

RESOLUTION NO. 20 - 16

WHEREAS, in response to the emergency of a novel coronavirus and the respiratory disease it causes (“COVID-19”), the World Health Organization (WHO) has officially characterized COVID-19 as a pandemic that constitutes a Public Health Emergency of International Concern; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and accordingly the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida; 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 in furtherance of efforts to respond to and mitigate the effects of COVID-19 throughout the state, and the Division of Emergency Management has begun issuing Emergency Orders pursuant thereto; and

WHEREAS, COVID-19 is a communicable disease that presents a threat to public health, and diagnosed cases have been identified in Pinellas County; and

WHEREAS, under current circumstances and pursuant to existing guidance, public health recommendations include the implementation of basic precautions of infection control and prevention, including staying at home when ill and practicing respiratory and hand hygiene, and in some circumstances postponing or canceling events involving mass gatherings; and

WHEREAS, Section 252.38(3)(a)5, Florida Statutes, provides authority for a political subdivision such as Pinellas County to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions 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 of equipment.
7. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.

8. Appropriation and expenditures of public funds; and

WHEREAS, Section 2.04(k) of the Pinellas County Charter grants to the County all special and necessary power to provide for the development and implementation of civil preparedness programs; and

WHEREAS, Chapter 34 of the Pinellas County Code sets forth provisions to ensure the readiness of Pinellas County, provide for the protection of the public health, safety, and welfare, and preserve the lives and property of the people of Pinellas County;

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the Board of County Commissioners of Pinellas County, Florida, this 13th day of March 2020:

1.) That in light of the foregoing conditions and the serious threat to the residents of Pinellas County posed by COVID-19, the Board of County Commissioners finds that a factual basis exists for this declaration and hereby exercises its authority and waives the procedures and formalities required by law of a political subdivision, as provided in Section 252.38(3)(a)5, Florida Statutes, by declaring a state of local emergency; and

2.) That the state of local emergency shall exist as of 3 p.m. on the 13th day of March 2020, for all territory within the legal boundaries of Pinellas County. All unincorporated and incorporated areas shall be embraced by the provisions of this Resolution; and

3.) That this declaration of a state of local emergency is made in accord with the provisions set forth in Chapter 34, Pinellas County Code, and the civil preparedness program provided for in Section 2.04(k), Pinellas County Charter. The outdated provision of Pinellas County Code 34-28 requiring posting of notices on the physical premises of operations is hereby waived; and

4.) That all provisions of the Comprehensive Emergency Management Plan (CEMP) relating to this type of event shall be implemented; and

5.) That the County Administrator, or designee as set out in the most current order of succession established by the County Administrator or defined in an Order issued pursuant hereto, is designated as the Official Authority for the purposes of exercising all emergency responsibilities delegated by the Governor and as provided in the Florida Statutes and the Pinellas County Code, and is authorized to issue any necessary order to protect the health safety and welfare of the community; and

6.) That the Florida Department of Health in Pinellas County, under the direction of its Health Officer, is appointed as the lead advisory agency during the course of this public health emergency. Furthermore, for the purposes of implementing and coordinating law enforcement activities, during the state of local emergency, the Sheriff is

designated as the Chief Law Enforcement Officer for Pinellas County in accord with Section 34-29 of the Pinellas County Code; and

7.) That, in accordance with Section 252.38(2), Florida Statutes, actions of the several municipalities within Pinellas County must be coordinated with County Emergency Management and not conflict with any order of the Official Authority; and

8.) That any person or entity in violation of this Declaration or an Order of the Official Authority shall be in violation of F.S. §252.50 and the relevant portions of the Pinellas County Code, and subject to the penalties provided therein; and that residents of Pinellas County are urged to closely adhere to the guidance issued by governmental authorities issuing public health advisories and recommendations and to pay close attention to the news media for information and news regarding public health and safety and orders pertaining thereto; and

9.) That all facilities, defined for the purposes of this declaration to include nursing homes, assisted living facilities, adult family-care homes, long-term care facilities, and adult group homes, are directed to limit visitations and to implement enhanced screening and protective measures. This directive is in addition to and to be implemented in accordance with any and all orders issued pursuant to the state declaration of a Public Health Emergency and all Emergency Orders issued pursuant to the Governor's Emergency Declaration; and

10.) That the Board of County Commissioners hereby delegates authority to the County Administrator for the duration of this emergency declaration to appropriate funds from reserves as necessary to support emergency operations and response in a timely manner, and further, to suspend budgetary controls to the extent necessary to accomplish this purpose. The aforementioned authority is subject to after-the-fact ratification of the Board.

Commissioner Long offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Eggers, and upon roll call the vote was:

AYES: Gerard, Eggers, Justice, Long, Peters, Seel, and Welch.

NAYS: None.

ABSENT AND NOT VOTING: None.

3:25 P.M.

[time]

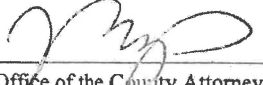
Or, in the absence of a quorum of the Board of County Commissioners, and in accordance with Pinellas County Code Section 34-27:

Ordered this _____ day of _____ 2020, at _____ a.m./p.m.

Official Authority

APPROVED AS TO FORM

By:



Office of the County Attorney