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

SECOND AMENDED EMERGENCY ORDER 2020-11

Under the authority of the State of Florida Office of the Governor, Executive Order numbers 20-52, and 20-114, Florida Department of Environmental Protection ("Department") Emergency Final Order 20-0239, Amended and Restated Emergency Order 20-239, and Second Amended and Restated Emergency Order 20-0239, 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 Second Amended Emergency Order to extend the provisions of the District’s Amended and Restated 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), 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. 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 April 1, 2020, FDEP entered Emergency Final Order 20-0239, authorizing emergency actions and suspending certain statutes and rules during the emergency.

3. On May 8, 2020, the Governor issued Executive Order 20-114 (Executive Order), extending the state of emergency in the State of Florida. The same day, the Department entered Amended and Restated Emergency Final Order 20-0239, extending authorized emergency actions and suspended statutes and rules during the emergency through May 31, 2020. Also, on the same day, the District entered Amended and Restated Emergency Order 2020-11 (“Amended Order”) extending its previous Emergency Order 2020-11. The Department has since, on May 29, 2020, entered the Second Amended and Restated Emergency Final Order 20-0239 providing an extension of its effect until July 7, 2020.

4. COVID-19 continues to cause disruption in supply chains and the labor force, impacting the ability of many regulated entities to meet certain regulatory deadlines. Therefore, the District finds that it is appropriate to continue to extend certain regulatory deadlines by 30 days to accommodate disruptions and to make such extension retroactive to May 31, 2020.

5. The District's Executive Director finds that an emergency continues to exist and that immediate strict compliance with the provisions of the statutes, rules, or orders noted within the Amended Order would prevent, hinder, or delay necessary action to cope with and mitigate the emergency. The actions authorized under the Amended Order are narrowly tailored to address the immediate need for action and are procedurally appropriate under the circumstances.
CONCLUSIONS OF LAW

6. Based on the facts recited above and those in the Amended Order, it is hereby concluded that the emergency caused by COVID-19 continues to pose an immediate danger to the public health, safety, or welfare and requires an extension of the Amended Order.

7. This Emergency Order is issued to carry out the directives in the Governor’s Executive Order 20-52, as extended by Executive Order 20-114, and 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.

8. Further, the District is required, when acting as an agent for the Department pursuant to a delegation agreement, operating agreement, or contract, to comply with the terms of the Department’s Second Amended and Restated Emergency Final Order 20-0239.

9. Continued suspension of statutes and rules as noted within the Amended Order is required so that necessary action to cope with and mitigate the emergency is not prevented, hindered or delayed and so that required deadlines for public actions are retroactively extended from May 31, 2020, and through July 7, 2020, to accommodate disruptions caused by the emergency.

THEREFORE, IT IS ORDERED:

10. Within the District’s jurisdictional area, the requirements and effects of statutes, rules, agreements, and District orders which conflict with the provisions of the Amended Order continue to be suspended to the extent necessary to implement the Amended Order.
11. This Second Amended Order shall take effect upon execution by the Executive Director of the District, shall also have a retroactive application from May 31, 2020. The order shall expire on July 7, 2020, unless otherwise extended or terminated by the Executive Director or Governing Board, or modified or extended by further order.

DONE AND ORDERED on June 1, 2020, in Palatka, Florida.

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

ANN B. SHORTELLE, Ph.D.
EXECUTIVE DIRECTOR

RENDERED June 1, 2020, in Palatka, Florida.

SANDRA BERTRAM
DISTRICT CLERK

NOTICE OF RIGHTS

Any party substantially affected by this Second Amended 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 Second Amended Emergency Order is filed with the Clerk of the District.