

FLAGLER COUNTY EMERGENCY ORDER NO. 2020-06

AN EMERGENCY ORDER OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING MODIFICATION OF FLAGLER COUNTY BEACH AND COUNTY PARK FACILITY CLOSURES; DELEGATING AUTHORITY TO CONTINUE PURSUIT OF MODIFICATIONS WHEN PUBLIC HEALTH AND SAFETY CONDITIONS WARRANT AND WHEN RESOURCES ARE ADEQUATE TO ACCOMMODATE FURTHER MODIFICATIONS; ESTABLISHING TRIAL PERIOD BASIS FOR MODIFICATIONS TO ASSESS FOR PUBLIC HEALTH AND SAFETY CONSEQUENCES AND TO GAUGE DEGREE OF PUBLIC COMPLIANCE WITH GUIDANCE ISSUED BY PUBLIC HEALTH AGENCIES; AUTHORIZING MUNICIPALITIES TO UTILIZE THIS ORDER TO PROMULGATE THEIR DIRECTIVES FOR BEACH AND PARK FACILITIES UNDER FLORIDA STATUTES CHAPTER 252; AND AMENDING EMERGENCY ORDER 2020-01.

(Effective April 22, 2020)

WHEREAS, Flagler County is under a Federal, State, and Local State of Emergency for the COVID-19 virus pursuant to Executive Orders of the Governor for the State of Florida (EO Nos. 20-51 and 20-52) and Flagler County Proclamation of March 16, 2020, all as subsequently amended and renewed from time to time; and

WHEREAS, Flagler County's Proclamation, in accordance with Chapter 252, Florida Statutes, and Section 12-34 of the Flagler County Code of Ordinances, authorizes the County to take all necessary action and issue any necessary orders to protect human health and safety; and

WHEREAS, Flagler County enacted Emergency Order 2020-01 (March 22, 2020) closing County beaches and County park facilities with limited exceptions; and

WHEREAS, Flagler County and its municipalities have urged the public to adhere to aggressive social distancing, self-isolation, the Safer at Home order of the Governor, and other direction and guidance from public health authorities to "flatten the curve" of this epidemic; and

WHEREAS, Flagler County is executing measures in accord with all CDC guidelines and the Executive Orders of Florida's Governor to protect the health and safety of Flagler County residents and employees by limiting person to person contact; and

WHEREAS, the County and its municipalities have limited access to their government facilities to protect the general public and government employees; and

WHEREAS, the actions of the County and its municipalities also are calculated to protect first responders, such as emergency medical services, fire services and law enforcement, and the health care workforce by slowing the number of people who are exposed to the virus; and

WHEREAS, the County and its municipalities are considering how each government might be able to address the unique needs of their population in the most practical and safest manner; and

WHEREAS, pursuant to Flagler County Emergency Order 2020-01, the County determined to close the entire 18-mile span of the County beaches, for which closure the municipalities of Flagler Beach, Beverly Beach and Marineland concurred; and

WHEREAS, the beach closure was specifically for the purpose of limiting person to person contact among residents and visitors from outside and within the community in ways that might accelerate the spread of the virus; and

WHEREAS, the stakeholders monitored compliance and found the public to be cooperative without the need to invoke criminal penalties; and

WHEREAS, the County also monitored the experience of other governments that had begun to open parts of their public parks and beaches in order to learn from their experiences and to identify practices and actions that would be suitable for the County's approach to mitigate spread of the virus; and

WHEREAS, the County opened trails within its park system within the unincorporated County to allow greater outdoor opportunities for the public to walk, hike and bike subject to CDC guidance to limit person to person contact; and

WHEREAS, the County made clear to the public that such opening of trails was a trial to gauge the public's compliance with the CDC guidance and assess whether behavior was potentially creating more risks for the spread of the virus; and

WHEREAS, the County has determined after monitoring the trails over a weekend period plus week days that the public was compliant with the CDC guidance, again all without the need for law enforcement to caution the potential invocation of criminal sanctions; and

WHEREAS, in Executive Order 20-91 "Safer at Home" the Governor for the State of Florida specifically exempted participation in recreation activities (consistent with social distancing guidelines) such as walking, biking, hiking, fishing, hunting, running, or swimming; and

WHEREAS, public health officials from the Florida Department of Health have emphasized the importance and benefits of exercise, done in a manner consistent with CDC social distancing guidelines, on both physical and mental health in this time of heightened stress; and

WHEREAS, the County must consider the constantly changing information and dynamics of the COVID-19 pandemic, and its impacts within its communities; and

WHEREAS, the County is confident to open the unincorporated beaches and the beaches of Beverly Beach and Marineland to the public on a limited, trial basis to assess if the public's use of the beach is limiting person to person contact; and

WHEREAS, it is beneficial for the public to have an opportunity to exercise outdoors and for that purpose to make the beaches accessible for this purpose on a trial basis, metering the access in a manner that protects public health and safety.

NOW THEREFORE, the County hereby modifies Emergency Order 2020-01 as follows:

- A. The Board of County Commissioners authorize the County Administrator to open the beaches from Marineland, through the unincorporated County, through Beverly Beach to the north municipal boundary of the City of Flagler Beach, in a manner that achieves the objectives of this Order, with the further authority to modify such opening as experience and monitoring may indicate, including expanding or restricting the opening as deemed appropriate.
- B. Insofar as such authority is needed or convenient, each municipality within the County may promulgate under this Order whatever means of opening their beaches and parks as they each deem appropriate and applicable to their respective communities, including limitations and restrictions within their own geographic boundaries.
- C. The promulgation of beach or park facility openings by the County Administrator or a municipal official when done in accordance with and by express reference to this Order shall be pursuant to and under the authority of Florida Chapter 252, Florida Statutes, and shall include all of the formalities of such Chapter, including the application of criminal penalties to emergency orders.
- D. In such event, whether the County Administrator or appropriate municipal official desiring to utilize the authority of Florida Chapter 252, they shall promulgate their directive in writing with reference to the authority delegated by this Order, and the same shall be filed with the Clerk of the Court with copies of the recorded instrument furnished to the other general service local governments within the County.
- E. All other provisions of Emergency Order 2020-01 shall be in full force and effect except as modified by this Order and by any directive issued by the County or municipality, as the governments transition to gradual opening of their beach and park facilities, as they each deem applicable and appropriate.

DONE AND ORDERED, this 21st day of April 2020, to be effective on April 22 2020.

Jerry Cameron Digitally signed by Jerry Cameron
Date: 2020.04.21 14:28:01 -04'00'

Jerry Cameron, County Administrator

Concurrence:



Digitally signed by Jonathan Lord
Date: 2020.04.21 14:03:38 -04'00'

Jonathan Lord, Emergency Management
Director

Approved As To Form:

Al Hadeed

Digitally signed by Al Hadeed
Date: 2020.04.21 14:00:31
-04'00'

Al Hadeed, County Attorney