

ORDINANCE NO. 20-15

AN EMERGENCY ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS MODIFYING EMERGENCY ORDINANCE 20-13, FOR THE PURPOSE OF PROVIDING CONSISTENCY BETWEEN GOVERNOR DESANTIS' ANTICIPATED EXECUTIVE ORDERS RELAXING RESTRICTIONS ON CERTAIN BUSINESS ESTABLISHMENTS AND SOCIAL GATHERINGS AND THE PROVISIONS OF EMERGENCY ORDINANCE NO. 20-13, PROVIDING FOR FURTHER MODIFICATIONS TO COUNTY COVID-19- RELATED POLICIES BY COUNTY RESOLUTION; PROVIDING FINDINGS; PROVIDING FOR MUNICIPAL ADOPTION BY MUNICIPAL ORDINANCE OR RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

1. The Board of County Commissioners (“Board”) noticed and conducted an emergency meeting on Friday, April 24, 2020, to consider a proposed emergency ordinance on the authority of Sections 125.01, and 252.38, Florida Statutes, and the Board’s police power to protect the health and welfare of the citizens of Marion County, Florida, to consider whether to repeal, or to modify Marion County Emergency Ordinance No. 20-13; and
2. The Board adopted Emergency Ordinance No. 20-13 after a duly noticed emergency meeting on Thursday, March 26, 2020, to enact regulation necessitated by the unprecedented 2019 Novel Coronavirus (COVID-19), to protect the health and welfare of the citizens of Marion County, Florida; and
3. In addition to those regulations imposed by Emergency Ordinance No. 20-13, the citizens of Marion County have been subject to numerous Executive Orders from Governor DeSantis, which orders have state-wide application; and

4. The execution and observance of the regulations and orders described above have significantly mitigated the effects of COVID-19 at State-wide and local levels; and
5. There have, however, been significant adverse impacts to the State and local economies as a result of both voluntary social distancing and forced closures or restrictions regarding many businesses; and
6. Elected officials' responsibility to protect the health, safety, and welfare of the citizens of Florida must encompass and balance multiple legitimate concerns, including both the physical health of those citizens, and the economic health of our State and local communities, as well as allowing normal opportunities for social gatherings so long as they can be done in a manner that continues to provide for indicated safeguards; and
7. Marion County, a non-charter county, is a political subdivision of the State of Florida. Throughout the COVID-19 crisis, county and municipal local officials of Marion County have worked and coordinated closely with State officials to provide the most effective response possible to this crisis; and
8. Governor Ron DeSantis has appointed a task force to consider re-opening Florida, in terms of lifting specified restrictions previously imposed on Florida citizens and businesses; and
9. While it is too soon for anyone to announce an "all-clear" determination with respect to COVID-19, it appears that the Governor will soon announce a relaxation of previously issued Executive Orders; and
10. Paragraph 10 of Emergency Ordinance provided for an effective period of sixty (60) days from March 26, 2020, unless earlier repealed by the Board;
11. The purpose of this Emergency Ordinance is to provide for the earliest possible relaxation of the regulations and restrictions stated in Emergency Ordinance No. 20-13, except where otherwise provided herein, consistent with new direction from the Governor.

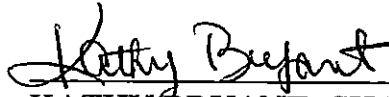
NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida, that:

1. The foregoing recitals are true and are hereby incorporated as essential legislative findings in support of this emergency ordinance.
2. Emergency Ordinance No. 20-13 is hereby amended as provided in the following paragraphs.
3. Paragraph 10 of Emergency Ordinance No. 20-13 is amended so that the effective term of that ordinance shall coincide with the duration of Executive Order 20-52, the Governor's Declaration of a State of Emergency for the State of Florida, as such Executive Order may be amended from time to time.
4. Except as provided herein, the substantive regulations and restrictions provided in Emergency Ordinance shall be automatically revised on the effective date of the Governor's Executive Order to "re-open Florida," to conform to the terms of such new Executive Order(s), and shall thereafter continue as provided in paragraph 3., above.
5. The Board finds that bingo halls, internet cafes, gaming venues in particular cater to senior citizens, which is the most at-risk population for COVID-19; and
6. The Board finds that the businesses and activities described in paragraph 5, above, typically provide relatively confined spaces, and that patrons typically spend many hours at such venues, per visit. Therefore, these venues and activities are considered to continue to be high-risk venues with respect to the possible spread of COVID-19; and
7. Therefore, the regulations and restrictions related to the venues and activities described in paragraph 5, above, shall continue in effect for the remainder of the effective term of Emergency Ordinance No. 20-13 as modified herein.
8. Based on the testimony received by the Board from members of law enforcement and Health Department officials, the Board has determined that

8. Based on the testimony received by the Board from members of law enforcement and Health Department officials, the Board has determined that there is competent evidence to support the provisions of paragraphs 5 and 6 of this ordinance.
9. Paragraph 6 of Emergency Ordinance No. 20-13 is deemed to be superseded by Executive Order No. 20-69.
10. The Board may further implement the intent of this ordinance by the adoption of Board resolutions in order to be able to respond quickly to new directives from the State.
11. This ordinance shall be effective throughout Marion County.
12. Any violation of this ordinance is subject to the penalties of Section 125.69, Florida Statutes. Each instance of violation shall constitute a separate offense.
13. If any provision of this ordinance is found to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this ordinance are deemed severable and shall continue in force.
14. This ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of Marion County, and shall become effective immediately upon the filing hereof by the Clerk with the Secretary of State.

Dated this 24th day of April, 2020.


BOARD OF COUNTY COMMISSIONERS
OF MARION COUNTY, FLORIDA



KATHY BRYANT, CHAIRMAN

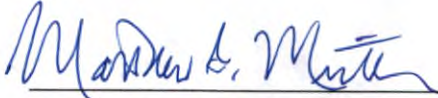
RECEIVED NOTICE FROM SECRETARY OF
STATE ON APRIL 24, 2020 ADVISING
ORDINANCE WAS FILED ON APRIL 24, 2020.

Attest:



DAVID R. ELLSPERMANN, CLERK

Approved as to Form:



County Attorney