

RESOLUTION NO. 20 - 33
ORDER RELAXING POOL RESTRICTIONS WITH CONDITIONS

WHEREAS, in response to the emergence 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

WHEREAS, in order to fully and effectively respond to the developing threats posed by the novel coronavirus and its associated disease (COVID-19), and in coordination with ongoing emergency actions by the state and federal governments, the Pinellas County Board of County Commissioners (Board) passed Resolution 20-16 declaring a local state of emergency in Pinellas County (Resolution), and subsequently extensions and orders have been issued continuing the state of local emergency based on ongoing threats and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, on March 19, 2020, the Board adopted Resolution 20-17 closing all public beaches and public beach parking in Pinellas County, which order was subsequently extended to terminate with the state of local emergency; and

WHEREAS, in order to further protect the public, the Board adopted its Safer at Home Order by Resolution 20-20 on March 25, 2020, which among other things, restricted places of public assembly including closing publicly accessible pools; and

WHEREAS, the actions of the Board and cooperation of the public have helped “flatten the curve” and the opportunity exists to gradually lift restrictions as we continue to learn how to live with the pandemic; and

WHEREAS, Pursuant to §252.38(1), Florida Statutes, and Pinellas County Charter section 2.04 (k), the County has jurisdictional authority over the entire county for emergency management purposes.

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the Board of County Commissioners of Pinellas County, Florida, this 28th day of April 2020:

- 1) As an exception to the requirements imposed by Resolution 20-20, publicly accessible pools, including but not limited to community pools, pools located at apartments, hotels, motels, lodging establishments, condominiums and commercial business establishments as well as homeowners associations, may operate at 50% of stated pool maximum bathing load. Owners and operators shall adhere to CDC social distancing guidelines, including but not limited to; Persons shall not congregate in groups, and groups of more than 10 are prohibited; All persons not part of the same family unit must remain at least 6 feet apart. Owners and operators must follow the CDC guidelines for cleaning and disinfection of facilities.

Severability.

Any provision(s) within this Order that conflict(s) with any State or Federal law or constitutional provision, or conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the sovereign land of a federally or state recognized sovereign Indian tribe, such application is expressly excluded from this Order.

Effective Date; Duration.

This Order will become effective on Thursday, April 30, 2020 at 6:00 A.M. local time.

This Order is in addition to the Executive Orders issued by Governor DeSantis.

This Order applies to incorporated and unincorporated areas within Pinellas County, but has no application outside of Pinellas County.

This order and prior resolutions and emergency orders remain in force and effect unless modified or superseded.

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

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

NAYS: None.

ABSENT AND NOT VOTING: None.

APPROVED AS TO FORM

By: 
Office of the County Attorney