EMERGENCY ORDER NUMBER 21
PALM BEACH COUNTY COVID-19
ADDITIONAL DIRECTIVE ON RECREATIONAL FACILITIES

WHEREAS, COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, constitutes a clear and present threat to the lives, health, welfare, and safety of the people of Palm Beach County; 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 to Section 252.38(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 24, 2020, Governor Ron DeSantis also issued Executive Order 20-83 directing the State Surgeon General and the State Health Officer to issue a public health advisory for senior persons and persons that have a serious underlying medical condition that places them at a high risk of severe illness from COVID-19 to stay at home. Such conditions include, but are not limited to, chronic lung disease or moderate to severe asthma; serious heart conditions; immunocompromised status, including those in cancer treatment; and severe obesity; and

WHEREAS, Governor Ron DeSantis has issued a number of subsequent Executive Orders in response to the COVID-19 pandemic, including Executive Order 20-112, a Phase 1: Safe Smart Step-by-Step Plan for Florida's Recovery, under which the Governor re-opened certain businesses; Executive Order 20-120 which, among other things, served to include Palm Beach County under Phase 1; and Executive Order 20-123, in which the Governor extended and brought all Florida counties into Full Phase 1; and

WHEREAS, the County Administrator pursuant to the authorities cited below has issued various Emergency Orders, including Emergency Order 2020-005, effective April 29, 2020, as amended by Emergency Order 2020-007, effective May 18, 2020, and Emergency Order 2020-011, effective June 11, 2020, providing for the phased restart of boating and marine activities, golf courses, public and private parks, natural areas, tennis courts and community pools; and

WHEREAS, Governor Ron DeSantis in Executive Order 20-131 modified Executive Order 20-123 to allow organized youth activities to operate, including youth sports teams and leagues, youth clubs and programs, child care, summer camps, and youth recreation camps; and

WHEREAS, Palm Beach County experienced a sharp increase in the number of positive cases of COVID-19 in late May, June and July and numerous virus control strategies including but not limited to restrictions on business operations and events, facial covering and social distancing mandates, cleaning and hygiene requirements, testing, and public education were employed to slow the spread of the virus; and

WHEREAS, the County Administrator, in conjunction with the Board of County Commissioners, has now determined that, given the above-mentioned interventions, the necessary plans are in place for the safe reopening of playgrounds and certain other park facilities; and

WHEREAS, the health benefits of exercise and play activities for children and adults are widely recognized by the CDC and all other legitimate health organizations; and

WHEREAS, it is desirable and prudent at this time to further amend Palm Beach County's Emergency Order 2020-005 to allow for the reopening of playgrounds and certain other park facilities.

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 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:

1. The foregoing recitals are hereby incorporated herein by reference.

2. This Order applies in all incorporated and unincorporated areas of Palm Beach County.

3. Emergency Order 2020-005, as amended by Emergency Order 2020-007 and Emergency Order 2020-011, is hereby further amended as follows:

    a. Attachment 4, Revision 2 contained in Emergency Order 2020-011 and entitled "Public Parks, Private Parks, and Natural Areas Reopening Requirements" is revised to permit the following activities, with all users assuming any and all risks associated with utilizing the activities:

        1. Skate parks and bicycle tracks may be open with supervision as determined by park management;
        2. All park playgrounds, water playgrounds, play and exercise equipment may be open;
        3. Water fountains may be open;
        4. Volleyball courts may be open;

5. Campgrounds may begin taking reservations for stays on or after October 1, 2020;
6. Supervised sports facilities with lights may be open after sunset; and
7. Adult sports activities and leagues are permitted.

All other provisions of Emergency Order 2020-005, as amended by Emergency Order 2020-007, and Emergency Order 2020-011 remain in full effect to the extent not in conflict with the provisions of this Order.

4. 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 in accordance with the provisions of Emergency Order 2020-017, and any subsequent amendments thereto.

5. Any provision(s) within this Amendment 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 Amendment, with the remainder of the Amendment remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Amendment is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Amendment. The provisions of this Amendment shall supersede the specific provisions of any previously issued County Emergency Order that is contrary to or in conflict with this Amendment.

6. This Amendment shall be effective as of 5:00 p.m. on August 27, 2020. This Amendment shall expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent order.

PALM BEACH COUNTY

By: _____
County Administrator

8/27/2020
Date

APPRPOVED AS TO
LEGAL SUFFICIENCY

By: *Denise Marie Nieman*
County Attorney

ATTEST
CLERK & COMPTROLLER

By: _____
Clerk