

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

IN THE MATTER OF:

**SJRWMD F.O.R. NO. 2022-28
SJRWMD Order No. 2022-018**

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

FIRST AMENDED EMERGENCY ORDER

Under the authority of sections 120.569(2)(n), 373.119(2) and 373.439 of the Florida Statutes, and following the guidance of the State of Florida Office of the Governor, Executive Order 22-218 issued on September 23, 2022, as amended by Executive Order 22-219, issued on September 24, 2022 (collectively, Executive Order), and sections 252.32(1)(b), 252.36, 252.363, and 252.46 of the Florida Statutes, St. Johns River Water Management District (District), by and through its Executive Director, enters this First Amended Emergency Order to extend the provisions of the District's Emergency Order 2022-14, addressing off-site discharges by governmental entities, and makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The District, a special taxing district created by Chapter 373 of the Florida Statutes, is empowered to administer that Chapter and the rules promulgated thereunder.
2. The Governor of Florida issued the Executive Order, declaring that a state of emergency exists in the State of Florida (Emergency Area). The state of emergency is based upon the serious threat to the public health, safety and welfare posed by Hurricane Ian. Additionally, on September 24, 2022, the Florida Department of Environmental Protection entered an Emergency Final Order 22-2602, as amended by Amended Emergency Final Order

22-2602 (collectively, Department Order) authorizing emergency actions and suspending certain statutes and rules during the emergency and recovery.

3. On September 26, 2022, the District issued Emergency Order 2022-14 (District Order) authorizing emergency actions and suspending certain statutes and rules during the emergency and recovery. The amount of rainfall resulting from Hurricane Ian far exceeded the projected rainfall for the storm and continues to create an ongoing emergency condition. As a result, it is necessary to extend the authorization for state, regional, or local governmental agencies to move water from a flooded area that creates an ongoing emergency condition as set forth in Paragraph 14.b., of the District Order, to October 31, 2022.

CONCLUSIONS OF LAW

4. Based on the findings recited above and those in the District's Order, it is hereby concluded that the emergency caused by Hurricane Ian continues to pose an immediate danger to the public health, safety, or welfare and requires an amendment of the District's Order to authorize state, regional, or local governmental agencies to address ongoing emergency conditions. In addition, it is both reasonable and appropriate to authorize temporary consumptive uses of water in the Emergency Area by state, regional, or local governmental agencies to address or alleviate flooding.

5. This First Amended Emergency Order is issued upon review of the Governor's Executive Order, and issued under the authority of sections 120.569(2)(n), 373.119(2), and 373.439 of the Florida Statutes. This First Amended Emergency Order is further guided by the directives in the Executive Order, which was issued under the authority of article IV, section 1(a) of the Florida Constitution, and the Florida Emergency Management Act; the Department Order;

and sections 252.32(1)(b), 252.36, and 252.46 of the Florida Statutes.

6. Continued suspension of the statutes and rules as noted within the District's Order, and as set forth herein, is required so that necessary action to cope with and mitigate the emergency is not prevented, hindered, or delayed.

THEREFORE, IT IS ORDERED

7. Within the Emergency Area, the following authorization is extended to October 31, 2022:

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

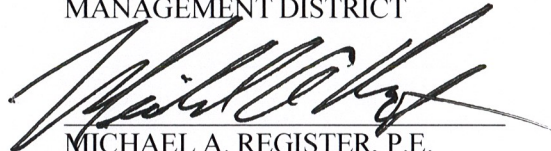
b. *Off-Site Discharges by governmental entity – No Notice Required.* Moving water from a flooded area that creates an ongoing emergency condition shall be allowed by state, regional, or local governmental agencies from September 28, 2022 through October 31, 2022, without notice to the District. Examples of such an ongoing emergency condition include flooded roads and parking lots, flooded homes, and flooded essential buildings. If the emergency condition continues beyond October 31, 2022, and additional time, or any other authorizations are necessary, a general permit by rule pursuant to Rule 40C-2.042, F.A.C., may be available.

8. This First Amended Emergency Order shall take effect immediately upon execution by the Executive Director of the District, with retroactive effect to September 12, 2022, and shall expire upon expiration or rescission of the Executive Order, as modified or extended, unless otherwise extended or terminated by the Executive Director or Governing Board.

9. All other provisions of District Emergency Order 2022-14 that are not specifically amended herein remain in full force and effect.

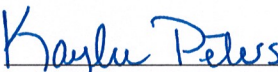
DONE AND ORDERED on October ~~16~~¹⁷, 2022, in Palatka, Florida.

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT



MICHAEL A. REGISTER, P.E.
EXECUTIVE DIRECTOR

RENDERED October 17, 2022, in Palatka, Florida.

for 
COURTNEY WALDRON
DISTRICT CLERK

NOTICE OF RIGHTS

Any party substantially affected by this Emergency Order No. 2022-~~018~~ (SJRWMD F.O.R. No. 2022-28) 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 Emergency Order No. 2022-~~018~~ (SJRWMD F.O.R. No. 2022-28) is filed with the Clerk of the District.