

## **SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

### **EXECUTIVE ORDER 04-067**

**WHEREAS**, on August 13, 2004, the National Hurricane Center advised that Hurricane Charley is a Category IV Hurricane and that it threatens a number of communities within the jurisdiction of the Southwest Florida Water Management District; and

**WHEREAS**, The Governor of the State of Florida issued Executive Order 04-182 pursuant to Article IV, Section 1(a) of the Florida Constitution and the Florida Emergency Management Act, to take immediate effect in response to Hurricane Charley; and

**WHEREAS**, that Executive Order authorizes the Director of the Division of Emergency Management as the State Coordinating Officer to seize and utilize any and all real or personal property as needed to meet this emergency; and

**WHEREAS**, that Executive Order also authorizes all state, regional and local agencies to place any and all available resources under the authority of the State Coordinating Officer as needed to meet this emergency; and finally,

**WHEREAS**, that Executive Order also authorizes that the State Coordinating Officer may suspend the effect of any statute or rule governing the conduct of state business; and


**WHEREAS**, the Southwest Florida Water Management District operates an emergency operations office within the authority of the Division of Emergency Management,

**THEREFORE**, the Executive Director of the Southwest Florida Water Management District is empowered pursuant to Part I, Chapter 373, Florida Statutes, the Rules promulgated thereunder and the Governor's Executive Order 04-182 to execute Executive Orders to carry out the duties of the District, does hereby:

1. Place the staff and equipment of the Southwest Florida Water Management District on emergency standby to assist any state, county, municipal or local government in managing any emergency resulting from Hurricane Charley;
2. May suspend the operation of any permitting rules to assist the public and any state, county, municipal or local government in performing any emergency repairs or temporary construction to mitigate any damages resulting from high winds or water damages from excessive rain or flooding from Hurricane Charley;
3. May suspend the operation of any permitting rules to assist the public and any state, county, municipal or local government in performing any preventative and temporary construction to avoid any anticipated or continuing damages resulting from high winds or water damages from excessive rain or flooding from Hurricane Charley;

4. Direct that such authority shall be exercised by the Executive Director or his designee upon any reasonable request from the public and any state, county, municipal or local governmental entity;
5. Place this Order granting such authority and all authorizations granted pursuant to this Order on the agenda to be confirmed by the Governing Board of the Southwest Florida Water Management District at its next scheduled Governing Board meeting.

**DONE AND ORDERED THIS THIRTEENTH DAY OF AUGUST 2004.**

 8-13-04  
**DAVID L. MOORE, Executive Director**  
**Southwest Florida Water Management**  
**District**

## **NOTICE OF RIGHTS**

Persons to whom this Executive Director Order is directed, or whose substantial interests are affected, may request pursuant to Section 373.119(3), Florida Statutes, to petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes, and Chapter 28-106, F.A.C. A request for a hearing must:(1) explain how the petitioner's or other person's substantial interests will be affected by the District's action; (2) state all material facts disputed by the petitioner or other person, or state that there are no disputed facts; and (3) otherwise comply with Chapter 28-106, F.A.C.

A request for hearing must be filed with and received by the Agency Clerk of the District at the District's Brooksville address, 2379 Broad Street, Brooksville, FL 34604-6899 within 21 days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or any other person may have to request a hearing under Sections 120.569 and 120.57, Florida Statutes.

Mediation pursuant to Section 120.573, Florida Statutes and Rule 28-106.111, F.A.C. to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

In accordance with Section 120.569(1), Florida Statutes, the following additional administrative or judicial review may be available.

A party who is adversely affected by final agency action may seek review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, Florida Statutes, by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.

**PURSUANT TO SECTION 373.119(3), F.S., AND NOTWITHSTANDING ANY OTHER PROVISION UNDER CHAPTER 120, FLORIDA STATUTES, PERSONS TO WHOM THE ORDER IS DIRECTED SHALL COMPLY THEREWITH IMMEDIATELY, AND THE TIMELY FILING OF A PETITION SHALL NOT STAY SUCH PERSON'S OBLIGATION TO MAINTAIN SUCH COMPLIANCE DURING THE PENDENCY OF ANY ADMINISTRATIVE PROCEEDING.**