

FLAGLER COUNTY EMERGENCY ORDER NO. 2020-04

**AN EMERGENCY ORDER OF THE BOARD OF COUNTY
COMMISSIONERS SUSPENDING OCCUPANCY AND
BOOKINGS OF VACATION RENTALS IN ACCORDANCE
WITH THE GOVERNOR'S EXECUTIVE ORDER**

WHEREAS, on March 1, 2020, the Governor issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of the COVID-19 virus; and

WHEREAS, on March 9, 2020, the Governor issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of the COVID-19 virus; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing measures; and

WHEREAS, one of the purposes of directions from the Governor is to slow the potential for direct and community spread of the highly infectious COVID-19 virus; and

WHEREAS, CDC has cautioned against non-essential travel within the United States for this reason; and

WHEREAS, Florida is experiencing an increase in individuals coming to Florida from out-of-state locations where "stay at home" and so called "shelter-in-place" orders are being implemented or community spread exists; and

WHEREAS, in accordance with the Governor's findings, many cases of the COVID-19 virus in Florida have resulted from individuals coming into Florida from international travel and other states, posing greater risk to Florida residents; and

WHEREAS, vacation rentals and third-party platforms advertising vacation rentals in Florida present attractive lodging destinations for individuals coming into Florida; and

WHEREAS, implementing the Governor's Emergency Order 20-87 by the County's enacting this Emergency Order and enforcing it to assist the Department of Health and other agencies of the State is consistent with Section 381.0012(5), Florida Statutes, and with the Governor's intent.

NOW, THEREFORE, it is hereby ordered:

SECTION 1. Vacation Rentals

All parties engaged in rental of vacation rental properties, as defined in section 509.242(1)(c), Florida Statutes, shall suspend vacation rental operations. Such parties are prohibited from making new reservations or bookings and shall not accept new guests for check-in for the duration of this Emergency Order. This prohibition shall include the:

A. Rental of any house, condominium, cooperative, or dwelling unit that is also a transient public lodging establishment, as defined under Section 509.013(4)(a), Florida Statutes; and

- I. Which is rented for periods of less than 30 days or one calendar month, whichever is less; or
- II. Which is advertised or held out to the public as a place regularly rented to guests; or
- III. Which is otherwise regulated by the Department of Business and Professional Regulation ("DBPR") as a vacation rental pursuant to section 509.241, Florida Statutes.

B. This directive shall not include the following:

- I. Hotels, motels, inns, resorts, non-transient public lodging establishments, or time share projects; or
- II. Long-term rentals; or
- III. Rental stays where guests are currently staying in a vacation rental or have previously booked a stay and are scheduled to check-in no later than March 28, 2020; or
- IV. Rentals to persons performing military, emergency, governmental, health or infrastructure response, or travelers engaged in non-vacation commercial activities.

SECTION 2. Violations of the Order

A. All parties engaged in rental of vacation rental properties, as defined in section 509.242(1)(c), Florida Statutes, shall abide by guidance or directives issued by the Department of Business and Professional Regulation ("DBPR") related to the Governor's Executive Order 20-87.

B. Any revocation by DBPR of any vacation rental license shall result in the termination of the County's regulatory certificate for such vacation rental facility.

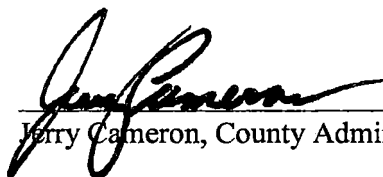
C. The County shall alert DBPR of any violations of this Emergency Order.

D. Parties that violate this order or attempt to violate the order through advertising or other means of solicitation may be charged with a second-degree misdemeanor, punishable as provided in Sections 775.082 or 775.083, Fla. Stat.

SECTION 3. Effective Date.


This Emergency Order will take effect upon filing with the Clerk of Courts of Flagler County in accordance with Section 252.46(2), Florida Statutes, and shall remain in effect until modified or terminated by subsequent order or until the Local State of Emergency for COVID-19 expires or is rescinded.

DONE AND ORDERED, this 30th day of March 2020.



Jerry Cameron, County Administrator

Concurrence:



Jonathan Lord, Emergency Management
Director

Approved As To Form:



Al Hadeed, County Attorney