

**FIFTH EXTENSION OF DECLARATION OF STATE OF LOCAL
EMERGENCY FOR
OSCEOLA COUNTY, FLORIDA
RESOLUTION #20-061R**

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China and has now spread to the United States of America; and

WHEREAS, the World Health Organization ("WHO") previously declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020; and

WHEREAS, the WHO characterized the COVID-19 outbreak as a pandemic on March 11, 2020 and the President of the United States has announced new international travel restrictions; and

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

WHEREAS, on March 9, 2020, the Governor of the State of Florida issued Executive Order number 20-52 delegating the powers of Sections 252.36(5)-(10), Florida Statutes, to the State Coordinating Officer and allowing each political subdivision to waive the procedures and formalities otherwise required by law pursuant to Section 252.38, Florida Statutes; and

WHEREAS, as of April 13, 2020, there are 323 confirmed cases of persons positively diagnosed with COVID-19 in Osceola County and 19,895 cases in Florida statewide; and

WHEREAS, COVID-19 currently poses a health threat to the entire state of Florida, and specifically residents of Osceola County; and

WHEREAS, Osceola County currently expects closures of many types of public facilities, including social establishments, for the next thirty (30) days, and guidelines have been issued promoting social distancing, limiting group gatherings of more than ten people, and self-containment for at least the next eight (8) weeks; and

WHEREAS, Osceola County Board of County Commissioners adopted Resolution #20-054R on March 16, 2020, declaring a Local State of Emergency; and

WHEREAS, Osceola County Board of County Commissioners adopted Resolution #20-055R on March 23, 2020, declaring a First Amendment Local State of Emergency; and

WHEREAS, Osceola County Board of County Commissioners adopted Resolution #20-056R on March 30, 2020, declaring a Second Amendment Local State of Emergency; and

WHEREAS, Osceola County Board of County Commissioners adopted Resolution #20-059R on April 6, 2020, declaring a Third Amendment Local State of Emergency; and

WHEREAS, Osceola County Board of County Commissioners adopted Resolution #20-060R on April 13, 2020, declaring a Fourth Amendment Local State of Emergency; and

WHEREAS, pursuant to Section 252.38, Florida Statutes, Declarations of Local States of Emergency may be extended in seven (7) day increments; and

WHEREAS, Section 252.38, Florida Statutes states that it is the innate responsibility of local government to safeguard the life and property of its citizens; and

WHEREAS, Section 252.34, Florida Statutes defines "emergency" as any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property; and

WHEREAS, Section 252.38(3)(a), Florida Statutes provides authority for a political subdivision such as Osceola County to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of subdivisions and by law pertaining to:

1. Performance of public work and taking whatever actions are 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; and
8. Appropriation and expenditure of public funds.

WHEREAS, Section 2-78, Osceola County Code of Ordinances, provides authority for the Board of County Commissioners, during periods of emergency or impending threat, to declare a state of local emergency and delegate authority to the Executive Policy Group to make emergency policy decisions that are consistent with the Comprehensive Emergency Management Plan, which may be done by executive order or emergency rules; and

WHEREAS, in accordance with the Section 2-78, Osceola County Code of Ordinances, the Executive Policy Group shall have the power and authority to direct and compel the evacuation of all or part of the population from the stricken or threatened area within the County if it deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery; and

WHEREAS, pursuant to Section 252.46(2), Florida Statutes, and Section 2-78, Osceola County Code of Ordinances, all executive orders and emergency rules imposed and enacted shall:

1. Be reduced to writing as soon as possible, filed with the Clerk to the Board of County Commissioners, and concurrently posted prominently upon the premises then serving as the headquarters of county governmental operations. Further, copies of all such executive orders and emergency rules shall be delivered, as soon as possible to representatives of the print and electronic news media and all appropriate law enforcement officers and other appropriate government administration officials; and
2. All executive orders and emergency rules issued under this Section shall indicate the nature of the emergency, the threatened area or areas of the County, and the conditions creating the disaster or threat. The content of such orders shall be promptly disseminated to the general public and to the governing bodies of the applicable municipalities within the county and contiguous jurisdictions.

WHEREAS, during the existence of a state of local emergency, the Executive Policy Group shall have the power and authority, to impose by executive order, any restrictions outlined in Section 252.38, Florida Statutes that are consistent with the Comprehensive Emergency Management Plan; and

WHEREAS, to the extent consistent with the Comprehensive Emergency Management Plan, an executive order of the Executive Policy Group may exempt, from all or any part of such restrictions, physicians, nurses and ambulance operators performing medical services; on-duty employees of hospitals and other medical facilities; on-duty military personnel; bona fide members of the news media; personnel of public utilities and public works maintaining essential public services; firefighters, law enforcement officers and personnel; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to protect the public health, safety, and welfare; and

WHEREAS, Osceola County must take timely emergency measures because of the heightened potential for injury or damage to life and property within the County.

NOW, THEREFORE, IT IS RESOLVED, by the Board of County Commissioners of Osceola County, Florida, this 20th day of April, 2020 that the spread of COVID-19 threatens the lives of residents of Osceola County, and that a State of Emergency shall be declared, effective immediately, for all territory within the legal boundaries of Osceola County, including that all incorporated and unincorporated areas shall be embraced by the provisions of this Resolution, and that authority is delegated to the Executive Policy Group to make emergency policy decisions that are consistent with the Comprehensive Emergency Management Plan and with State of Florida Executive Order 20-52 and Osceola County Resolution #20-054R, herein shall remain in force for the next seven (7) days pursuant to Section 252.38, Florida Statutes.

OSCEOLA COUNTY, FLORIDA

By: *Christine Jaxer*
Chair/Vice Chair
Board of County Commissioners

ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD

By: *Jimmy Rood*
Clerk/ Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:

04/20/2020

