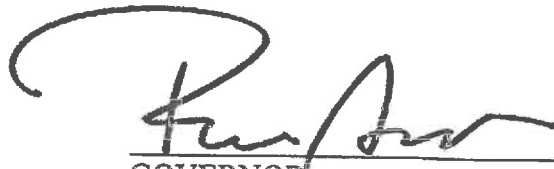
H. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent to meet this emergency. I direct each State agency to report the closure of any State building or facility to the Department of Management Services.

Section 12. I authorize the Florida Housing Finance Corporation to distribute funds pursuant to section 420.9073, Florida Statutes, to any county, municipality, or other political subdivision located within the area(s) declared to be under a state of emergency by this executive order. The authority of the Florida Housing Finance Corporation to distribute funds under this state of emergency shall expire six months from the date of this Order.

Section 13. All actions taken by the Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 3rd day of October, 2016.



  
GOVERNOR

ATTEST:

  
SECRETARY OF STATE

FILED  
2016 OCT -3 PM 3:03  
TALLAHASSEE, FLORIDA