

EMERGENCY ORDER NO. 2020-2

AN EMERGENCY ORDER SUSPENDING OCCUPANCY AND BOOKINGS OF VACATION RENTALS IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER NO. 2020-87.

WHEREAS, on March 1, 2020, the Governor of the State of Florida issued Executive Order No. 20-51, declaring a Public Health Emergency in the State of Florida because of the threat of the Coronavirus Disease 2019 (COVID-19) to spread among humans, which may pose a threat to public health and safety and cause a threat to the entire State of Florida, including St. Johns County; and

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

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

WHEREAS, on March 24, 2020, the Governor issued Executive Order 2020-87, making certain findings of fact regarding the transmission of COVID-19 relating to international and interstate travel and ordering that all parties engaged in rental of vacation rental properties, as defined in Section 509.242(1)(c), Florida Statutes, suspend vacation rental operations; 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, on March 17, 2020, St. Johns County Emergency Proclamation No. 2020-1 declared a state of local emergency, pursuant to Chapter 252, Florida Statutes and St. Johns County Ordinance No. 2019-40, because of the severe threat that COVID-19 poses to St. Johns County, Florida; and

WHEREAS, on March 24, 2020 and March 31, 2020, pursuant to section 252.38(3)(a)(5), Florida Statutes, the Board of County Commissioners extended the state of local emergency for an additional seven (7) days; and

WHEREAS, COVID-19 has caused extensive concerns to the private citizens and public sectors in St. Johns County; and

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

WHEREAS, the 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 "shelter in place" orders are being implemented or community spread exists; and

WHEREAS, in accordance with the Governor’s findings in Executive Order 2020-87, many cases of COVID-19 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, St. Johns County is exerting efforts to address emergency conditions and assist affected citizens and properties; and

WHEREAS, Executive Order 2020-52, Emergency Proclamations 2020-1, 2020-2, and 2020-4, and St. Johns County Ordinance No. 2019-40 authorize the waiver by St. Johns County of procedures and formalities required of the County by law or by County ordinance, policies, rules, or regulation pertaining to, among other things, the performance of public work and the taking of whatever prudent action is necessary to ensure the health safety, and welfare of the community; and

WHEREAS, locally implementing the Governor’s Executive Order 20-87 through the enactment of this Emergency Order and enforcing it to assist the Department of Health and other agencies of the State is consistent with Section 381.0012, Florida Statutes, and with the Governor’s intent.

NOW THEREFORE, in accordance with the emergency power vested in the County pursuant to Chapter 252, Florida Statutes, and St. Johns County Ordinance No. 2019-40, it is hereby ordered:

1. The above recitals are hereby incorporated into the body of this Proclamation and adopted as findings of fact.
2. All parties engaged in the 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:
 - a. The 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 and 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

iv. Rentals to persons performing military, emergency, governmental, health or infrastructure response, or travelers engaged in non-vacation commercial activities.

3. All parties engaged in the rental of vacation rental properties, as defined in Section 509.242(1) (c), Florida Statutes, shall abide by guidance or directives issued by DBPR related to Executive Order 20-87. The County shall alert DBPR of any violation of this Emergency Order.

4. Violations of this Emergency Order may be enforced by any manner allowable in law or in equity, including, but not limited to, the following:

a. Any person violating any provision of this Emergency Order is guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082 or 775.083, Florida Statutes.

b. This Emergency Order may also be enforced as a noncriminal infraction in accordance with the provisions of Chapter 162, Florida Statutes.

c. The enforcement provisions of this Emergency Order are additional or supplemental in nature and are not intended to prohibit St. Johns County from enforcing this Emergency Order by any other lawful means or seeking any remedy available at law or equity.

5. This Proclamation shall expire on the earlier of May 1, 2020, or the expiration of St. Johns County Emergency Proclamation 2020-1, including any extension thereof.

6. This Proclamation shall be effective upon filing with the Clerk in accordance with Section 252.46, Florida Statutes.

DONE and ORDERED this 2 day of April, 2020.

By: Hunter Conrad
Hunter Conrad, County Administrator

ATTEST: Brandon Patty, Clerk

By: Brandon Patty
Deputy Clerk