

**AMENDED PROCLAMATION DECLARING A CONTINUING
LOCAL STATE OF EMERGENCY IN LEON COUNTY, FLORIDA
PROCLAMATION NO. 2020-9
COVID-19**

WHEREAS, the Board of County Commissioners of Leon County, Florida (the “Board”) has adopted the Emergency Management Ordinance, being codified in Chapter 2, Article VIII of the Code of Laws of Leon County, Florida (the “Ordinance”), providing authorization for the Board or its designee to declare an extension to a previously issued declaration of local State of Emergency; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency as a result of COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the United States 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 16, 2020, Leon County declared a local State of Emergency effective March 16, 2020, at 2:00 p.m., for a period of seven days, to authorize continued coordination with state and other local authorities and to take all actions necessary to address the threat of a public health crisis resulting from COVID-19; and

WHEREAS, on March 23, 2020, Leon County extended the local State of Emergency effective March 23, 2020, at 2:00 p.m., for a period of seven days; and

WHEREAS, to reduce the spread of COVID-19, the 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, federal and state health officials have indicated that they expect additional cases of COVID-19 to be identified in the coming days and, based on the highly contagious nature of COVID-19, additional person-to-person transmission is likely; and

WHEREAS, on March 24, 2020, Governor DeSantis issued Executive Order 20-83, directing the Surgeon General and State Health Officer to issue a public health advisory to all persons over 65 years of age and to persons with certain underlying medical conditions that place them high risk of serious illness from COVID-19 to urge them to stay home and take measures to limit their exposure to COVID-19; and

WHEREAS, Executive Order 20-83 further directed the Surgeon General and State Health Officer to issue a public health advisory against all social or recreational gatherings of 10 or more people; and

WHEREAS, public health experts have urged governmental entities to mandate stricter adherence to CDC social distancing guidelines of at least six feet between persons to mitigate further spread of COVID-19, and

WHEREAS, multiple local jurisdictions in Florida and Georgia have declared local states of emergency and have implemented curfews or stay at home/safer at home orders to address the threat of a public health crisis resulting from COVID-19; and

WHEREAS, pursuant to 2-309 of the Code of Laws of Leon County, Florida, Leon County is authorized to implement curfews in times of Emergency; and

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

WHEREAS, should COVID-19 spread in Leon County at a rate close to what some other communities in Florida and Georgia are experiencing it would strain local resources and capabilities; and

WHEREAS, on March 25, 2020, Leon County issued Amended Proclamation No. 2020-3; and

WHEREAS, on March 29, 2020, President Donald J. Trump announced that the “15-Days to Slow the Spread” guidelines will continue until April 30, 2020; and

WHEREAS, on March 30, 2020, Leon County issued Proclamation No. 2020-4; and

WHEREAS, on April 1, 2020, Governor DeSantis issued Executive Order 20-91, providing Safer at Home directives for all persons in Florida; and

WHEREAS, on April 2, 2020, Governor DeSantis issued Executive Order 20-92, which amended Executive Order 20-91; and

WHEREAS, the provisions of Executive Order 20-91, as amended by Executive Order 20-92, became effective at 12:01 a.m. on April 3, 2020; and

WHEREAS, on April 2, 2020, Leon County issued Amended Proclamation No. 2020-5, which became effective and mandated compliance with Executive Order 20-91, as amended by Executive Order 20-92; and

WHEREAS, on April 6, 2020, Leon County issued Proclamation No. 2020-6, extending the Local State of Emergency for a period of seven days; and

WHEREAS, on April 8, 2020, Leon County issued Amended Proclamation No. 2020-7, to provide for the use of communications media technology during the declared Local State of Emergency to conduct meetings of the Board of County Commissioners and its advisory boards, councils, and committees; and

WHEREAS, on April 10, 2020, Leon County issued Proclamation No. 2020-8, extending the Local State of Emergency for a period of seven days, effective 12:01 a.m. on April 13, 2020; and

WHEREAS, at its meeting on April 14, 2020, the Board of County Commissioners expressed that it had received feedback from constituents that people are confused by and not complying with Executive Order 20-91 and that there is a need to implement a curfew; and

WHEREAS, an Emergency as defined in the Ordinance continues to exist in Leon County; and

WHEREAS, a prompt and efficient response and recovery is necessary to safeguard lives and property affected by the Emergency; and

WHEREAS, Article I, Section 24 of the Florida Constitution guarantees a right of public access to all meetings of any collegial public body of the County, and section 286.011, Florida Statutes, commonly referred to as Florida's "Sunshine Law," requires meetings of the County to be publicly noticed in advance, open to the public, and documented by minutes that are promptly recorded; and

WHEREAS, recognizing the compelling need to protect life while at the same time maintain the functionality and continuity of government, the Governor took the extraordinary measure of issuing Executive Order 20-69, which suspends the requirement that local governing bodies have a quorum physically present in a specific public place to conduct public meetings; and

WHEREAS, Executive Order 20-69 specifically authorizes the use of communications media technology, as provided in section 120.54(5)(b)2., Florida Statutes, to conduct meetings of local governing bodies; and

WHEREAS, the use of communications media technology during the declared Local State of Emergency due to COVID-19 to conduct meetings of the Board of County Commissioners and its advisory boards, councils, and committees will allow governance to continue while protecting the health and safety of elected officials, staff, and the general public; and

WHEREAS, neither Executive Order 20-69 nor this Amended Proclamation suspend the requirements of Florida's public records laws in any way or the Sunshine Law beyond the specific, discrete parameters set forth in Executive Order 20-69 and this Amended Proclamation.

NOW, THEREFORE, PURSUANT to the authority conferred by Chapter 252, Florida Statutes, and the Ordinance, as Chairman of the Leon County Board of County Commissioners, and pursuant to Section 2-306 of the Code of Laws of Leon County, after consultation with state and local authorities, I find as follows:

1. State of Emergency. A local State of Emergency continues to exist requiring immediate and expeditious action as a result of the threat of a public health crisis within Leon County

and neighboring counties, and will continue to exist for a period of five days, effective 11:00 p.m. on April 15, 2020, in accordance with Section 2-307 of the Code of Laws of Leon County.

2. Safer at Home. All persons in Leon County are to continue to abide by the Safer at Home directives issued by Governor DeSantis in Executive Order Number 20-91 and Executive Order 20-92, and any subsequent amendments or extensions issued thereto.

3. Curfew.

- (a) In order to protect the public health, safety and welfare, and mitigate the spread of the COVID-19 virus, a curfew is established in all of Leon County, Florida, from the hours of 11:00 p.m. until 5:00 a.m., commencing on April 15, 2020.
- (b) The curfew applies to all pedestrian and vehicular movement, standing and parking, except for: individuals participating in, going to, or returning from employment, including, but not limited to, federal, state, and local government employees, judicial personnel, those providing hospital and other health care services, first responder and correctional personnel, child protection and child welfare personnel, housing and shelter personnel, veterinary services personnel, postal and shipping services personnel, airline and airport personnel, and those performing utility and telecommunications repairs. Medical patients in need of transport, persons seeking medical care, and persons seeking emergency veterinary services for a pet animal are also excluded from the curfew. The curfew does not prohibit a person from walking a pet animal in the vicinity of the residence at which the animal is being maintained.
- (c) Refusal to comply with the curfew shall be punishable in accordance with Section 1-9, of the Code of Laws of Leon County, Florida.

4. Temporary Rules of Procedure for Use of CMT to Conduct Virtual Meetings. Board Policy No. 01-05, entitled "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," which governs all official meetings of the Board, shall continue to be temporarily modified to allow for the use of communications media technology to conduct virtual meetings, as follows:

- (a) Notice of Electronic Public Meetings. The County will post notice of its electronic public meetings in a manner consistent with section 286.011, Florida Statutes. Such notice shall plainly state that a virtual meeting is to be conducted using communications media technology (CMT) and identify the specific type(s) of CMT to be used. Such notice will identify the various platforms available to the public to view the meeting. If a public meeting provides for the opportunity for public comment in general or on a specific item, the notice shall also include instructions regarding how members of the public may submit written comments in a form to be provided by the County on its website, distributed to the members of the Commission in advance of the meeting, and made a part of the meeting record. If the County determines that additional technological means are feasible, practicable, and available for the public to provide comment, the meeting notice will include instructions to the

public regarding how members of the public may provide comment using the additional technological means. The meeting notice shall provide the deadline for the submission of public comment in advance of the public meeting, if any.

- (b) Public Comment. An online form will be available through the County's website for citizens to provide written public comment prior to a virtual meeting. The online form will be open and available for members of the public to submit comment until a timeframe specified in the meeting notice, if any. The written comments will be compiled and provided to the members of the County Commission in advance of the meeting and entered into the record at the public meeting. Written comments received by the public will be posted on the County's website in advance of the virtual meeting. Public comment received after the deadline for submission will be made available to the members of the County Commission and entered into the record during the meeting, though the County cannot guarantee that the written comments will be posted on the County website prior to the virtual meeting. If the County determines that additional technological means are feasible, practicable, and available for the public to provide comment, such public comment, in whatever format, shall be made available to the members of the County Commission before action is taken on the matter for which public comment was submitted.
- (c) Supplemental Procedures of Advisory Boards, Councils, and Committees. Each advisory board, council, or committee of the County may supplement the minimum procedures provided in this Amended Proclamation with additional procedures that promote and preserve the decorum and civility and that enable the expeditious conduct of County business and provide the procedural due process and right of public participation required by law as applied to the nature of the specific hearing or matter. Each such board, council, or committee seeking to adopt supplemental procedures will submit them to the County Administrator for ratification by the Board of County Commissioners.
- (d) Disruptions and Adjournment. If, during the conduct of a public meeting utilizing CMT pursuant to this Amended Proclamation, the meeting is interrupted through disruptions or glitches in the technology being used, the Chair will recess the meeting until the interruption is resolved. If the interruption cannot be resolved in a reasonable amount of time, the meeting shall be adjourned. The temporary recess or termination of a meeting is to assure compliance with the Sunshine Law.

5. Additional Temporary Modification of Board Policy No. 01-05. Board Policy No. 01-05, entitled "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," which governs all official meetings of the Board, shall be further temporarily modified to provide that virtual public hearings may be scheduled and heard at 3:00 p.m. or thereafter.

6. Public Education. Due to the extraordinary nature of the Amended Proclamation and the paramount right of the public to participate in the decision-making process of its local government, the County will make reasonable efforts to publicize the subject matter being considered at its meetings and publicize the requirements of Section 3 of this Amended Proclamation.

7. Applicability, Limitation, and Termination. Section 3 of this Amended Proclamation shall apply to all meetings of the Leon County Board of County Commissioners and any of its advisory boards, councils, or committees which operate under the Sunshine Law. Public meetings will comply with all requirements of section 286.011, Florida Statutes, and, for the County Commission, Policy No. 01-05, which have not otherwise been suspended or waived pursuant to Executive Order 20-69 and this Amended Proclamation. Section 3 of this Amended Proclamation shall remain in effect until superseded by action of the Leon County Board of County Commissioners, until modified or terminated by a subsequent proclamation, or until Executive Order 20-69 expires or is rescinded, whichever first occurs.

THIS PROCLAMATION authorizes the continued activation of the Leon County Comprehensive Emergency Management Plan and the exercise of all powers provided by Chapter 252, Florida Statutes, and Chapter 2, Article VIII of the Code of Laws of Leon County, Florida.

Dated this 15th day of April, 2020.

LEON COUNTY, FLORIDA



A handwritten signature in black ink, appearing to be "Bryan Desloge".

By:
Bryan Desloge, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall, Clerk of Court
& Comptroller, Leon County, Florida

APPROVED AS TO FORM:
Leon County Attorney's Office

By: A handwritten signature in blue ink, appearing to be "Gwendolyn Marshall".

By: A handwritten signature in blue ink, appearing to be "Chasity H. O'Steen".
Chasity H. O'Steen
County Attorney