

RESOLUTION NO. 20 - 39
ORDER CLARIFYING LOCAL RESTRICTIONS

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 addition to other subsequent Executive Orders issued by the Governor, the Governor found it necessary and appropriate to take action to slow the spread of COVID-19, and accordingly issued Executive Order 20-91 (EO 20-91) on April 1, 2020, restricting the movements and activities of people throughout the State of Florida as provided therein; and

WHEREAS, the Governor has subsequently issued Executive Order 20-112 (EO 20-112), which modified these restrictions to establish the beginning of a phased re-opening process, and provided parameters for the conduct of permitted business operations, directed compliance with health and safety practices as established by the Centers for Disease Control and Prevention (CDC), and elaborated other restrictions and modifications to previous orders; 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, 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 playgrounds; and

WHEREAS, in order to support and accomplish the public health goals and guidance of the CDC as fully as possible, an order reconciling the provisions of previous orders of the Board by modifying, suspending, or terminating certain prior restrictions will clarify those restrictions that are to remain in effect and will aid both public compliance therewith as well as the burden on the law enforcement personnel and others charged with enforcing its terms; 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 1st day of May 2020:

- 1) It is the intent of the Board to give effect to and support the enforcement of the provisions of the Governor's orders, as they may be updated and modified in the future, and including as most recently expressed in EO 20-112. The Board does not intend to prohibit the operation of libraries or museums, as addressed in EO 20-112, nor does the Board by this resolution alter the effect of Resolution 20-34 pertaining to public beaches.
- 2) Effective concurrently with the effective date and time of the Governor's EO 20-112, Resolution 20-20 and Resolution 20-23 are hereby terminated.
- 3) Notwithstanding the termination of Resolution 20-20, publicly accessible playgrounds and publicly accessible pools continue to be restricted, except that they may remain open and operate in accordance with the standards set out in Resolutions 20-33 and Resolution 20-35.

- 4) All businesses, operations, and organizations continuing to operate pursuant to the Governor's orders, in addition to any other operational requirement expressed therein, must to the maximum extent possible implement and comply with current CDC guidance regarding social distancing and hazard mitigation, including but not limited to guidance regarding personal proximity, sanitization, and hygiene.
- 5) All members of the public should monitor the most current CDC guidance regarding personal protective measures, and are therefore strongly encouraged to wear a cloth face covering while indoors in public, as well as maintain compliance with all other standards and recommendations provided by the CDC.

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 is effective immediately upon filing with the Clerk of the Circuit Court which will happen at the close of this meeting.

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, terminated, or superseded.

Commissioner Long offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Welch, 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