

RESOLUTION NO. 20 - 143
ORDER EXTENDING STATE OF LOCAL EMERGENCY

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 has extended the State of Emergency in subsequent Executive Orders; and

WHEREAS, since that time, the Governor has found it necessary and appropriate to issue additional Executive Orders to slow the spread of COVID-19, and has modified existing restrictions to implement a phased re-opening process, and has 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 state of local 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 support and accomplish the public health goals required by the response to COVID-19 and to implement the guidance of the

CDC as fully as possible, an order extending the state of local emergency in Pinellas County is necessary; and

WHEREAS, Section 252.38(3)(a)5, Florida Statutes, provides authority for a political subdivision such as Pinellas County to exercise emergency powers; 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 6th day of October 2020:

- 1) That based on the facts and circumstances as outlined above there exists a legal and factual basis for the County to remain under a State of Local Emergency until 3:00 P.M. Friday October 16, 2020 and the State of Local Emergency is hereby extended until such time.

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 or superseded.

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