



TOWN OF MELBOURNE BEACH, FLORIDA
EMERGENCY EXECUTIVE ORDER NO. 2020-03 REGARDING COVID-19
Limiting Hours for Access to Beach

WHEREAS, Governor DeSantis issued Executive Order No. 20-51 on March 1, 2020 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, the State of Florida Surgeon General and State Health Officer declared on March 1, 2020 that a public health emergency exists in the State of Florida as a result of COVID19; and

WHEREAS, Governor DeSantis issued Executive Order No. 20-52 on March 9, 2020 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued the 15 Days to Slow the Spread guidance on March 16, 2020 advising individuals to adopt far-reaching social distancing measures, and avoiding gatherings of more than 10 people; and

WHEREAS, Governor DeSantis issued Executive Order No. 20-68 on March 17, 2020, in partial response to information reflecting individuals were not adhering to the CDC's social distancing measures and gathering limitations; and

WHEREAS, Executive Order No. 20-68 directed parties accessing public beaches to follow the CDC guidance, and further "[supported] beach closures at the direction of local authorities"; and

WHEREAS, the Town of Melbourne Beach declared a civil emergency/local state of emergency regarding the COVID-19 emergency in the Town on March 18, 2020; and

WHEREAS, as part of the Declaration, the Town authorized the exercise of its authority and powers regarding the COVID-19 emergency to be exercised under the direction of the Mayor to the extent necessary to protect the public health, safety and welfare and the best interests of the Town, and

WHEREAS, traditionally, the Town receives visitors from outside the Town limits and Brevard County to our beaches. The Town is concerned that it will receive an influx of people from outside the Town and Brevard County to its beaches as people are generally still allowed to leave their residences for recreational purposes during the COVID-19 state of emergency, and the Town has concerns of crowds of visitors on the beach making compliance with CDC social distancing recommendations difficult; and

WHEREAS, in reviewing videos of visitors to the beaches both locally and elsewhere in the State, it appears that most beachgoers generally do not comply with the CDC's COVID-19 social distancing and gathering size recommendations.

NOW, THEREFORE, I, JAMES D. SIMMONS, Mayor of the Town of Melbourne Beach, by virtue of above-mentioned authority, and all other applicable laws, promulgate the following Executive Order to take immediate effect.

Section 1. I direct that the beach and public accesses to the beach within the Town be closed on Friday, April 3, 2020, Saturday, April 4, 2020 and Sunday, April 5, 2020 from 11 a.m. to 4 p.m. on each of those dates and from 11 a.m. to 4 p.m. each consecutive Friday, Saturday, and Sunday that follows until further notice.

Section 2. Severability. In the event a court of competent jurisdiction shall hold or determine that any part of this Executive Order is invalid or unconstitutional, the remainder of the Executive Order shall not be affected thereby and it will be presumed that the Mayor did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Mayor would have promulgated the remainder of this Executive Order without said invalid and unconstitutional provision thereby causing said remainder to remain in full force and effect.

Section 3. Effective Date. This Executive Order shall become effective on March 31, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed at Melbourne Beach, Florida, this 31st day of March, 2020.


James D. Simmons, Mayor

ATTEST


Jennifer Torres, Interim Town Clerk