

**Governing Board Meeting  
April 28, 2026**

**ADDITIONS/DELETIONS  
TO AGENDA**

(as of 4/24/2026 11:38 AM)

According to Section 120.525(2), Florida Statutes, additions to the published agenda will only be made for "good cause" as determined by the "person designated to preside." Based upon that authority, the Chair has determined that good cause exists to make certain changes to the agenda. These changes are being made in order to permit the Governing Board to efficiently accomplish necessary public business at this meeting and to reflect the items on the agenda that have been requested or suggested to be deleted, revised, supplemented or postponed.

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**Additions:**

Consent Agenda

2.15 **General Counsel's Report:** Approval of Emergency Order No. SWF 26-013 Declaration of Emergency Regarding Wildfire Risks

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**GENERAL COUNSEL'S REPORT**  
**April 28, 2026**

***Consent Agenda***

**Approval of Emergency Order No. SWF 26-013 – Declaration of Emergency Regarding Wildfire Risks**

Section 373.119, Florida Statutes (F.S.), authorizes the Executive Director to take actions necessary to address an emergency that poses a threat to the public health, safety, welfare, or environment. Such actions may include, among other things, issuing an emergency order reciting the existence of an emergency and requiring action. The Governing Board must affirm the emergency order at the next regularly scheduled Governing Board meeting.

By State of Florida Executive Order Nos. 26-33 and 26-80 (hereinafter referred to collectively as the "Executive Order"), Governor Ron DeSantis declared that a state of emergency exists based upon the serious threat to public health, safety, and welfare posed by winter weather, drought conditions, and wildfire risks throughout the State. On February 17, 2026, the Department of Agriculture and Consumer Services issued Emergency Order 2026-002 suspending the effect of certain statutes in Chapter 403, F.S., and associated rules to assist with responding to the emergency.

Severe, ongoing drought conditions have significantly increased wildfire activity throughout the State of Florida. According to the Florida Forest Service, there were approximately 134 active wildfires burning an estimated 25,000 acres as of April 24, 2026. Temperatures are forecast to trend above normal for this time of year, and rainfall chances remain limited, further exacerbating drought conditions and elevating wildland fire concerns. As a result, District staff have been responding to wildfires on public lands and may be called upon to provide additional assistance to the State during the state of emergency. These activities may involve traveling outside the District's geographic boundaries and working outside normal business hours. Accordingly, the Executive Director issued Emergency Order No. SWF 26-013 suspending certain procurement and travel provisions to assist with District efforts in responding to the emergency.

Emergency Order No. SWF 26-013 will remain in effect until the Governor's Executive Order expires, subject to any modifications or extensions. Until that time, District staff will monitor conditions and assess whether the emergency measures provided for in the Emergency Order are warranted.

***Strategic Plan***

This Emergency Order supports the District's Strategic Initiative for Conservation, Restoration, and Management and Core Business Processes for Land Management.

***Exhibits***

Exhibit 1 – Emergency Order

**Staff Recommendation:**

1. Approve Emergency Order No. SWF 26-013.

**Presenter:** Christopher A. Tumminia, General Counsel

BEFORE THE SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

IN RE: DECLARATION OF  
EMERGENCY REGARDING  
WILDFIRE RISKS

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**EMERGENCY ORDER NO. SWF 26-013**

Brian Armstrong, P.G., Executive Director of the Southwest Florida Water Management District (“District”), enters this Emergency Order in response to the immediate and continuing danger to the public health, safety, and welfare resulting from worsening drought conditions that have contributed to an increase in wildfire activity across the State of Florida.

**FINDINGS OF FACT**

1. The District is an agency charged with the responsibility to conserve, protect, manage, and control the water resources within all or part of sixteen (16) counties designated in its geographic boundaries, including Charlotte, Citrus, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, and Sumter counties (hereinafter referred to as the “Emergency Area”).

2. By State of Florida Executive Order Nos. 26-33 and 26-80 (hereinafter referred to collectively as the “Executive Order”), Governor Ron DeSantis declared that a state of emergency exists throughout the State of Florida based upon the serious threat to public health, safety, and welfare posed by winter weather, drought conditions, and wildfire risks.

3. The Executive Order recognizes that special duties and responsibilities resting upon state, regional, and local agencies and other governmental bodies in responding to the emergency may require waiver or deviation from the statutes, rules, ordinances, and orders those agencies and bodies administer. Pursuant to the Executive Order, each state agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the order or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the effects of the emergency.

4. Section 373.119(2), Florida Statutes (“F.S.”), provides that whenever the executive director, with the concurrence and advice of the governing board, finds that an emergency exists requiring immediate action to protect the public health, safety or welfare; the health of animals, fish or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable

uses, the executive director may, without prior notice, issue an order reciting the existence of such an emergency and requiring that such action be taken as the executive director deems necessary to meet the emergency.

5. On February 17, 2026, the Florida Department of Agriculture and Consumer Services issued Emergency Order No. 2026-002 to suspend the effect of Section 403.067, F.S., under the authority of the Executive Order.

6. District staff have been responding to wildfires on public lands and may be called upon to provide additional assistance to the State during the state of emergency, which may involve travel outside the District's geographic boundaries and work outside normal business hours.

7. The District finds that the effects of worsening drought conditions have created an ongoing state of emergency threatening the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action by Florida's citizens and government may be necessary to respond to elevated wildland fire concerns.

8. The District finds that an emergency authorization is required to address needs for immediate action because the normal procedures for obtaining the necessary authorizations would not result in sufficiently timely action to address the emergency.

9. The District 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 immediate needs for action and are procedurally appropriate under the circumstances.

## **CONCLUSIONS OF LAW**

10. Based on the findings recited above, it is hereby concluded that the emergency caused by worsening drought conditions poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the District.

11. Pursuant to Sections 120.569(2)(n) and 373.119(2), F.S., the District's Executive Director, or designee, is authorized to issue this Emergency Order.

12. 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, it is hereby **ORDERED** that:

13. To ensure the District is able to meet emergency response functions and provide for continuity of operation, the Executive Director hereby suspends, to

the extent necessary, the effect of any statute in Chapters 287 and 373, F.S., any rule in Chapter 40D, Florida Administrative Code, or any District order pertaining to:

- a. the performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- b. following local procurement and contracting policies;
- c. entering into contracts;
- d. incurring obligations;
- e. employment of permanent and temporary workers;
- f. utilization of volunteer workers;
- g. rental of equipment;
- h. acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
- i. appropriation and expenditure of public funds.

14. The provisions of Section 112.06, F.S., are hereby suspended to allow the District to provide a modified Class C subsistence reimbursement for District employees engaged in responding to wildfires.

15. This Emergency Order shall take effect immediately upon execution by the Executive Director and shall expire upon the expiration or rescission of Executive Order No. 26-33, as modified or extended.

DONE AND ORDERED in Hernando County, Florida, this 24th day of April, 2026.

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT

Filed this 24th day  
of April, 2026.



\_\_\_\_\_  
Agency Clerk


By:



\_\_\_\_\_  
Brian Armstrong, P.G.  
Executive Director

The Governing Board of the Southwest Florida Water Management District concurred with the action taken by the District's Executive Director.

Acknowledged this 28th day of April, 2026.

Approved as to Legal Form & Content  
  
\_\_\_\_\_  
Christopher A. Tumminia, Esq.  
General Counsel

By: \_\_\_\_\_  
John Mitten  
Chair

Attest: \_\_\_\_\_  
Ashley Bell Barnett  
Secretary

## **NOTICE OF RIGHTS**

In accordance with Sections 373.119(3), 120.569, and 120.57, Florida Statutes ("F.S."), and Chapter 28-106, Florida Administrative Code ("F.A.C."), persons to whom this Order is directed, or whose substantial interests are affected, may request an administrative hearing. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the District Order number; (4) the name, address, any e-mail address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; (7) a statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's action; and (8) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, and must contain the information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 Highway 301 North, Tampa, Florida 33637-6759 or by facsimile transfer to (813) 367-9776 within twenty-one (21) days of receipt of this notice. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., 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 subsection 120.569(1), F.S., 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, F.S., 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 SUBSECTION 373.119(3), F.S., AND NOTWITHSTANDING ANY OTHER PROVISION UNDER CHAPTER 120, F.S., 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.**