Consent Agenda

Administrative, Enforcement, and Litigation Activities that Require Governing Board Approval


On September 8, 2020, the District’s Executive Director issued the Fourth Amended and Restated Emergency Order No. SWF 20-034 (Fourth Amended and Restated Emergency Order) in accordance with the Governor’s Executive Order Nos. 20-52, 20-114, 20-166, and 20-213 declaring a state of emergency throughout Florida due to the Novel Coronavirus Disease 2019 (COVID-19). The Fourth Amended and Restated Emergency Order extended the duration of Emergency Order No. SWF 20-027 through November 3, 2020, and provided for the following narrowly tailored measures to assist the immediate need for action:

- Extension of permitting deadlines.
- Temporary closure of public buildings and facilities.
- Provision for conducting public meetings exclusively through audio/visual technology.

The Governor’s Executive Orders and Section 373.119, Florida Statutes, authorize local agencies and governments to take actions necessary to meet the emergency. Such actions may include, among others, waiving the procedures and formalities otherwise required to perform public work as necessary to ensure the health, safety, and welfare of the community. On September 22, 2020, the District’s Governing Board concurred with the Executive Director’s findings and approved the Fourth Amended and Restated Emergency Order.

On November 3, 2020, the Governor issued Executive Order No. 20-276 to extend the declaration of emergency due to COVID-19 through January 2, 2021. The District’s Executive Director and staff have similarly found that an extension of the District's Fourth Amended and Restated Emergency Order is necessary to meet the ongoing public health emergency. As a result, the Executive Director issued the Fifth Amended and Restated Emergency Order No. SWF 20-046 (Emergency Order 20-046) on November 9, 2020 to extend the duration of the Fourth Amended and Restated Emergency Order through January 2, 2021. The January 2, 2021 expiration date is consistent with the expiration date of both the Governor’s Executive Orders and the Department of Environmental Protection’s Fifth Amended and Restated Emergency Order No. 20-0239. Furthermore, Emergency Order 20-046 provides that the District may conduct in-person public meetings or hearings in accordance with CDC guidelines during the term of the Order to encourage public engagement while protecting public health. If approved, Emergency Order 20-046 would remain in effect until January 2, 2021, unless terminated or extended by further order.

Staff Recommendation: See Exhibit

1. Approve the Fifth Amended and Restated Emergency Order No. SWF 20-046 and concur with the Executive Director’s determinations regarding the state of emergency and the actions necessary to meet the emergency.

Presenter: Christopher A. Tumminia, Deputy General Counsel