

ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020- 5

AN EMERGENCY ORDER PROVIDING FOR THE OPENING TO PUBLIC USE OF ALL BEACHES AND WATERS OF THE ATLANTIC OCEAN SITUATED WITHIN THE GEOGRAPHIC BOUNDARIES OF ST. JOHNS COUNTY, FLORIDA, SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PERIODIC REVIEW OF THE EMERGENCY ORDER; REPEALING AND RESCINDING EMERGENCY ORDER NO. 2020-4; AND PROVIDING 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, April 14, 2020, April 21, 2020, and April 28, 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 (Department) 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 Department report that COVID-19 is spread by close social contact, including among individuals who are currently asymptomatic; 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 and April 6, 2020, St. Johns County entered ST. JOHNS COUNTY EMERGENCY ORDER NOS. 2020-1 and 2020-3, respectively, ordering that all public beaches situated within the geographical boundaries of St. Johns County, Florida shall be closed to public access and setting forth enforcement procedures; and

WHEREAS, while the restrictions of ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-1 and 2020-3 were 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 public health emergency, and have proven to be effective in doing so, they nonetheless presented a hardship to the public; and

WHEREAS, in accordance with ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-3, the County Administrator has periodically reviewed the necessity of continuing the closure of the beach 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, on April 17, 2020, St. Johns County entered ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-4, which, among other things, continued the closure of the beach, but allowed members of the public engaged in uses that require physical activity, such as walking, running, exercising, surfing, biking, fishing, and swimming, to access the beach between the hours of 6:00 a.m. and 12:00 p.m., provided all such person comply with social distancing recommendations and certain other conditions; and

WHEREAS, for more than two weeks, the County Administrator, together with law enforcement and public officials and representatives of municipalities in St. Johns County have monitored compliance with the provisions ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-4 and have found the public to be generally cooperative without the need of either criminal or noncriminal enforcement; and

WHEREAS, St. Johns County has also monitored the policies, directives, and experiences of other nearby local governments that had lifted or relaxed restrictions on public beaches in order to identify "best practices" and other actions that would be suitable for St. Johns County, as it continues to mitigate the spread of COVID-19, while providing for the health, safety, and welfare of the public, including through outdoor activities and recreation; and

WHEREAS, the CDC and the Department have emphasized the importance and benefits of exercise, performed in a manner consistent with CDC social distancing guidance, on both physical and mental health during this crisis; and

WHEREAS, it is beneficial for the public to have an opportunity for outdoor activity and, for that purpose, to make the beaches accessible, while continuing to monitor the access to ensure the health, safety, and welfare of the public; and

WHEREAS, St. Johns County continues to review and consider the changing information and dynamics of the COVID-19 crisis and impacts on the community; and

WHEREAS, while the COVID-19 crisis has not yet passed such that an emergency and conditions that endanger the safety of the public continue to exist under Section 3.10 of the St. Johns County Beach Code, Ordinance No. 2007-19 ("Beach Code"), St. Johns County finds that many of the restrictions imposed by ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-4 may be further lifted in a measured and thoughtful way, including, specifically, restrictions on the hours of public access to the beach and the activities permitted on the beach, provided that beachgoers continue to comply with social distancing recommendations and orders and the provisions of the Beach Code; 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 Department 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 recitals set forth above are true and correct and incorporated by reference into the body of this Emergency Order and adopted as findings of fact.

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

3. 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 restriction of 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.

4. 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 **OPEN** for use by the public, subject to the following restrictions:

A. All persons on the beach and in the waters of the Atlantic Ocean shall comply with the provision of the Beach Code and with a minimum of six (6) foot social distancing and all other social distancing recommendations and orders of the federal and state governments.

B. Special Events and groups of more than ten (10) persons are prohibited on the beach and in the waters of the Atlantic Ocean.

C. On-duty lifeguards may not be present. Use of the beach and the waters of the Atlantic Ocean, including for swimming and surfing, shall be **AT YOUR OWN RISK**.

D. The beach remains **CLOSED** to motor vehicle access until further notice.

5. Failure to comply with any of the restrictions of Section 4, above, shall be a violation of this Emergency Order. 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.

6. ST. JOHNS COUNTY EMERGENCY ORDER NO. 2020-4 is 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 ORDER NO. 2020-4 prior to the effective date of this Emergency Order.

7. 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 without restriction, in consideration of the health, safety, and welfare of the public.

8. This Emergency Order shall be effective at 12:01 a.m. on May 4, 2020, and shall expire upon the expiration of ST. JOHNS COUNTY EMERGENCY PROCLAMATION 2020-1, including any extension thereof.

DONE and ORDERED this 1 day of May, 2020.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

Hunter S. Conrad
Hunter S. Conrad
County Administrator

ATTEST: Brandon Patty, Clerk

By: [Signature]
Deputy Clerk

