

Instrument # 665216
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REC:3/31/2020 12:47 PM
Danny J. Shipp, Levy County Clerk, Florida
Rec: \$44.00

Deputy Clerk MBASS1

EMERGENCY ORDER

2020-026

AN EMERGENCY ORDER PROHIBITING GATHERINGS OF MORE THAN TEN PEOPLE IN LEVY COUNTY DURING THE DECLARED STATE OF EMERGENCY.

WHEREAS, Levy County is under federal, State and Local States of Emergency as the result of the novel coronavirus ("COVID-19") pandemic, pursuant to the March 13, 2020 enactment of a National State of Emergency by President Donald J. Trump, Executive Orders 20-51 and 20-52 issued by Governor Ron DeSantis (on March 1 and March 9, 2020, respectively), and Levy County Emergency Declaration 2020-020 dated March 17, 2020 as extended and altered by Levy County Emergency Declaration 2020-021 dated March 24, 2020; and

WHEREAS, pursuant to its police power and Sections 252.38 and 252.46, Florida Statutes, the Board may take actions to protect the health, safety and welfare of its citizens, including making such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the emergency management provisions of Sections 252.31 through 252.90, Florida Statutes; and

WHEREAS, such orders when filed with the Clerk of Court shall have the force of law, and all existing laws, ordinances, and rules which are in conflict are suspended to the extent of the conflict, pursuant to Section 252.46(2), Florida Statutes; and

WHEREAS, the law enforcement authorities of the State and its political subdivisions are authorized to enforce such orders pursuant to Section 252.47, Florida Statutes; and

WHEREAS, a violation of a duly promulgated order is a second degree misdemeanor, punishable by a fine of up to \$500.00 for each offense and by a term of imprisonment of up to sixty (60) days in jail for each offense, pursuant to Section 252.50, Florida Statutes; and

WHEREAS, on March 13, 2020, President Donald J. Trump and the Centers for Disease Control (“CDC”) issued the *15 Days to Slow the Spread* guidance advising individuals to adopt far-reaching social distancing measures, such as working from home and avoiding gatherings of more than ten (10) people; and

WHEREAS, on March 30, 2020, President Donald J. Trump extended the social distancing measures contained in *15 Days to Slow the Spread* until the end of April; and

WHEREAS, the CDC and the Florida Department of Health (“FLDOH”) provide additional social distancing guidelines to avoid the spread of COVID-19 through maintaining distance between individuals, with FLDOH recommending a distance of at least six feet; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order 20-68, in accordance with the CDC and FLDOH guidelines, limiting gatherings/groups on beaches and in restaurants to more than ten individuals and maintaining a minimum of a six-foot distance between individuals; and

WHEREAS, on March 20, 2020, the Governor issued Executive Order 20-71, closing restaurants and bars to on-premises consumption, and closing gymnasiums, as the result of the susceptibility for spread of COVID-19 in gatherings of more than ten people; and

WHEREAS, since the issuance of the *15 Days to Slow the Spread* guidance and the Governor’s Executive Orders 20-68 and 20-71, the rate of COVID-19 infection and spread continues to grow nationally and statewide; and

WHEREAS, currently available COVID-19 test results show that Levy County has relatively low numbers of residents infected by COVID-19; and

WHEREAS, neighboring counties to Levy County have experienced a higher rate of COVID-19 infection among their citizens than has been seen in Levy County; and

WHEREAS, at least one neighboring county to Levy County, as well as other Florida counties in surrounding areas, has issued a “stay-at-home” emergency order, requiring that all non-essential business and activities must cease, and residents must stay at their homes unless they are performing essential activities; and

WHEREAS, Levy County law enforcement and government personnel have witnessed an increase in visitors to Levy County from surrounding areas subject to “stay-at-home” orders looking for places where they can gather and engage in recreational or leisure activities without the threat of violation of an emergency order; and

WHEREAS, an increase in people coming to Levy County from areas where COVID-19 infections are greater increases the risk of the spread of COVID-19 from those other counties into Levy County, especially when the visitors are looking for a place to gather and recreate in ways that may not follow the recommended social distancing protocols; and

WHEREAS, if gatherings of people are allowed to be conducted unchecked, all participants attending the gatherings, as well as law enforcement and public safety personnel that may be called upon to monitor the gatherings or interact with the participants, would be at increased risk of COVID-19 spread due to the lack of practice of social distancing protocols; and

WHEREAS, the increased risk of spread of COVID-19 to Levy County citizens and Levy County law enforcement or public safety personnel could devastate Levy County’s resources now and for the foreseeable future, as all resources are needed to combat this unprecedented virus; and

WHEREAS, the County Emergency Management Director and the Chair of the Board of County Commissioners (“Board”), in consultation with law enforcement and other government officials, and with review of local health department recommendations and

information on COVID-19, has determined that prohibiting gatherings of more than ten people is of paramount interest in preventing and mitigating the spread of COVID-19; and

WHEREAS, the Board finds it is necessary to promulgate an emergency order to protect human life, health, safety and welfare by prohibiting public or private gatherings of more than ten people in the County;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. All public or private gatherings that bring together more than ten people in the same room or indoor or outdoor space at the same time are prohibited, except for the limited purposes and venues permitted by this Emergency Order.

2. This Emergency Order does not include a gathering occurring in a single household or living unit.

3. This Emergency Order does not include gatherings in venues that provide essential goods and services, including grocery stores, facilities providing health care to humans or animals, gas stations, and banks/credit unions.

4. This Emergency Order does not include gatherings of people performing essential services, including: all government services and functions; food production, distribution and sale; construction projects; building management and maintenance; operation and maintenance of utilities including water, sewer, gas and electric; public transportation; road construction and maintenance; cybersecurity operations; flood control; solid waste and recycling collection, removal, and processing; telecommunications systems.

5. This Emergency Order does not include gatherings for government meetings held in government buildings or religious services in churches; provided that those gatherings include social distancing measures of maintaining a minimum of six feet between any attendees or participants.

6. Essential services, as contained in this Emergency Order, will be construed broadly.

7. Any person violating this or any Emergency or Executive Order issued pursuant to Emergency Declaration 2020-020, as the same may be extended or altered, or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of executive orders shall, upon conviction therefor, be punished in accordance with Section 252.50, Florida Statutes, or, in the alternative or in addition, Section 30-37, Levy Code of Ordinances.

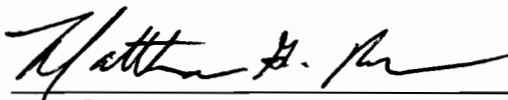
8. If any provision of this Emergency Order is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Emergency Order, which shall continue to have the full force and effect of law.

9. This Emergency Order will take effect upon filing with the Clerk of Court of Levy County, Florida in accordance with Section 252.46(2), Florida Statutes, and will remain in effect during the Local State of Emergency declared by Emergency Declaration 2020-020, as the same may be extended or altered, but in no event longer than ninety (90) days from the date hereof, unless either modified or rescinded.

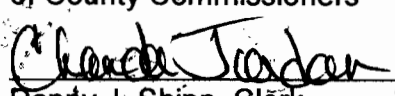
DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS this 31st day of March, 2020.

**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

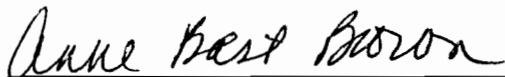
ATTEST: Clerk of the Circuit Court
And Ex Officio Clerk to the Board
of County Commissioners



Matt Brooks, Chair

for  *Deputy Clerk*
Dandy J. Shipp, Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



Anne Bast Brown, County Attorney *pu*