

Resolution No. 2020-03

HAMILTON COUNTY, FLORIDA EMERGENCY ORDER ~~2020-01~~

AN EMERGENCY ORDER OF THE BOARD OF COUNTY COMMISSIONERS FOR HAMILTON COUNTY, FLORIDA, REQUIRING CLOSURE OF COUNTY PARKS, RECREATION AREAS, AND COMMUNITY CENTERS AND OF REQUIRING CLOSURE OF GAMING PARLORS AND RACE TRACKS, AND SIMILAR BUSINESSES FOR DURATION OF THE COVID-19 PANDEMIC EMERGENCY

WHEREAS, Resolution 2020-01 was adopted on March 17, 2020, declaring the existence of a Local State of Emergency (“LSE”) due to the COVID-19 pandemic and concurrent states of emergency declared to exist at the federal and state levels;

WHEREAS, by Resolution 2020-01, the Board of County Commissioners has invoked its emergency powers pursuant to Florida Statutes Section 252.38, and that statute provides the County with the authority to take whatever prudent action is necessary to ensure the health, safety and welfare of the community;

WHEREAS, on March 20, 2020, Governor Ron DeSantis issued Executive Order 20-71, ordering the closure of gymnasiums and fitness centers, suspending on-premises food consumption at all restaurants in the State of Florida, and suspending on-premises consumption of alcoholic beverages throughout the State;

WHEREAS, the Governor’s orders in Executive Order 20-71 were each predicated on an urgent need to restrict gatherings of ten (10) or more people as part of the Centers for Disease Control’s “15 Days to Stop the Spread” initiative to slow the spread of the COVID-19 virus in communities through the United States;

WHEREAS, the findings of the Governor’s office in Executive Order 20-71 are clear and compelling, and are found by the Board of County Commissioners to be equally applicable to gaming parlors;

WHEREAS, since the implementation of social distancing protocols in gaming parlors and race tracks have not been observed to limit their operations or otherwise modify their operations to implement social distancing protocols in their establishments;

WHEREAS, the continuing use of parks, recreation areas, and community centers as well as continuing operation of gaming parlors and race tracks during the COVID-19 pandemic all pose a clear danger to the public health and welfare of the citizens of Hamilton County; and

WHEREAS, pursuant to Florida Statutes Section 252.38(1), the County, by and through its Board of County Commissioners, has emergency jurisdictional authority over the entirety of this County.

NOW, THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, FLORIDA, AS FOLLOWS:

1. All parks, recreation areas, ^{excluding boat ramps WA} and community centers located within Hamilton County, Florida, are declared to be closed as of the effective date and time of this Order. Said parks, recreation areas, and community centers shall remain closed until such time as the COVID-19 pandemic state of emergency ceases to exist or the restriction imposed by this order is lifted by the Board of County Commissioners in writing.

2. All gaming parlors and race tracks located within the jurisdictional boundaries of Hamilton County are ordered closed as of the effective date and time of this order. All such businesses shall remain closed until such time as the COVID-19 pandemic state of emergency ceases to exist or the restriction imposed by this order is lifted by the Board of County Commissioners in writing.

a. For purposes of this order, a "gaming parlor" is any establishment offering onsite for in-person use or enjoyment any: games, games of chance, sweepstakes, gambling, board gaming, bingo, poker, slot machines, video games, or any other similar form of entertainment for which patrons pay for or offer any consideration of any kind for the privilege or chance to participate. This definition is to be broadly construed by law enforcement officers so as to eliminate the gathering of people in such establishments and the associated increased risk of spreading COVID-19 that is created by such gatherings.

b. For purposes of this order, a "race track" is a facility built for racing of vehicles, athletes or animals.

Any violation of these emergency measures shall subject the violator to arrest and criminal prosecution pursuant to Section 252.50, Florida Statutes, or as any other violation of County ordinances.

Pursuant to the County's authority of Section 252.38, Florida Statutes, this order shall supersede all prior or conflicting orders of any municipality within Hamilton County; however, any municipality with Hamilton County may issue such emergency orders which exceed the minimum requirements of this order except upon property that is owned by Hamilton County, which shall be solely governed by this order.

This Emergency Order shall become effective on 3/25/20.

This Emergency Order shall expire on 4/1/20.

BOARD OF COUNTY COMMISSIONERS, HAMILTON COUNTY, FLORIDA.

By: Robert E. Brown
ROBERT EARL BROWN, Chairman

Attest: [Signature]
Greg Godwin, Clerk