

ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-4

**AN EMERGENCY ORDER PROVIDING FOR THE CLOSURE TO PUBLIC USE OF ALL BEACHES AND WATERS OF THE ATLANTIC OCEAN SITUATED WITHIN THE GEOGRAPHIC BOUNDARIES OF ST. JOHNS COUNTY, FLORIDA, EXCEPT FOR CERTAIN SPECIFIED ACTIVITIES BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 P.M.; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PERIODIC REVIEW OF THE EMERGENCY ORDER; REPEALING AND RESCINDING EMERGENCY ORDER NOS. 2020-1 AND 2020-3; AND PROVIDING FOR AN EFFECTIVE DATE AND EXPIRATION DATE.**

WHEREAS, on March 17, 2020, ST. JOHNS COUNTY EMERGENCY PROCLAMATION NO. 2020-1 declared a state of local emergency due to 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 24, 2020, March 31, 2020, April 7, 2020, and April 14, 2020, pursuant to section 252.38(3)(a)(5) of the Florida Statutes, the Board of County Commissioners extended the state of local emergency for seven (7) additional days and, further, retained, ratified, and continued in time for the duration of the emergency proclamation all emergency powers authorized by the emergency proclamations; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) and the Florida Department of Health (FDOH) continue to provide guidance to reduce the introduction of COVID-19 into new communities and to slow the spread of infection in communities already affected by the virus; and

WHEREAS, the CDC and FDOH report that COVID-19 is spread by close social contact, including among individuals who are currently asymptomatic; and

WHEREAS, on March 17, 2020, the Governor of the State of Florida issued Executive Order No. 20-68, which, among other things, directed that gatherings on public beaches in the State of Florida be limited in accordance with such CDC guidance and expressly supported beach closures at the discretion of local authorities; and

WHEREAS, on April 1, 2020, the Governor issued Executive Order No. 20-91, which, among other things, directed all persons in Florida to limit their movements and personal interactions outside of their homes to only those necessary to obtain or provide "essential services" or conduct "essential activities," defined to include "participating in recreational activities (consistent with social distancing guidelines) such as walking, biking, hiking, fishing, hunting, running, or swimming" as essential activities; and

WHEREAS, as part of efforts to address emergency conditions caused by COVID-19 and assist affected citizens and properties, St. Johns County has sought to reduce the threat of large scale exposure by eliminating the potential for residents, visitors, and others to congregate in large gatherings, including on public beaches situated within the geographic boundaries of St. Johns County, Florida; and

WHEREAS, on March 28, 2020, St. Johns County entered ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-1, ordering that, effective at 6:00 A.M. on Sunday, March 29, 2020, all public beaches situated within the geographical boundaries of St. Johns County, Florida shall be closed to public access; and

WHEREAS, on April 6, 2020, St. Johns County entered ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-3, declaring that an emergency condition endangering the safety of the public exist pursuant to Section 3.10 of the St. Johns County Beach Code, Ordinance No. 2007-19 (Beach Code) and continuing the closure of the beach, while further clarifying the extent and duration of the closure and setting forth enforcement procedures; and

WHEREAS, while the restrictions of ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-1 and 2020-3 have been necessary to help “flatten the curve” of individuals diagnosed with COVID-19 in order to limit exposure and help preserve resources and personnel to effectively respond to this medical emergency and have proven to be effective in doing so, they have nonetheless been a hardship to the public; and

WHEREAS, in accordance with ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-3, the County Administrator has continued to periodically review the necessity of continuing the provisions of the Emergency Order and whether the beach, or any part of it, may be reopened for use by the public, in consideration of the health, safety, and welfare of the public; and

WHEREAS, St. Johns County further recognizes that, while Section 3.10 of the Beach Code provides St. Johns County, as delegated by the Board of County Commissioners to certain administrative officials including the County Administrator, with the authority to temporarily close the entire beach in the case of emergency or other condition endangering the safety of the public, it also authorizes St. Johns County to restrict use of the beach or use of the ocean for any purpose not preempted for regulation by the federal or state government, as the circumstances may warrant; and

WHEREAS, while the COVID-19 crisis has not yet passed, and St. Johns County finds that an emergency and conditions that endanger the safety of the public continue to exist under Section 3.10 of the Beach Code, some of the restrictions imposed by ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-1 and 2020-3 may be safely lifted in a limited, measured, and thoughtful way; and

WHEREAS, through this Emergency Order, St. Johns County intends to continue to reduce the threat of large scale exposure from high numbers of individuals gathered for social, commercial, and non-essential purposes through restrictions that are consistent with CDC and FDOH guidance regarding the spread of this rapidly transmitted disease and with its impact on limited health, medical and administrative resources; and

WHEREAS, St. Johns County deems it necessary to make such efforts in order to protect the health, safety, and welfare of the public.

NOW THEREFORE, in accordance with the emergency power vested in the County pursuant to Chapter 252, Florida Statutes, and the authority vested in the County Administrator pursuant to Section 6 of St. Johns County Ordinance No. 2019-40 and Section 3.10 of the St. Johns County Beach Code, Ordinance No. 2007-19, it is hereby ordered:

1. The definitions set forth in Section 1.01 of the Beach Code are hereby incorporated into this Emergency Order.

2. It is hereby declared that, pursuant to Section 3.10 of the Beach Code, there continues to exist an emergency and conditions endangering the safety of the public, requiring the temporary closure or restriction for use by the public of the entire beach and, except as may be preempted by the federal or state government, the waters of the Atlantic Ocean.

3. The entire beach and, except as may be preempted by the federal or state government, the waters of the Atlantic Ocean situated within the geographical boundaries of St. Johns County, Florida are hereby **CLOSED** for use by the public, except under the following conditions:

A. The beach and the waters of the Atlantic Ocean shall be open and accessible between the hours of **6:00 a.m. and 12:00 p.m.** to persons engaged in walking, running, exercising, surfing, biking, fishing, swimming, or such other uses that require physical activity. They shall remain closed at all other times and to all other activities.

B. All persons engaged in any activity permitted by subsection A, above, shall comply with a minimum of six (6) foot social distancing and all other social distancing recommendations and orders of the federal and state government and shall leave the beach upon completion of such permitted activity.

C. Grouping of more than ten (10) persons, commercial activities, group sports, and activities that do not require motion, including but not limited to sunbathing, sitting in chairs, and laying on blankets, are expressly prohibited on the beach and in the waters of the Atlantic Ocean.

D. No person present on the beach may possess or utilize any blanket, chair, cooler, umbrella, tent, shelter, or other item that promotes a stationary or sedentary presence.

E. On-duty lifeguards may not be present. All activities permitted by subsection A, above, including swimming, surfing or other beach or water related physical activities, shall be **AT YOUR OWN RISK**.

F. ADA accommodation for those persons wishing to engage in any activity permitted by subsection A, above, shall be provided pursuant to existing St. Johns County policy.

4. It shall be a violation of this Emergency Order for any person to be present on the beach or in the waters of the Atlantic Ocean at any time, or when not engaged in an activity, other than as specified in Section 3, above, or to otherwise fail to comply with any provision of Section 3, above.

5. The prohibitions of Section 3 of this Emergency Order shall not apply to law enforcement or authorized emergency personnel, when necessary for the performance of their official duties, or to the use of a boat or vessel within the waters of the Atlantic Ocean, when used in accordance with all applicable provisions of the Beach Code and with CDC and FDOH guidance regarding social distancing.

6. Violations of this Emergency Order may be enforced by any methods allowable in law or 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 Section 10.00 of the Beach Code.

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.

7. ST. JOHNS COUNTY EMERGENCY ORDERS 2020-1 and 2020-3 are hereby rescinded and replaced by this Emergency Order; provided, however, that nothing in this Emergency Order shall affect the validity of any enforcement action or proceedings undertaken pursuant to ST. JOHNS COUNTY EMERGENCY ORDERS 2020-1 or 2020-3 prior to the effective date of this Emergency Order.

8. The County Administrator will periodically review the necessity of continuing the provisions of this Emergency Order and whether the beach, or any part of it, may be reopened for all use by the public, in consideration of the health, safety, and welfare of the public.

9. This Emergency Order shall be effective immediately upon filing with the Clerk, in accordance with Section 252.46, Florida Statutes, and shall expire upon the expiration of ST. JOHNS COUNTY EMERGENCY PROCLAMATION 2020-1, including any extension thereof.

DONE and ORDERED this 17 day of April, 2020.

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA

Hunter S. Conrad  
Hunter S. Conrad  
County Administrator

ATTEST: Brandon Patty, Clerk

By: Kelly Walsh  
Deputy Clerk

