



**MARTIN COUNTY
EMERGENCY ORDER 20-12
(CLOSURE OF BEACH ACCESS - FOURTH OF JULY HOLIDAY)**

WHEREAS, Section 51.4.C., General Ordinances, Martin County Code, authorizes the Director of the Emergency Management Agency to issue any such orders as are deemed necessary to protect life and property and preserve critical resources; and

WHEREAS, the Emergency Management Director has determined that a State of Local Emergency exists within Martin County; and

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, the World Health Organization (WHO) has declared a pandemic related to COVID-19; and

WHEREAS, the Center for Disease Control and Prevention (CDC) has declared the potential public health threat posed by COVID-19 as “high”, both in the United States and throughout the world; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, directing that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida regarding the COVID-19 pandemic; and

WHEREAS, on March 24, 2020, Governor DeSantis issued Executive Order 20-83 directing the State Surgeon General and the State Health Officer to issue a public health advisory for senior persons and person having a serious underlying medical condition that places them at a high risk of severe illness from COVID-18 to stay home.

WHEREAS, it is the duty of Martin County to take protective measures – including activation of the emergency operations center, procurement of personal protective equipment, consequence management, and similar activities to support the public health and safety of the community; and

WHEREAS, at this time, there is no vaccine for COVID-19 and it is easily transmitted among people. As a result, a serious threat of impact from COVID-19 exists throughout Martin County; and

WHEREAS, the spread of COVID-19 poses a danger to life and the economic well-being of Martin County residents; and

WHEREAS, Martin County began implementing preparations to address the serious public health threat on January 31, 2020; and

WHEREAS, on April 1, 2020, the Governor of the State of Florida issued Executive Order 20-91 putting in place a state-wide safer at home order and which permitted various essential businesses and activities during the COVID-19 Emergency; and

WHEREAS, on May 4, 2020, Executive Order 20-112, Phase 1: Safe. Smart. Step-by-Step Plan for Florida's Recovery, which provides measures to slowly re-open Florida, became effective; and

WHEREAS, on May 18, 2020 Executive Order 20-123, Full Phase I: Safe. Smart. Step-by-Step. Plan for Florida's Recovery, which expands measures to re-open Florida, became effective; and

WHEREAS, on June 4, 2020, Executive Order 20-139, Phase 2, Safe. Smart. Step-by-Step. Plan for Florida's Recovery expanding re-opening of businesses in Florida, became effective.

WHEREAS, since the reopening efforts of Executive Order 20-112, Executive Order 20-123 and Executive Order 20-139, Martin County has seen a significant increase in COVID-19 positive cases, and in particular a spike in positive cases over the weeks since the June 5, 2020, Phase 2 re-opening efforts; and

WHEREAS, Martin County currently has 2055 positive COVID-19 cases with record-breaking positive COVID-19 tests results coming in daily and an overall positive test percentage rate of 12.2%, one of the highest in the State of Florida;

WHEREAS, holiday gatherings where large crowds of people are expected will increase the spread of COVID-19; and

WHEREAS, individuals and families often gather in large numbers on Martin County beaches over the Fourth of July weekend, including many tourists and individuals from other places in Florida and elsewhere; and

WHEREAS, Martin County's neighboring counties to the north and south, including Monroe, Miami-Dade, Broward, Palm Beach and St. Lucie Counties, have closed beaches for the Fourth of July holiday weekend to reduce the spread of COVID-19; and

WHEREAS, in the past when Martin County beaches maintained full access while neighboring beaches were closed, Martin County experienced a significant influx of beach patrons from neighboring counties; and

WHEREAS, in an effort to protect the health, safety and welfare of Martin County residents and visitors and take measures to reduce the spread of COVID-19, Martin County needs to prohibit public beach access for the Fourth of July holiday similar to our neighboring counties.

NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:

1. All beaches, beach accesses, and parking for beach accesses in Martin County, Florida are temporarily closed to the public.

2. It shall be unlawful for members of the public to access the beaches in Martin County. This does not apply to property owners or residents and visitors who may access the beach via private beach crossovers.

3. For purposes of this Order the following definitions shall apply:

a. "Beach" shall include all sandy beach areas from the waters of the North Atlantic Ocean to the frontal dune, or where there is no frontal dune, to the line of permanent vegetation or construction, whichever is more seaward; and

b. "Beach access" shall mean public beach access points, including associated boardwalks, walkways, dedicated public parking areas, and the area on the beach beginning at the entrance of the beach.

4. This Order shall become effective at 6:00 p.m. on Thursday, July 2, 2020 and shall be in effect until 7:00 a.m. on Monday, July 6, 2020.

5. Any provisions within this Order that conflict with any state or federal law or constitutional provision, or conflicts with or are superseded by a current or subsequently-issued Executive Order of the Governor of the State of Florida 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 or Indian tribe, such application is expressly excluded from this Order.

6. This Order shall be effective immediately upon execution and will expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent Order.

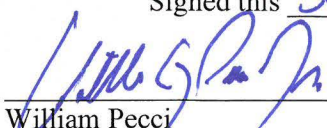
7. This Order is in addition to the Executive Orders issued by Governor DeSantis.

8. Prior resolutions and emergency orders remain in full force and effect unless modified or superseded.

9. This Emergency Order shall be enforced pursuant to section 252.47, *Florida Statutes*. Violation of this Emergency Order is punishable pursuant to section 252.50, *Florida Statutes* as a misdemeanor of the second degree.

10. This Order shall be filed in the Office of the Clerk of the Circuit Court.

Signed this 30th day of June, 2020 at 3:30 (am) (pm).



William Pecci
Interim Emergency Management Director
Martin County Board of County Commissioners



Concurrence: Taryn Kryzda
County Administrator
Martin County Board of County Commissioners

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Sarah W. Woods
County Attorney
Martin County Board of County Commissioners

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