

**FLAGLER COUNTY, FLORIDA  
PROCLAMATION DECLARING  
STATE OF LOCAL EMERGENCY  
(COVID-19)**

**WHEREAS**, Chapter 12, Flagler County Code, and Section 252.38(3), Florida Statutes, authorize Flagler County to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

**WHEREAS**, on January 30, 2020, the World Health Organization (WHO) declared the outbreak of the Novel Coronavirus a Public Health Emergency of International Concern; and

**WHEREAS**, on January 31, 2020, the Secretary of the U.S. Department of Health and Human Services declared a Public Health Emergency for 2019 Novel Coronavirus; and

**WHEREAS**, on February 11, 2020, the WHO announced a name for the new coronavirus disease, "COVID-19," and on March 11, 2020 characterized COVID-19 as a pandemic; and

**WHEREAS**, the Governor of Florida issued Executive Order 20-51 on March 1, 2020, directing the State Health Officer and Surgeon General to declare a Public Health Emergency in the State of Florida; and

**WHEREAS**, the Governor of Florida issued Executive Order 20-52 on March 9, 2020, declaring an statewide State of Emergency due to the projected spread of COVID-19; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency to help the country combat the rapidly spreading COVID-19; and

**WHEREAS**, Flagler County has been actively undertaking COVID-19 preparedness actions since February 17, 2020; and

**WHEREAS**, the timely execution of the mitigation, response, and recovery aspects of Flagler County's emergency management plan, as it relates to COVID-19 is negatively impacted by the application of certain regulatory processes; and

**WHEREAS**, for these reasons, the Emergency Management Director, the County Administrator, and the Director of the Florida Department of Health in Flagler County have recommended the Chair of the Board of County Commissioners declare a state of local emergency.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. I, David C. Sullivan, as Chair of the Flagler County, Florida, Board of County Commissioners, in accordance with the powers vested in me pursuant to Chapter 252, Florida Statutes, and Section 12-34, Flagler County Code, do hereby proclaim and declare a state of local emergency in Flagler County, Florida, for seven (7) days. This Proclamation shall commence at 6:00 PM on March 16, 2020 and shall terminate automatically seven (7) days from this date unless terminated earlier or extended by a document of equal dignity herewith.
2. Pursuant to Section 12-34(a)(2), Flagler County Code, this Proclamation authorizes the County Administrator and, in his absence, the Emergency Management Director, to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. All rules and orders promulgated hereunder shall be filed with the Clerk of the Court. This declaration further authorizes the County Administrator and, in his absence, the Emergency Management Director, to utilize all lawful authority granted to Flagler County by the Flagler County Comprehensive Emergency Management Plan and by Federal, State or County Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a), Florida Statutes, and Chapter 12, Flagler County Code.
3. Further, the County Administrator shall have the authority to manage the County employee workforce under the jurisdiction of the Board of County Commissioners, including creating or modifying any employment rules or protocols. The County also authorizes the County Administrator through trained personnel acting as the Administrator's designees to assess the suitability of any person's health condition desiring to attend a meeting of Board of County Commissioners. This authorization includes inquiring of potential attendees whether they are experiencing or exhibiting the symptoms of COVID-19 virus. The purpose of such inquiries shall be to protect against transmission or exposure of the virus to other attendees of such meetings. The County authorizes the County Administrator or the Administrator's designees to require persons with symptoms to not enter or to leave a meeting to protect public health. Such persons will be advised to participate in the meetings through other technology such as web streaming or television broadcast and rebroadcast. The foregoing authorization may extend to other public meetings as determined necessary by the County Administrator.
4. Any actions taken pursuant to the foregoing authorizations shall be reported to or reviewed by the Board of County Commissioners as is practical under the circumstances. All preparatory actions taken by Flagler County staff with respect to this emergency before this issuance of this Proclamation are ratified.

5. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this declaration shall be suspended during the period of time and to the extent that such conflict exists.
6. The County Administrator, or in his absence the Emergency Management Director, may enter into agreements as well as suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Flagler County Code, to the extent necessary to accommodate the emergency.
7. Pursuant to Section 252.38(3)(a), Florida Statutes, the County hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
  - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
  - Entering into contracts;
  - Incurring obligations;
  - Employment of permanent and temporary workers;
  - Utilization of volunteer workers;
  - Rental of equipment;
  - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
  - Appropriation and expenditure of public funds
8. Any person violating any rule or order issued pursuant to this Proclamation 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 such orders shall, upon conviction therefor, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.
9. The state of emergency declared by this Proclamation may be modified in whole or in part or may be terminated upon the joint recommendation of the County Administrator and the Emergency Management Director, by action of the Chairman of the Board of County Commissioners, or, if the Chairman is unavailable, according to the order of succession prescribed by Section 12-34, Flagler County Code, with ratification in any event by the Board of County Commissioners as soon as is practicable at a regular or special meeting. This declaration shall remain in effect for no longer

than seven (7) days unless terminated or modified earlier, or extended in accordance with law.

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

**DONE AND ORDERED** in Flagler County, Florida, this 16th day of March 2020.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
David C. Sullivan, Chair

**CONCURRENCE:**

  
\_\_\_\_\_  
Jerry Cameron  
County Administrator

  
\_\_\_\_\_  
Jonathan Lord,  
Emergency Management Director

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Al Hadeed, County Attorney