

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In re:

**EMERGENCY AUTHORIZATION FOR
MEASURES MADE NECESSARY
BY LAKE OKEECHOBEE DISCHARGES
AND SOUTH FLORIDA ALGAL BLOOMS**

OGC NO. 18-1100

EMERGENCY FINAL ORDER

Under Sections 120.569(2)(n), 252.36 and 252.46, Florida Statutes, and upon consideration of the State of Florida Executive Order No. 18-191 and the following findings of fact, the State of Florida Department of Environmental Protection (Department) enters this Emergency Final Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent or immediate danger to the public health, safety, and welfare of the citizens of the State of Florida caused by the algal blooms in South Florida.

FINDINGS OF FACT

1. Historic high rainfall events have occurred across the South Florida Region during the spring of 2018 causing high water conditions and flooding.
2. During the month of June 2018, there has been an increase in the number of algal blooms stemming from the Army Corps of Engineers decision to discharge water from Lake Okeechobee into the Caloosahatchee River, St. Lucie River, and estuaries resulting in wide spread algal blooms.
3. On June 20, 2018, the Department issued an Emergency Order to allow the Army Corps of Engineers and the South Florida Water Management District to take emergency action to alleviate the high water conditions and redirect the flow of water to help minimize the potential for nutrient pollution impacts and algal blooms.

4. The release of water from Lake Okeechobee and increase in algal blooms, including cyanobacteria (blue-green algae) which can produce hazardous toxins, has unreasonably interfered with the health, safety, and welfare of the State of Florida. The algal blooms have resulted in an increasing threat to Florida's environment and fragile ecosystems, including rivers, beaches and wildlife. The algal blooms have led to the issuance of health advisories, closure of recreational areas and economic losses in adjacent communities.

5. By State of Florida Executive Order No. 18-191, the Governor declared that a state of emergency exists in Glades, Hendry, Lee, Martin, Okeechobee, Palm Beach, and St. Lucie counties based upon the serious threat to the public health, safety and welfare posed by the algal blooms.

6. The Department finds that the algal blooms creates a state of emergency threatening the public health, safety, welfare and property in Glades, Hendry, Lee, Martin, Okeechobee, Palm Beach, and St. Lucie counties.

7. The Department finds that immediate, strict compliance with the provisions imposed by certain statutes, rules or orders, 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 the algal blooms/ 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 No. 18-191, 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 and rules as noted within this Order is required so as not to prevent, hinder, or delay necessary action in coping with the emergency.

THEREFORE, PURSUANT TO THE ABOVE AUTHORITY:

I hereby suspend, to the extent necessary to ensure said emergency response functions, the effect of any statute, rule, or order, to the extent needed to procure any and all necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes, rules and orders which affect budgeting, leasing, printing, purchasing, travel, the conditions of employment and the compensation of employees, as prescribed in the State Comprehensive Emergency Management Plan or directed by the State Coordinating Officer.

This Order shall take effect immediately upon execution by the Secretary of the Department, or designee, and shall expire on September 7, 2018, 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 10th day of July 2018, in Tallahassee, Florida.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



for 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.

Sea Randall
CLERK

7-10-18
DATE