



TOWN OF MELBOURNE BEACH, FLORIDA

EMERGENCY EXECUTIVE ORDER NO. 2020-04 REGARDING COVID-19

Beach Closures with Limited Recreational Activities

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 COVID- 19; 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 ("the Town") adopted a Proclamation on March 18, 2020 declaring a local state of emergency for the Town regarding the COVID-19 emergency; and

WHEREAS, President Donald J. Trump updated and extended the previously issued 15 Days to Slow the Spread guidance on March 31, 2020, renamed it 30 Days to Slow the Spread, and along with the White House Coronavirus Task Force urged Americans to continue to adhere to the guidelines and expand community mitigation efforts; and

WHEREAS, as part of the Proclamation, the Town authorized the exercise of its authority and powers regarding the COVID-19 emergency to be exercised under the direction of the Town 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;

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; and

WHEREAS, Governor DeSantis issued Executive Order 20-91 "Safer-At-Home" which closes non-essential businesses and requires people to be home unless they are going to work, shopping for food, or conducting outdoor recreational activities.

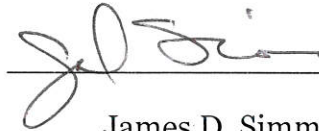
NOW, THEREFORE, I, JAMES D. SIMMONS, as Mayor of the Town of Melbourne Beach, by virtue of above-mentioned authority, and all other applicable laws, promulgate the following Executive Order to take immediate effect.

Section 1. All beaches are closed to all activities except walking, jogging, biking, fishing, surfing and swimming until April 30, 2020. Activities such as sunbathing, sitting in chairs, organized sports or lying on blankets and grouping of persons is not permitted. People will not be allowed to congregate on boardwalks and access areas. Compliance with the CDC recommendations regarding social distancing shall apply. When your activity is complete, you will be required to leave the beach area.

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 Town Mayor did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town 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 April 3, 2020 at 12:58 am/pm.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed at Melbourne Beach, Florida, this 3rd day of April, 2020.



James D. Simmons, Mayor

ATTEST



Jennifer Torres, Interim Town Clerk