

EMERGENCY ORDER NO. 2020-23
LIMITED REOPENING OF PUBLIC POOLS
ALACHUA COUNTY, FLORIDA

WHEREAS, COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, constitutes a clear and present threat to the lives, health, welfare, and safety of the people of Alachua County; and,

WHEREAS, on March 1, 2020, Governor DeSantis declared a Public Health Emergency because of COVID-19; and, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency because of COVID-19; and,

WHEREAS, on March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic; and, on March 13, 2020, President Trump declared a national emergency concerning COVID-19; and,

WHEREAS, Emergency Order 2020-01 declared a local state of emergency in Alachua County based on the COVID-19 virus on March 16, 2020; and,

WHEREAS, on March 17, 2020, Governor DeSantis issued Executive Order 20-68, prohibiting the sale of alcoholic beverages at certain establishments and placing certain limitations on gatherings for bars, restaurants, and beaches; and,

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention ("CDC") and the Florida State Department of Health recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing of at least six feet between persons in smaller gatherings; and,

WHEREAS, limitations on gatherings and the use of social distancing to prevent transmission of COVID-19 are especially important for people who are over sixty years old and people with chronic health conditions because those populations are at a higher risk of severe illness and death from COVID-19. However, everyone, regardless of age or health condition, is threatened by COVID-19; and,

WHEREAS, this Emergency Order is necessary to ensure that our healthcare delivery system can serve those who are ill; and

WHEREAS, the continuing operation of essential businesses is necessary to provide essential goods and services to the public; and,

WHEREAS, on April 1, 2020 Governor DeSantis issued Executive Order 20-91 putting in place a state-wide stay at home order and listing what are to be considered essential services and activities; and

WHEREAS, Executive Order 20-91 adopts both the Essential Critical Infrastructure Workers guidelines issued by the Department of Homeland Security and the list of essential services and activities set forth in Miami-Dade County Emergency Order 07-20; and,

WHEREAS, the CDC, the Florida Department of Health and the University of Florida recommends the use of face masks, even those which are homemade to slow the spread of the

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disease; and

WHEREAS, the gradual reopening of the State and the County will lead to more contact between individuals and lead to more potential for the increased community spread of the disease. Face masks are of great assistance in preventing individuals who may be shedding the virus to spread it to other individuals; and

WHEREAS, Executive Order 20-112, does not preempt the authority of local governments to add additional restrictions to businesses opened by the Governor; and

WHEREAS, Executive Order 20-91 provided that recreation such as swimming was allowed; and

WHEREAS, Emergency Order 2020-21 provides that pools are currently closed; and

WHEREAS, the Board of County Commissioners met on May 1st in special session to consider the Governor's Order and to receive public comment, and

WHEREAS, the Board of County Commissioners considered the public comment along with information received from the Department of Health and the public over the use of pools when properly operated and that properly treated water will not spread the COVID-19 virus; and

WHEREAS, the Board of County Commissioners believes based upon the foregoing that it is appropriate to open up pools for certain uses; and,

WHEREAS, the Chair of the County Commission is the Official Authority as prescribed in the County's Code Section 27.07; and,

WHEREAS, acting on his authority as the Official Authority and based upon the actions taken on May 1st by the Board of County Commissioners; and

WHEREAS, Pursuant to §252.38(1), Florida Statutes the County shall have jurisdictional authority over the entire county.

THEREFORE, IT IS ORDERED THAT:

1. Outside pools which are open to the public and those which are part of multi-family residential communities may reopen.
2. The pools shall meet the standards set by the CDC <https://www.cdc.gov/healthywater/swimming/index.html> and Florida Administrative Code §64E-9.004 for disinfectant level.
3. All seating and tables around any pool shall be set up with social distancing of at least 6 feet between groupings and fixed in some way so they cannot be easily rearranged.
4. Activity in pools shall be limited to activities with social distancing and occupancy of 1 person per 100 square feet of water surface. Groupings outside the pool shall be

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limited to no more than 10 individuals.

5. The owners/operators of these pools shall post signs explaining these rules and monitor the pool for compliance with the health standards and use limitations on a reasonable basis.
6. Pool houses and locker rooms must limit their occupancy to 1 person per 500 square feet and shall ensure that surfaces within businesses are disinfected in accordance with applicable CDC guidelines. Employees working in pool houses, locker rooms, around pools and in similar areas shall wear facial coverings.
7. Severability. Any provision(s) within this Emergency Order that conflict(s) with any State or Federal law or constitutional provision, including the State's preemption of the regulation of firearms and ammunition codified in section 790.33, Florida Statutes 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 Emergency Order, with the remainder of the Emergency Order remaining intact and in full force and effect. To the extent application of some or all the provisions of this Emergency Order is prohibited on the sovereign land of a federally or state recognized sovereign Indian tribe, such application is expressly excluded from this Emergency Order.
8. Effective Date; This Order takes effect at 12:01 a.m. on 5/9/20.
9. This Emergency Order applies to incorporated and unincorporated areas within Alachua County, but has no application outside of Alachua County. Municipalities have the authority to enforce this Order within their jurisdiction.
10. The County or municipalities within its boundaries will direct any establishment to cease and desist operations that are in violation of this Emergency Order and may treat violations as a violation of County or Municipal ordinance as appropriate. The County has jurisdiction countywide to enforce the terms of this Order.
11. This Order does not apply to operations of local governments within the county, to the State University System, State College System, the State of Florida, or Federal agencies who are encouraged to adopt their own rules and procedures regarding the matters set forth herein.
11. This Order supersedes and replaces any conflicting provisions of prior orders.

Dated this 8th day of May, 2020 at 7:00 p.m.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: 
Robert Hutchinson, Chairman

APPROVED AS TO FORM:



County Attorney's Office