EXECUTIVE ORDER OF THE CITY MANAGER
PROVIDING FOR TEMPORARY MEASURES REGARDING OUTDOOR PUBLIC ASSEMBLIES

RELATED TO GOVERNOR’S DECLARATION OF EMERGENCY 20-52

The following Executive Order was adopted by the City Manager of the City of Melbourne, Florida on the date written below.

WHEREAS, on March 9, Governor DeSantis issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida pursuant to Chapter 252 of Florida Statutes based upon substantial harm related to COVID-19 (“Governor EO 20-52”), as extended by Executive Order 20-114 (“Governor EO 20-114”) and Executive Order 20-166 (“Governor EO 20-166”); and

WHEREAS, pursuant to Section 18-23 of Melbourne City Code, upon the Governor’s said declaration of emergency, the City Manager is authorized to order appropriate emergency measures as set forth in Section 18-26 of Melbourne City Code; and

WHEREAS, on April 29, 2020, Governor DeSantis issued Executive Order 20-112, providing for a Phase 1 Recovery related to COVID-19, which requires local jurisdictions to ensure that groups of people greater than ten are not permitted to congregate in any public space that does not readily allow for appropriate social distancing; and

WHEREAS, on June 5, 2020, Governor DeSantis issued Executive Order 20-139, providing for a Phase 2 Recovery related to COVID-19, which encourages all persons in Florida to avoid congregating in groups larger than 50 persons; and

WHEREAS, on May 26, 2020 the City Manager received direction from City Council regarding temporary measures related to outdoor public assemblies and large group feedings at City recreational facilities.

NOW THEREFORE, IT IS ORDERED BY THE CITY MANAGER OF THE CITY OF MELBOURNE, FLORIDA EFFECTIVE AS OF THE 7th DAY OF AUGUST, 2020:

SECTION 1. That based upon the authority given to me by Sections 18-26(3) and 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, as supplemented by Governor EO 20-114 and Governor EO 20-166, I hereby order the following temporary measures regarding the City’s enforcement of Chapter 42 of City Code as follows:

A. Section 42-25, City Code, is temporarily modified to add the following requirement:

(2) Content. The application for a permit shall set forth the following information, and such information as may from time to time reasonably be required:

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   p. A Safety Plan describing how the applicant intends to implement social distancing and public safety measures consistent with applicable Executive Orders of the Governor, as well as applicable Florida Department of Health and CDC guidelines. The Safety Plan shall comply with the City Clerk’s adopted administrative procedures for Safety Plans for special activity permits pursuant to Section 2-676, City Code.
B. Section 42-28, City Code is temporarily modified to add the following:

The director, after consultation with other directors if necessary and the chief of police, shall issue an outdoor public assembly permit as provided for hereunder when, from a consideration of the application and from other information as may otherwise be obtained, it appears that:

* * *

(10) The Safety Plan submitted for a proposed outdoor public assembly or large group feeding is consistent with applicable Executive Orders of the Governor and applicable Florida Department of Health and CDC public health guidelines for social distancing and gatherings; that the Safety Plan submitted for a proposed outdoor public assembly or large group feeding is feasible to administer; and that participants are likely to comply with the Safety Plan.

SECTION 3. The City is committed to balancing the City’s interest in protecting public health and safety with the First Amendment rights of outdoor public assembly applicants. This Executive Order shall be interpreted and applied in a manner consistent with applicable First Amendment principles.

SECTION 4. The temporary measures of this Executive Order are subject to revision by subsequent Executive Order.

SECTION 5. This Executive Order shall take effect immediately upon adoption, and shall remain in effect for the duration of the Governor’s Executive Order 20-52, as extended by Governor EO 20-166, unless this Executive Order of the City Manager is earlier revoked by the City of Melbourne.

BY: ________________________
Shannon M. Lewis
City Manager of the City of Melbourne