STATE OF FLORIDA
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

IN THE MATTER OF: SJRWMD F.O.R. No. 2020-10

EMERGENCY AUTHORIZATION FOR
CONTINUITY OF OPERATIONS,
PROCUREMENT, AND CERTAIN OTHER
MEASURES MADE NECESSARY BY
COVID-19

AMENDED AND RESTATED EMERGENCY ORDER 2020-10

Under the authority of the State of Florida Office of the Governor, Executive Order number 20-114 (attached as Exhibit A), 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 2020-10, which addressed the continuity of operations, procurement, and certain other measures 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 May 8 2020, the Governor issued Executive Order No. 20-114 (Executive Order), extend-
ing the state of emergency in the State of Florida.

4. On March 20, 2020, the Governor of Florida issued Executive Order No. 20-69 suspending Florida Statutes that require quorum to be physically present or local government meetings to be conducted at a specific public place. In addition, the Governor authorized meetings to be conducted through the use of communications media technology. The Governor issued Exec­
utive Order No. 20-112, effective May 4, 2020, extending this authorization.

5. 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.

6. 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.

7. Positive cases of COVID-19 have been detected throughout the District.

8. In accordance with recommendations from the Centers for Disease Control and Prevention (CDC) and other health organizations, many companies and government agencies directed employees to work remotely to minimize the risk of spreading COVID-19. When ap­
propriate, District staff are also working remotely. The CDC also recommended, in the near term, not holding in-person events and meetings that consist of 10 people or more.

9. The District holds monthly Governing Board and other in-person meetings
which are open to the public. Many of the District’s lands, facilities, and buildings are also open to and frequented by the public. While social distancing is a critical component to reducing the transmission of COVID-19, it will impact the District’s ability to carry out some of its duties, such as holding in-person public meetings and hearings. It will also put District partners and visitors at risk.

10. Additionally, some of the statutory, rule, or policy requirements applicable to the District’s budget and procurement processes may impede the District’s ability to protect the health, safety, and welfare of the public and District employees during the emergency.

11. The Executive Order provides for the suspension by State agencies of 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.

12. 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.

13. Specifically, the Executive Order permits a political subdivision, such as the District, to waive the procedures and formalities otherwise required by law pertaining to:

   a. Performing public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

   b. Entering into contracts;
c. Incurring obligations;
d. Employing permanent and temporary workers;
e. Utilizing volunteer workers;
f. Renting equipment;
g. Acquiring and distributing, with or without compensation, supplies, materials, and facilities; and
h. Appropriating and expending public funds.

14. The District's Executive Director finds that an emergency exists and that emergency action is required to address continuing operations of the District. 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

15. 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 District.

16. 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 Amended Emergency Order under Sections 120.569(2)(n), 252.36, 252.38, 252.46, and 373.119 of the Florida Statutes.
17. 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:

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

19. To the extent necessary to meet the emergency, the District shall:

   a. 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 District shall not hold any in-person public meetings or hearings during the term of this Order. This Order waives the policy and procedural requirements in District Policy 110, Section (2), entitled Meetings. The District will adopt interim procedures to continue to provide remote public access to meetings while continuing to fulfill the duties of the District.

   b. Cancel or postpone meetings as necessary.

   c. Waive all requirements for advertisement and competition for the procurement of equipment, services, and commodities, set forth in any statute, including, but not limited to, Chapters 218, 255, 287, and 373 of the Florida Statutes, and any District rule, policy, or order. All such procurements shall be reported to the Governing Board at the next regular meeting of the Governing Board.
d. Close or restrict access to District buildings, facilities, and rights of way, and close or restrict recreational use of District lands.

e. Appropriate and expend public funds.

20. 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

ANN B. SHORTELLE, Ph.D.
EXECUTIVE DIRECTOR

RENDERED May 8, 2020, in Palatka, Florida.

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
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:

SECRETARY OF STATE