

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 16-59 (Emergency Management – Lake Okeechobee Discharge)

**WHEREAS**, as a direct result of an unusually strong El Nino weather pattern in the Eastern Pacific Ocean, the State of Florida has experienced, and faces an increased risk of, severe weather and heavy rainfall during the winter and spring months of 2015-2016; and

**WHEREAS**, January 2016 has been the wettest January since record-keeping began in 1932, with up to 16 inches of rain across South Florida and up to six times the normal average in some areas; and

**WHEREAS**, the Federal Government, as the owner and sole operator of the Herbert Hoover Dike, has a responsibility to the State of Florida and its residents to maintain the dike; and

**WHEREAS**, the Obama Administration unreasonably failed to budget for adequate maintenance of the Herbert Hoover Dike. This has resulted in frequent discharges of harmful water from Lake Okeechobee to the St. Lucie and Caloosahatchee Rivers and estuaries following the heavy rainfall in our state; and

**WHEREAS**, the United States Army Corps of Engineers analytic studies predict there is a limited potential for dike failure with lake elevations below 18.5 feet, but because of inadequate maintenance (as a result of inadequate funding by the federal government), the Corps typically operates the lake at substantially lower elevations of 12.5 to 15.5 feet. If the Obama administration had properly budgeted the necessary funding to maintain the dike to operate at its higher potential capacity of 18.5 feet, the Corps would not have been required to discharge approximately 30 billion

gallons of flood waters from Lake Okeechobee to the St. Lucie and Caloosahatchee Rivers and estuaries; and

**WHEREAS**, the release of these flood waters has unreasonably interfered with the health, safety, and welfare of the State of Florida and its residents; and

**WHEREAS**, the release of these flood waters has resulted in extensive environmental harm to wildlife and the aquatic ecosystem and violations of state water quality standards in the downstream rivers and estuaries; and

**WHEREAS**, the releases of these flood waters have caused severe economic losses in the adjacent communities, including Lee, Martin, and St. Lucie Counties; and

**WHEREAS**, the State of Florida has invested nearly \$2 billion in the Comprehensive Everglades Restoration Plan (CERP) and \$1.8 billion in providing clean water to the Everglades. To date, the federal government is \$880 million behind in its share of CERP funding. Governor Scott's 2016-2017 Florida First budget includes an additional \$5 billion over the next 20 years to substantially complete the CERP and ensure that clean water is sent to the Everglades; and

**WHEREAS**, the State of Florida is waiting on the federal government to invest \$800 million to repair the Herbert Hoover Dike. Due to the inadequate maintenance of the Herbert Hoover Dike by the federal government, the United States Army Corps of Engineers is unable to maintain water levels within Lake Okeechobee at its designed or reasonable heights; and

**WHEREAS**, with the State's commitment to CERP and in addition to the federal government's responsibility to maintain the Herbert Hoover Dike, the federal government needs to invest \$6.7 billion over the next 20 years to keep up with Florida's commitment to the greater Everglades ecosystem.

**NOW, THEREFORE, I, RICK SCOTT**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, I declare that a state of emergency exists in Lee, Martin, and St. Lucie Counties.

Section 2. I designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency.

The Department of Environmental Protection shall advise the State Coordinating Officer on the emergency response activities. Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)–(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Invoke and administer the Emergency Management Assistance Compact ("EMAC") (sections 252.921-.933, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as best to meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

C. Direct all state, regional, and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Designate Deputy State Coordinating Officers.

The State Coordinating Officer shall have the authority to enter such orders as may be needed to implement any of the foregoing powers.

Section 3. I also find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to waive or deviate from the statutes, rules, ordinances, and orders they administer. I delegate to the State and regional agencies the authority to waive or deviate from such statutes, rules, or agency orders to the extent that such actions are needed to cope with this emergency, including, but not limited to, any and all statutes, rules, or orders that affect budgeting, leasing, printing, purchasing, travel, conditions of employment, and the compensation of employees. I delegate to county, regional, and local governmental agencies the authority to likewise waive or deviate from their respective rules, ordinances, or orders. Any waiver of or deviation from statutes, rules, ordinances, or orders shall be by emergency rule or order in accordance with sections 120.54(4) and 252.46, Florida Statutes, and shall expire in 30 days from the date of this Executive Order, unless extended by the agency in increments not exceeding 30 days, and in no event shall remain in effect beyond the earlier of the date of expiration of this Order, as extended, or 90 days from the date of issuance of this Order. All governmental agencies

exercising this authority in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as is practicable.

Section 4. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 5. All actions taken by the Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire 60 days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 26th day of February, 2016.

  
GOVERNOR

ATTEST:

  
SECRETARY OF STATE

2016 FEB 26 PM 2:24  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED