

BEFORE THE GOVERNING BOARD OF THE  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Order No. 2011-\_\_\_\_-DAO

IN THE MATTER OF:

Governing Board Concurrence with  
Executive Director's Emergency  
Order No. 2011-180-DAO

**FINAL ORDER OF GOVERNING BOARD CONCURRENCE WITH  
EXECUTIVE DIRECTOR'S ISSUANCE OF EMERGENCY ORDER FOR  
TEMPORARY CLOSURE OF THE S-61 AND S-65 NAVIGATIONAL LOCKS IN  
THE UPPER KISSIMMEE BASIN**

This matter came before the Governing Board of the South Florida Water Management District ("District") on November 10, 2011, for concurrence with Order No. 2011-180-DAO, which was issued by the District's Executive Director. After being otherwise fully apprised of the matter, the Governing Board issues this Final Order of Governing Board Concurrence, containing the following Findings of Fact, Ultimate Facts, and Conclusions of Law.

**FINDINGS OF FACT**

1. On October 14, 2011, the Executive Director issued Emergency Final Order No. 2011-180-DAO, providing emergency authorization for the temporary closure of the S-61 and S-65 navigational locks on Lake Tohopekaliga and Lake Kissimmee within Polk County. A copy of Order No. 2011-180-DAO is attached hereto as Exhibit "A".

2. Based on information provided by District staff, the Executive Director determined that because of increased water levels and high discharges due to recent

rainfall in the Upper Kissimmee Basin (“the Basin”), the temporary closure of the S-61 and S-65 navigational locks in the Basin was warranted in order to avoid impacts to the public health, safety and welfare of the recreational boaters in the Basin.

### **ULTIMATE FACTS AND CONCLUSIONS OF LAW**

3. Rule 40E-1.611, Florida Administrative Code (“Fla. Admin. Code”), states that an emergency exists when immediate action is necessary to protect public health, safety or welfare; the health of animals, fish or aquatic life; the works of the District; a public water supply, or recreational, commercial, industrial, agricultural or other reasonable uses of land and water resources.

4. Pursuant to Section 373.119(2), Florida Statutes (“Fla. Stat.”), and the facts described above, the Executive Director found that an emergency existed requiring immediate action necessary to protect the public health, safety and welfare.

5. A Notice of Rights is attached hereto as Exhibit “B”.

### **ORDER**

Based on the foregoing Findings of Fact and Ultimate Facts and Conclusions of Law, the Governing Board of the South Florida Water Management District hereby concurs with the actions taken by the Executive Director of the District in issuing Emergency Final Order No. 2011-180-DAO.

DONE AND SO ORDERED in West Palm Beach, Florida, on this 10th day of  
November, 2011.

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT  
By its Governing Board

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CAROLYN S. ANSAY  
General Counsel

Attest:

Legal Form Approved:

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District Clerk/Assistant Secretary  
November \_\_\_\_, 2011

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Frank Mendez, Esq.