

CITY OF JACKSONVILLE BEACH, FLORIDA
EMERGENCY ORDER
COVID-19 STATE OF EMERGENCY - JUNE 24, 2020
(Limitation on Extended Hours On-Premises Alcohol Beverage Sales)

WHEREAS, on March 9, 2020, State of Florida Governor Ron DeSantis issued Executive Order No. 20-52 declaring a statewide state of emergency due to the infectious coronavirus COVID-19 pandemic, and authorizing local governments to waive procedures and formalities otherwise required by law pertaining to public works and taking any prudent action necessary to ensure the public health, safety, and welfare; and

WHEREAS, pursuant to numerous subsequent Governor's Executive Orders, including Executive Order No. 20-114, there remains an affirmed and ratified statewide declared state of emergency; and

WHEREAS, on March 13, 2020, the City of Jacksonville Beach ("City"), issued a Declaration of a State of Emergency ("City's Declaration") in the City, to activate emergency protocols and precautionary proactive measures against the health dangers and deadly transmission of COVID-19 to protect the public health, welfare, and safety of citizens and visitors of the City; and

WHEREAS, the City's Declaration has been extended in seven-day increments by subsequent Declarations, it remains in effect, and future extensions may continue as long as there remains a statewide declared state of emergency or City declared local emergency; and

WHEREAS, on June 3, 2020, Governor DeSantis issued Executive Order No. 20-139, to implement Phase 2 of the plan published by the Task Force to Re-Open Florida, and this included in part, restaurants and other establishments, and bars and other vendors licensed to sell alcoholic beverages for consumption on the premises, may operate at fifty percent (50%) of their indoor capacity, excluding employees, as under Executive Order 20-123, Section 1, and allowed bar areas to be open with seated service, and outdoor seating with appropriate social distancing; and

WHEREAS, recent statistics and reports evidence an alarming increase in reported positive tests of the coronavirus throughout the United States and Florida, especially among persons in the 20s and 30s age groups; while locally, reports show a similar city-wide spread is growing; and

WHEREAS, public health officials have consistently recommended avoiding close physical interaction between people in order to slow or help prevent the spread of COVID-19; and the U.S. Centers for Disease Control ("CDC") recommends social distancing and avoiding large group gatherings, the CDC reports that the virus commonly spreads through respiratory transmission; and

WHEREAS, locally there have been many reports from employees, patrons, groups, owners and managers of restaurants, bars and other establishments that sell alcoholic beverages on-premises, that they have experienced a rapid increase in positive tests for COVID-19; causing many establishments to voluntarily close and take mitigation measures to protect their staff and patrons; and

WHEREAS, residents and businesses have expressed concern and request local safety measures be taken to ensure the health, safety, and welfare of the citizens and community, and to diminish the imminent threat posed by the close social interaction associated with these types of establishments; and

WHEREAS, a large number of patrons and social gatherings in these establishments are not adhering to social gathering protocols set forth by the CDC and Florida Department of Health, and encouraged by the Governor and Task Force; and

WHEREAS, an emergency order and regulation is needed to respond to the rapid increase of spread of COVID-19 in these establishments, and facilitate a safer environment for the health, safety, and welfare of the community; and

WHEREAS, City Code Sec. 2-194(1) authorizes that during a state of emergency, the procedures and formalities otherwise required of the City by law may be waived by the Mayor and City Manager, and may authorize actions pertaining to performing public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community, and the City’s Municipal Comprehensive Emergency Management Plan provides legal authority to issue such emergency orders and regulations; and

WHEREAS, the City issues this Emergency Order and Regulations in conformity with all applicable Florida Laws and City Code in order to ensure the health, safety, and welfare of the community, and to invoke specific emergency efforts during this increasing local health emergency and unique spread and transmission of COVID-19 associated with certain establishments; and

WHEREAS, because of this unprecedented threat to the public health, safety, and welfare there is a compelling government interest in reducing the spread of COVID-19 in the community, residents, patrons, and staff associated with these establishments; actions taken by this Emergency Order are necessary to help achieve that purpose and are narrowly tailored to achieve that purpose.

NOW, THEREFORE, WE, WILLIAM C. LATHAM, MAYOR, AND MICHAEL J. STAFFOPOULOS, CITY MANAGER, OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY VIRTUE OF THE AUTHORITY AND POWERS VESTED IN US BY CHAPTER 252, FLORIDA STATUTES, AND CITY CODE CHAPTER 2, ARTICLE VII, AND ALL APPLICABLE LAWS AND ORDERS, DO HEREBY DECLARE AND ORDER:

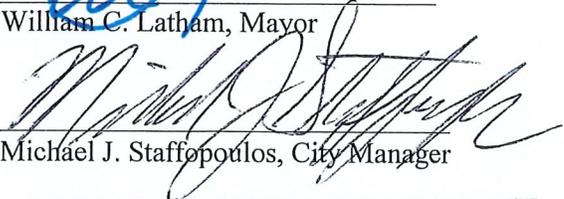
- I. Effective as of 12:01 a.m. on Saturday, June 27, 2020, all establishments in the City of Jacksonville Beach permitted to sell alcoholic beverages for consumption on-premises between the hours of 12:00 midnight and 2:00 a.m., shall not sell, serve or provide any alcoholic beverages between the hours of 12:00 midnight and 2:00 a.m. on-premises or to be taken from the premises for as long as there remains a Florida statewide declared state of emergency or City declared local emergency or unless this Emergency Order is rescinded or modified.
- II. All establishments with extended hours on-premises alcohol sales permits are directed to comply with this Emergency Order, regulations, and measures, and to cooperate with public officials and safety personnel, and to obey and comply with lawful direction of all public officers during the period stated in Section I. above.
- III. Authorized law enforcement, fire marshal and code enforcement personnel shall have authority to enforce compliance with this Emergency Order. These orders and regulations have full force and effect of law. Violation of this Emergency Order is a second-degree misdemeanor pursuant to section 252.50, Florida Statutes, and is punishable by imprisonment not to exceed 60 days, a fine not to exceed \$500, or both, and may result in the revocation, suspension or non-renewal of the violator’s extended hours alcohol sales permit.

IT IS SO DECLARED AND ORDERED THIS 26TH DAY OF JUNE, 2020.

Attest:


Laurie Scott, City Clerk


William C. Latham, Mayor


Michael J. Staffopoulos, City Manager

Approved as to form and legal sufficiency:

Chris Ambrosio, City Attorney