

RESOLUTION 20-21\_\_\_\_

A RESOLUTION OF THE HIGHLANDS COUNTY BOARD OF COUNTY COMMISSIONERS  
PROCLAIMING A LOCAL STATE OF EMERGENCY  
AND IMPLEMENTING THE AUTHORIZATION PROVIDED BY SUBSECTION D. OF SECTION  
OF SECTION 4. OF EXECUTIVE ORDER NUMBER 20-52  
ISSUED BY THE GOVERNOR OF THE STATE OF FLORIDA ON MARCH 9, 2020, AND  
SECTION 252.38, FLORIDA STATUTES, AND  
AUTHORIZING THE HIGHLANDS COUNTY SHERIFF TO ESTABLISH, MODIFY, ENFORCE,  
AND TERMINATE CURFEW IN THE UNINCORPORATED AREA  
OF HIGHLANDS COUNTY, IF NECESSARY

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that appears to occur through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, on January 30, 2020, the World Health Organization declared a public health emergency of international concern related to COVID-19; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared that a public health emergency exists nationwide as a result of confirmed cases of COVID-19 in the United States; and

WHEREAS, as of February 29, 2020, COVID-19 has spread through China and to 67 other countries and territories, including 62 cases within the United States of America; and

WHEREAS, the Centers for Disease Control and Prevention recommends that all states and territories implement aggressive measures to slow and contain transmission of COVID-19 in the United States of America; and

WHEREAS, on March 2, 2020, the State Surgeon General and State Health Officer, by virtue of the Governor's Executive Order 20-51 and Section 381.00315, Florida Statutes, issued a Declaration of Public Health Emergency declaring that a public health emergency exists in the State of Florida; and

WHEREAS, on March 7, 2020, Governor Ron DeSantis directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, on March 9, 2020 Governor Ron DeSantis issued Executive Order Number 20-52, declaring a state of emergency for the State of Florida to address the public health emergency caused by the threat of COVID-19 to the state; and

WHEREAS, subsection D. of Section 4. Of Executive Order Number 20-52 provides as follows:

In accordance with Section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
- 2) Entering into contracts.
- 3) Incurring obligations.
- 4) Employment of permanent and temporary workers.
- 5) Utilization of volunteer workers.
- 6) Rental equipment.
- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
- 8) Appropriation and expenditure of public funds.

WHEREAS, COVID-19 is a threat to the public health of Highlands County residents, workers, and visitors; and

WHEREAS, Section 252 .38, Florida Statutes, states that "[s]afeguarding the life and property of a County's] citizens is an innate responsibility of the governing body of each political subdivision of the state" and further grants to counties the power to provide for the health and safety of persons and property and to waive the procedures and formalities otherwise required of counties pertaining to taking whatever prudent action is necessary to ensure the health, safety and welfare of the community; and

WHEREAS, to be in a position to provide the most effective assistance to the citizens of Highlands County and the State of Florida for the duration of the declared public health emergency, it is necessary to declare a state of emergency in Highlands County, effective immediately; and

WHEREAS, on March 20, 2020, Governor Ron DeSantis issued Executive Order Number 20-69, declaring that it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in Florida remain safe and secure, and suspended any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place and permitted local government bodies to utilize communications media technology, such as video conferencing, as provided in Section 120.54(5)(b)2., Florida Statutes, as long as those meetings meet other applicable requirements of the Florida Constitution and "Florida's Government in the Sunshine Laws," including Chapter 286, Florida Statutes, until expiration of Executive Order Number 20-52, issued by Governor Ron DeSantis.

NOW THEREFORE BE IT RESOLVED that pursuant to the provisions of Section 252.38(1) and (3), Florida Statutes, the Board of County Commissioners of Highlands County, Florida, hereby declares a state of emergency to exist in Highlands County,

Florida, due to the public health threat of Coronavirus Disease 2019 (COVID-19), for the duration of Executive Order Number 20-52 unless extended as provided by law.

BE IT FURTHER RESOLVED that the County Emergency Management Director, County Administrator, and County employees are directed to carry out the provisions of Sections 252.31 – 252.90, Florida Statutes, to respond to the state of emergency that may be caused by COVID-19.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby delegates to the County Administrator the power and authority to exercise the powers and authorities provided in Section 252.38 (3) (a) 1 – 4, Florida Statutes, while the state of emergency is in effect.

BE IT FURTHER RESOLVED that pursuant to Section 258.38(1) and (3), Florida Statutes, while the state of emergency is in effect the Board of County Commissioners hereby waives the procedures and formalities otherwise required of the political subdivision by law pertaining to:

1. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
2. Entering into contracts.
3. Incurring obligations.
4. Employment of permanent and temporary workers.
5. Utilization of volunteer workers.
6. Rental equipment.
7. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
8. Appropriation and expenditure of public funds.

BE IT FURTHER RESOLVED that the Board of County Commissioners of Highlands County, Florida, hereby urges all citizens of Highlands County, Florida, to take protective actions advised by the CDC and Florida Department of Health.

BE IT FURTHER RESOLVED that in accordance with present and future recommendations of the CDC for the postponement or cancellation of in-person events, all public meetings of advisory boards, councils, committees, and other advisory bodies that serve the Highlands County Board of County Commissioners are postponed or cancelled until further notice, with the exception of meetings involving matters of critical importance for which time is of the essence.

BE IT FURTHER RESOLVED that the County Administrator is authorized to implement protective measures and procedures for the health, safety and welfare of the County employees by providing options for employees to work remotely and to work on flexible shifts, while also providing for the continuity of public services in a more restricted or limited manner.

BE IT FURTHER RESOLVED that the Highlands County Sheriff is hereby authorized to establish and enforce a curfew within the unincorporated area of Highlands County, Florida, during this state of local emergency declared by this Resolution and is further authorized to modify and terminate that curfew based upon existing conditions.

BE IT FURTHER RESOLVED that, in accordance with Executive Order Number 20-69 issued by Governor Ron DeSantis, meetings of the Board of County Commissioners may be conducted through the use of communications media technology, such as video conferencing, as provided in Section 120.54(5)(b)2., Florida Statutes, as long as those meetings meet other applicable requirements of the Florida Constitution and "Florida's Government in the Sunshine Laws," including Chapter 286, Florida Statutes, until expiration of Executive Order Number 20-52, issued by Governor Ron DeSantis.

BE IT FURTHER RESOLVED that this Resolution shall be in effect as long as the state of emergency declared in Executive Order Number 20-52 remains in effect according to its terms and as extended from time to time by Executive Order of the Governor of the State of Florida, unless earlier terminated by Resolution of this Board.

ADOPTED this 24th day of March 2020, by the Highlands County Board of County Commissioners.

HIGHLANDS COUNTY BOARD OF  
COUNTY COMMISSIONERS

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William R. Handley, Chairman

ATTEST:

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Robert Germaine, Clerk of Courts