STATE OF FLORIDA
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

IN THE MATTER OF: SJRWMD F.O.R. No. 2020-11

EMERGENCY AUTHORIZATION FOR
EXTENSION OF CERTAIN REGULATORY
DEADLINES MADE NECESSARY BY
COVID-19

AMENDED AND RESTATED EMERGENCY ORDER 2020-11

Under the authority of the State of Florida Office of the Governor, Executive Order number 20-114 (attached as Exhibit A), Florida Department of Environmental Protection (FDEP) Amended and Restated Emergency Final Order 20-0239 (attached as Exhibit B), and sections 120.569(2)(n), 252.36, 252.38, 252.46, and 373.119 of the Florida Statutes, St. Johns River Water Management District (District), by and through its Executive Director, enters this Amended and Restated Emergency Order to restate, amend, and extend the provisions of District Emergency Order 2020-11, which addressed extension of certain regulatory deadlines due to the Public Health Emergency and impacts associated with the Novel Coronavirus Disease 2019 (COVID-19), making 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. On March 1, 2020, pursuant to the Governor’s Executive Order number 20-51, the State of Florida’s Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19.
3. On March 9, 2020, the Governor of Florida issued Executive Order No. 20-52, declaring that a state of emergency exists in the State of Florida, based upon the serious threat to the public health, safety and welfare posed by the Public Health Emergency as a result of COVID-19. On March 20, 2020, the District entered Emergency Order 2020-10, authorizing the continuity of operations, procurement, and certain other measures. On April 1, 2020, FDEP entered Emergency Final Order 20-0239, authorizing emergency actions and suspending certain statutes and rules during the emergency.

4. On May 8, 2020, the Governor issued Executive Order 20-114 (Executive Order), extending the state of emergency in the State of Florida. On May 8, 2020, the District entered Amended Emergency Order 2020-10, extending the authorizations related to continuity of operations, procurement, and certain other measures. On May 8, 2020, FDEP entered Amended and Restated Emergency Final Order 20-0239 (FDEP Amended and Restated Emergency Final Order), extending authorized emergency actions and suspended statutes and rules during the emergency.


6. In accordance with recommendations from the Centers for Disease Control and Prevention (CDC) and other health organizations, many companies and government agencies, including the District, are directing employees to work remotely to minimize the risk of spreading COVID-19. The CDC also recommends, in the near term, not holding in-person events and meetings that consist of 10 people or more. While social distancing is a critical component to reducing the transmission of COVID-19, it may impact the regulated communities’ ability to meet certain regulatory deadlines.
7. COVID-19 may cause disruption in supply chains and the labor force, thereby impacting the ability of many regulated entities to meet certain regulatory deadlines. Therefore, the District finds that it is appropriate to extend certain regulatory deadlines by 30 days to accommodate disruptions.

8. The Executive Order provides for suspension by State agencies of the requirements of any statute, rule, policy, or order when strict compliance with the requirements of such statute, rule, policy, or order would prevent, hinder, or delay necessary action to cope with or mitigate the emergency. Section 252.46, Florida Statutes, gives the District authority to take formal action by emergency rule or order to deal with the emergency.

9. The Executive Order found that the special duties and responsibilities of some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer.

10. Specifically, the Executive Order permits a political subdivision, such as the District, to waive the procedures and formalities otherwise required by law pertaining to performing public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.

11. FDEP requires the District, when acting for the FDEP pursuant to a delegation agreement, operating agreement, or contract, to comply with the terms of the FDEP Amended and Restated Emergency Final Order to the extent that the District is acting as an agent of the FDEP.
12. The District's Executive Director finds that an emergency exists and that immediate strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action to cope with and mitigate the emergency. The actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

13. Based on the incorporated findings and those recited above, it is hereby concluded that the emergency caused by COVID-19 poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the District.

14. This Emergency Order is issued to carry out the directives in the Governor's Executive Order, which was issued under the authority of article IV, section 1(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws. Additionally, the District has authority to issue this Emergency Order under Sections 120.569(2)(n), 252.36, 252.38, 252.46, and 373.119 of the Florida Statutes.

15. Suspension of statutes and rules as noted within this Order is required so as not to prevent, hinder, or delay necessary action to cope with and mitigate the emergency.

THEREFORE, IT IS ORDERED:

16. Within the District’s jurisdictional area, the requirements and effects of statutes, rules, agreements, and District orders which conflict with the provisions of this Order are suspended to the extent necessary to implement this Order.

17. Extension of Time to Comply with Specified Deadlines. For facilities and activities regulated by the District, or facilities and activities in which the District is acting for
FDEP in accordance with a delegation agreement, operation agreement, or contract, this Order extends by 30 days the time to comply with the following specified deadlines that occur between April 1, 2020 and the expiration of this Order:

a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization under Chapters 253, 258, or 373, Florida Statutes, and rules adopted thereunder;

b. The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use, letter of consent, or other authorization under Chapters 253, 258, or 373, Florida Statutes, and rules adopted thereunder;

c. The time deadlines to file an application for an operation permit under Chapters 253, 258, or 373, Florida Statutes, and rules adopted thereunder;

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

e. The time deadlines to obtain a permit for, and to commence construction of, the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, Florida Statutes and rules adopted thereunder.

However, this Order does not provide relief from any other regulatory requirements including
those of other federal, State, or other local agencies. This Order likewise does not provide relief from the District's compliance and enforcement activities.

18. **Expiration Date.** This Order shall take effect immediately upon execution by the Executive Director of the District, and shall expire on May 31, 2020, unless otherwise extended or terminated by the Executive Director or Governing Board, or modified or extended by further order.

**DONE AND ORDERED** on May 8, 2020, in Palatka, Florida.

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

[Signature]

ANN B. SHORTELLE, Ph.D.
EXECUTIVE DIRECTOR

**RENDERED** May 11, 2020, in Palatka, Florida (with corrected signature page).

[Signature]

SANDRA BERTRAM
DISTRICT CLERK

**NOTICE OF RIGHTS**

Any party substantially affected by this Amended and Restated Emergency 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 Amended and Restated Emergency Order is filed with the Clerk of the District.
WHEREAS, on March 1, 2020, I issued Executive Order 20-51, directing the Florida Department of Health to issue a Public Health Emergency due to COVID-19; and

WHEREAS, on March 9, 2020, I issued Executive Order 20-52, declaring a state of emergency for the entire state due to COVID-19; and

WHEREAS, on March 25, 2020, President Donald J. Trump approved my request and declared a Major Disaster due to COVID-19 in Florida; and


WHEREAS, I, as Governor of Florida, am committed to providing all available resources and assisting all Floridians and our local communities with their efforts; and

WHEREAS, no state of emergency declared pursuant to the Florida Emergency Management Act may continue for more than 60 days unless renewed by the Governor; and

WHEREAS, the impact of COVID-19 poses a continuing threat to the health, safety and welfare of the State of Florida and its residents.

NOW, THEREFORE, I, RON DESANTIS, 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. The state of emergency declared in Executive Order 20-52, will be extended for 60 days following the issuance of this order for the entire State of Florida.

Section 2. To the extent Executive Order 20-112, Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery, amended or extended any executive order related to COVID-19, the referenced executive orders shall remain in effect, as modified.

Section 3. All actions taken by the Director of the Division of Emergency Management as the State Coordinating Officer with respect to this emergency before the issuance of this Executive Order are ratified, and he is directed to continue to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency.

Section 4. Except as amended herein, Executive Order 20-52 is ratified and reaffirmed.

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 8th day of May, 2020.

RON DESANTIS, GOVERNOR

ATTEST:

LAUREN DUBBS
SECRETARY OF STATE
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:
EMERGENCY ORDER DUE TO OGC NO. 20-0239
THE EFFECTS OF COVID-19

AMENDED AND RESTATED EMERGENCY FINAL ORDER

The State of Florida Department of Environmental Protection (Department) enters this Amended and Restated Emergency Final Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent and immediate danger to the public health, safety, and welfare of the citizens of the State of Florida caused by the Novel Coronavirus Disease 2019 (hereinafter “COVID-19”). This Amended and Restated Emergency Final Order restates, amends and extends the provisions of the Emergency Final Order due to the effects of COVID-19 issued on April 1, 2020.

FINDINGS OF FACT

1. Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.

2. In late 2019, a new and significant outbreak of COVID-19 emerged in China. Since the initial outbreak, COVID-19 has now been detected in more than 100 locations internationally, including the United States. As a result, the World Health Organization has declared COVID-19 a pandemic.

3. Positive cases of COVID-19 have been detected in the state of Florida. On March 1, 2020, pursuant to the Governor’s Executive Order number 20-51 the State of Florida’s Surgeon General and State Health Officer declared a Public Health Emergency
exists in the State of Florida as a result of COVID-19. The Governor also directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 1 to provide a coordinated response to the COVID-19 emergency.

4. By State of Florida Executive Order Nos. 20-52 and 20-114, the Governor declared that a state of emergency exists throughout the state of Florida (Emergency Area).

5. The Department finds that the effects of COVID-19 create a state of emergency posing an imminent danger to the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action is necessary.

6. In accordance with recommendations from the Centers for Disease Control and Prevention (CDC) and other health organizations, many employees of companies and government entities, are working remotely to minimize the risk of spreading COVID-19. On March 16, 2020, President Trump and the CDC issued the 15 days to Slow the Spread guidance advising individuals to adopt far reaching social distancing measures such as working from home and avoiding gatherings of more than 10 people.

7. COVID-19 may cause disruption in supply chains and the labor force, thereby impacting the ability of many regulated entities to meet certain regulatory deadlines. Therefore, the Department finds that it is appropriate to extend certain regulatory deadlines by 30 days to accommodate disruptions. This Order does not provide relief from any other regulatory requirements including those of other federal, state, or local agencies. This Order likewise does not provide relief from the Department's
compliance and enforcement activities. The Department will continue to carry out all inspections, testing, data and file reviews and other compliance verification activities to ensure full compliance with regulatory and pollution prevention requirements, including the pollution notification requirement under Section 403.077, Florida Statutes. In the event of noncompliance with any such requirements, the Department will continue to fully execute its compliance and enforcement duties.

8. The Department finds that in-person public meetings and hearings pose a potential risk and should not be held during the term of this Order. Instead, public meetings and hearings held by electronic means is a safe method to encourage public engagement while protecting public health.

9. The Department finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action in coping with the emergency, and that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

1. Based on the findings recited above, it is hereby concluded that the emergency caused by COVID-19 poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the Department.

2. Under State of Florida Executive Order Nos. 20-52 and 20-114, and Sections 120.569(2)(n), 252.36, and 252.46, Florida Statutes, the Secretary or designee of the Department is authorized to issue this Order.
3. Suspension of statutes, rules, agreements or Department orders as noted within this Order is required so as not to prevent, hinder, or delay necessary action in coping with the emergency. However, this Order is limited to the items specified below and does not provide relief from the Department’s compliance and enforcement activities. The Department will continue to carry out all inspections, testing, data and file reviews and other compliance verification activities to ensure full compliance with regulatory and pollution prevention requirements, including the pollution notification requirement under Section 403.077, Florida Statutes. In the event of noncompliance with any such requirements, the Department will continue to fully execute its compliance and enforcement duties.

**THEREFORE, IT IS ORDERED:**

Within the Emergency Area, the requirements and effects of statutes, rules agreements, or Department orders which conflict with the provisions of this Order are suspended to the extent necessary to implement this Order.

**Extension of Time to Comply with Specified Deadlines**

For facilities and activities regulated by the Department in the Emergency Area, this Order extends by 30 days the time to comply with the following specified deadlines that occur between the date of issuance of this Order and the expiration of this Order (e.g. below). However, as specified above, this Order does not provide relief from any other regulatory requirements including those of other federal, state, or local agencies. This Order likewise does not provide relief from the Department’s compliance and enforcement activities. The Department will continue to carry out all inspections, testing, data and file reviews and other compliance verification activities to ensure full compliance with
regulatory and pollution prevention requirements, including the pollution notification requirement under Section 403.077, Florida Statutes. In the event of noncompliance with any such requirements, the Department will continue to fully execute its compliance and enforcement duties.

a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 378, or 403, Florida Statutes, and rules adopted thereunder, except for public notices of pollution under Section 403.077, Florida Statutes, and monitoring and reporting required under federally-mandated air permit conditions pursuant to 40 C.F.R. Parts 60, 61, 63, and 75.

b. The time deadlines to respond to and complete the cleanup of mineral oil dielectric fluid (MODEF) discharges from electric power generation, transmission, and distribution facilities within the Emergency Area.

c. The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use, letter of consent, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 378, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act.

d. The time deadlines to file an application for an operation permit under Chapters 161, 253, 258, 373, 376, 377, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act.
e. The expiration date for an existing permit, lease, consent of use, or other authorization under Chapters 161, 253, 258, 373, 376, 377, 378, or 403, Florida Statutes, and rules adopted thereunder, except for air permits issued under Title V of the Clean Air Act.

f. The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, Florida Statutes and rules adopted thereunder.


Public Meetings and Hearings

The Department shall conduct all public meetings or hearings during the term of this Order only by electronic means, including, but not limited to, the use of webinar or telephone to encourage public engagement while protecting public health. The Department shall not hold any in-person public meetings or hearings during the term of this Order.

Applicability to Delegated Programs

The provisions of this Order apply in those cases where a water management district, local government or other entity is acting for the Department in accordance with a delegation agreement, operating agreement or contract. Such water management district, local government or other entity shall comply with the terms of this Order to the extent that it is acting as an agent of the Department. This Order does not apply in those cases where a water management district, local government or other entity is acting under its own independent authority.
Expiration Date

This Order shall take effect immediately upon execution by the Secretary of the Department, or designee, and shall expire on May 31, 2020, unless modified or extended by further order.
NOTICE OF RIGHTS

Pursuant to Section 120.569(2)(n), Florida Statutes, any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review of it under Section 120.68, Florida Statutes. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel by mail at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, 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 Department.

DONE AND ORDERED on this 8th day of May 2020, in Tallahassee, Florida.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Noah Valenstein, Secretary
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

CLERK

May 8, 2020

DATE