



**EMERGENCY ORDER NUMBER 6
PALM BEACH COUNTY COVID-19
BEACHES**

WHEREAS, on March 1, 2020, Governor Ron DeSantis, issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52 declaring a state of emergency for the State of Florida as a result of COVID-19; and

WHEREAS, on March 13, 2020, pursuant Section 252.35(3)(a)(5), Florida Statutes, Palm Beach County declared a local State of Emergency due to the Coronavirus pandemic, which has since been extended in accordance with applicable law; and

WHEREAS, on March 17, 2020, Governor Ron DeSantis issued Executive Order 20-68 which, along with restrictions to bars and restaurants, and pursuant to section 252.36(5)(k), Florida Statutes, directed parties accessing public beaches in the State of Florida to follow the CDC guidance by limiting their gatherings to no more than 10 persons, distance themselves from other parties by 6 feet, and supported beach closures at the discretion of local authorities; and

WHEREAS, on March 20, 2020, Governor Ron DeSantis, after consultation with Broward County and Palm Beach County authorities, both of which requested application of the United States Centers for Disease Control (CDC) recommendations, issued Executive Order 20-70 which, along with on-premise service restrictions to restaurants, bars, taverns, pubs, night clubs, banquet halls, cocktail lounges, cabarets, breweries, cafeterias and any other alcohol or food service business with seating for more than (10) people, closed all movie theaters, concert halls, auditoriums, playhouses, bowling alleys, arcades, gyms, fitness studios, and beaches; and

WHEREAS, on March 20, 2020, also pursuant to Executive Order 20-70, Governor Ron DeSantis further directed that the Broward County Administrator and the Palm Beach County Administrator shall have the ability to enforce, relax, modify or remove these closures, as warranted, pursuant to the directives and parameters as set forth in Executive Order 20-68; and

WHEREAS, on March 31, 2020, Governor DeSantis signed Executive Order 20-90, extending the closure of beaches in Broward County and Palm Beach County while reiterating the authority of the Broward County Administrator and the Palm Beach County Administrator to enforce, relax, modify or remove these beach closures, as warranted, pursuant to the directives and parameters set forth in Executive Order 20-68; and

WHEREAS, on April 1, 2020, Governor Ron DeSantis signed Executive Order 20-91, which highlighted that participating in recreational activities (consistent with social distancing) such as walking, biking, hiking, fishing, running or swimming as activities important to our residents; and

WHEREAS, on April 15, 2020, Governor Ron DeSantis appointed the Re-Open Florida Task Force, which is charged with developing a plan for safely reopening the state; and

WHEREAS, on April 16, 2020, President Donald J. Trump issued the White House's Guidelines for Opening Up America Again, a three-phased approach based on the advice of public health experts, to help state and local officials when reopening their economies, getting people back to work, and continuing to protect American lives; and

WHEREAS, on April 29, 2020, Governor Ron DeSantis signed Executive Order 20-112, a Phase 1: Safe Smart Step-by-Step Plan for Florida's Recovery, under which the Governor adopted certain recommendations of the Re-Open Florida Task Force to safely and strategically re-open the State; and

WHEREAS, on April 29, 2020, also pursuant to Executive Order 20-112, Governor Ron DeSantis directed that allowances for services and activities within Miami-Dade, Broward, and Palm Beach Counties for businesses directly addressed in, and business services affected by, previous Executive Orders will be considered in consultation with the local leadership of those Counties; and

WHEREAS, at the May 5, 2020 meeting of the Palm Beach County Board of County Commissioners, staff was directed to draft an Emergency Order allowing for the reopening of beaches in Palm Beach County; and

WHEREAS, at that same meeting, the Palm Beach County Board of County Commissioners directed that a letter be sent to Governor Ron DeSantis requesting that Palm Beach County be included under Phase 1 of Executive Order 20-112; and

WHEREAS, on May 9, 2020, Governor Ron DeSantis signed Executive Order 20-120 which, in addition to permitting services at barbershops, cosmetology salons, and cosmetology specialty salons, with precautionary measures, also extended Executive Order 20-112 and directed that the restriction in Section 2(A)(2) of Executive Order 20-112 no longer applies to Palm Beach County; and

WHEREAS, in review of Department of Health data related to specific indicators used to measure the spread of COVID-19, it has been determined that our key indicators suggest and may allow for certain socially distanced recreational activities and related facilities may be able to resume operations under specific CDC and County guidelines; and

WHEREAS, in the interest of their physical fitness and mental well-being, walking, running, hiking, boating, and fishing, are important recreational outlets for residents of Palm Beach County; and

WHEREAS, in collaboration with health professionals, emergency management, municipalities, law enforcement, and private entities, Palm Beach County desires to safely reopen beaches in Palm Beach County while taking direct steps utilizing accepted safety and health protective guidelines to prevent the spread of COVID-19 within the community;

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to Palm Beach County Code Chapter 9, Article II, Section 9-35, as well as the authorities granted to me by the Declaration of Emergency issued by Governor DeSantis in Executive Order 20-52, by Chapter 252, Florida Statutes, by the Board of County Commissioners, by the Palm Beach County Comprehensive Emergency Management Plan, and as otherwise provided by law, I hereby order as follows:

Section 1: The foregoing recitals are incorporated herein by reference.

Section 2. This Emergency Order is supplemental to and in addition to any additional Executive Orders that may be issued by the President of the United States or Governor DeSantis that may be applicable to Palm Beach County. All provisions of the prior Palm Beach County Emergency Orders remain in effect, except any provisions conflicting with this Order, or conflicting with any order of the President of the United States or the Governor of the State of Florida.

Section 3. Applicability. This Emergency Order applies to incorporated and unincorporated areas within Palm Beach County, but has no application to federal, state, or tribal lands.

Section 4. Beach Reopenings. All public, municipal, and private beaches, including all beach parks (collectively, "Beaches"), in Palm Beach County shall be authorized to reopen from sunrise to sunset and subject to the requirements set forth in this Order.

- A. Parties accessing the Beaches shall follow CDC guidelines by limiting gatherings to no more than 10 persons and distancing themselves from other parties by 6 feet.
- B. Beach concessions including, but not limited to, chair, umbrella and cabana services may operate following CDC guidelines related to social distancing and sanitation.

- C. The County-owned South Inlet Park will remain closed until such time as the City of Boca Raton opens their beaches. Notwithstanding same, the County retains all authority to enter such additional or further orders or instructions concerning the South Inlet Park as it may deem appropriate.

Section 5. Enforcement. The Sheriff of Palm Beach County, other law enforcement agencies, including municipal law enforcement agencies, and any other personnel authorized by law, including, but not limited to, the personnel described in Section 9-37 of the Palm Beach County Code of Ordinances, are authorized to enforce this Order.

Section 6. Severability. Any provision(s) within this Emergency 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 Emergency Order, with the remainder of the Emergency Order remaining intact and in full force and effect. To the extent application of some or all the provisions of this Emergency Order is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Emergency Order.

Section 7. Effective Date; Duration. This order shall be effective as of 12:01 a.m. on May 18, 2020. This order shall expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier amended or terminated by subsequent Emergency Order.

PALM BEACH COUNTY

By: *Verdenia C. Baker*
County Administrator

May 16, 2020
Date

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: *Denise Marie Nieman*
County Attorney

**ATTEST
CLERK & COMPTROLLER**

By: *Shaun R. Beck*
Deputy Clerk