

**AMENDMENT NO. 2 TO
EMERGENCY ORDER NO. 2020-09
STAY AT HOME AND CLOSE ALL NON-ESSENTIAL BUSINESSES IN
ALACHUA COUNTY, FLORIDA**

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 Alachua County; and,

WHEREAS, on March 1, 2020, Governor DeSantis declared a Public Health Emergency because of COVID-19; and, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency because of COVID-19; and,

WHEREAS, on March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic; and, on March 13, 2020, President Trump declared a national emergency concerning COVID-19; and,

WHEREAS, Emergency Order 2020-01 declared a local state of emergency in Alachua County based on the COVID-19 virus on March 16, 2020; and,

WHEREAS, on March 17, 2020, Governor DeSantis issued Executive Order 20-68, prohibiting the sale of alcoholic beverages at certain establishments and placing certain limitations on gatherings for bars, restaurants, and beaches; and,

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention ("CDC") and the Florida State Department of Health recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing of at least six feet between persons in smaller gatherings; and,

WHEREAS, limitations on gatherings and the use of social distancing to prevent transmission of COVID-19 are especially important for people who are over sixty years old and people with chronic health conditions because those populations are at a higher risk of severe illness and death from COVID-19. However, it appears that everyone, regardless of age or health condition, is threatened by COVID-19; and,

WHEREAS, the Florida Department of Health recommends screening requirements for child care workers; and,

WHEREAS, this Emergency Order is necessary to ensure that our healthcare delivery system can serve those who are ill; and

WHEREAS, the continuing operation of essential businesses is necessary to provide essential goods and services to the public; and,

WHEREAS, the Chair of the County Commission is the Official Authority as prescribed in the County's Code Section 27.07; and,

WHEREAS, Pursuant to §252.38(1), Florida Statutes the County shall have jurisdictional authority over the entire county.

THEREFORE, IT IS ORDERED THAT:

1. **Non-essential business and operations must cease.** All businesses and operations in Alachua County, except Essential Businesses and Operations as defined below, are required to cease all activities within the County except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).
2. **Prohibited activities.** All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes permitted by this Emergency Order. Pursuant to current guidance from the CDC, any gathering of more than ten people is prohibited unless exempted by this Order. Nothing in this Emergency Order prohibits the gathering of members of a household or residence.
3. **All places of public assembly are closed to the public.** Whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, water parks, pools, zoos, museums, arcades, fairs, children's play centers, playgrounds, theme parks, bowling alleys, pool halls, movie and other theaters, concert and music halls, country clubs, social clubs and fraternal organizations.
4. **People shall remain in their homes except for leaving the home for essential activities.** For purposes of this Emergency Order, individuals may leave their residence only for any of the following essential activities:
 - a. **For health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.
 - b. **For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - c. **For outdoor activity.** To engage in outdoor activity, provided the individuals comply with social distancing, limiting gatherings to no more than 10 people, and all other measures as advised by the CDC, such as, by way of example and without limitation, walking, hiking, running, or biking. Individuals may go to public parks and open outdoor recreation areas including golf courses. However, playgrounds may increase spread of COVID-19, and are closed.
 - d. **For certain types of work.** To perform work providing essential products and

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services at Essential Businesses or Operations (which, as defined below, includes Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure) or to otherwise carry out activities specifically permitted in this Emergency Order, including Minimum Basic Operations. Such businesses and operations shall practice social distancing and all other measures as advised by the CDC.

- e. **To take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets for activities as allowed by this Emergency Order.
 - f. This Order does not govern the relationship between individuals who live in Alachua County and work in another County. It is up to those employers to determine whether the employee living in Alachua County should appear for work.
 - g. Any business owner or property owner may take the temperature of any individual seeking to enter the property if the temperature is taken in a non-contact method. If the temperature is 100.3 °F. or 38 °C. or above, the individual may have their entry denied.
5. **All Essential Businesses and Operations are encouraged to remain open.** To the greatest extent feasible, Essential Businesses and Operations shall comply with Social Distancing Requirements as defined in this Emergency Order, including by maintaining six-foot distance between both employees and members of the public always, including when any customers are standing in line. OSHA guidelines regarding COVID-19 found in publication 3990 shall be followed. <https://www.osha.gov/Publications/OSHA3990.pdf> or subsequent rules. Workers shall be educated by employers of the standards and require that standards be present on worksites; and an anonymous telephone report line shall be created for employees who believe that they are being required to work in sub-standard conditions. To the extent that there is a governing body or licensure group that imposes more stringent guidelines than OSHA, then the business shall comply with those requirements. All employers are required to allow their employees to wear personal protective equipment.¹
6. **Essential Infrastructure.** For purposes of this Emergency Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provision, operate, maintain and repair Essential Infrastructure.

Essential Infrastructure includes, but is not limited to: food production, distribution, and sale; construction required in response to this public health emergency, hospital construction, and construction of medical facilities and public works construction; building management and maintenance; airport operations; operation and

¹ Underscored language represents additions to this Order from the prior order.

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maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; roads, highways, railroads, and public transportation; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure shall be construed broadly.

7. **Essential Governmental Functions.** For purposes of this Emergency Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support Essential Businesses and Operations are categorically exempt from this Emergency Order.

Essential Government Functions means all services provided by the State or any municipal, township, county, subdivision or agency of government including public universities and colleges and which are needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Government Functions. Each government body shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions. Pursuant to the Governor's Executive Order 20-83, and the Surgeon General's Health Advisory, Employers should make every effort to reduce the onsite workforce to 50% capacity, where possible, to the extent that reduction can be accomplished without significantly disrupting the ability to conduct business.

8. **Nonessential retail and commercial business closed.** All nonessential retail and commercial business locations (meaning all that are not expressly deemed essential as stated in below) are ordered closed except to the extent necessary to perform Minimum Basic Operations. "Minimum Basic Operations" means the minimum activities necessary to maintain the value of inventory, preserve plant and equipment condition, ensure security, process payroll and employee benefits, and facilitate employees working remotely, provided such businesses shall practice, and ensure persons interacting with and within such businesses practice, social distancing and all other measures as advised by the CDC.
9. **The following retail and commercial businesses are deemed Essential Businesses and Operations.** Existing retail and commercial business locations of these businesses may remain open, but shall practice, and ensure persons interacting with and within such businesses practice, social distancing and all other measures as advised by the CDC:

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- a. Healthcare providers and public health operations, including but not limited to: hospitals; doctors' and dentists' offices; urgent care centers, clinics, and rehabilitation facilities; physical therapists; mental health professionals; psychiatrists; therapists; blood and plasma donation services, research and laboratory services; blood banks, medical cannabis facilities; medical equipment, devices, and other healthcare manufacturers and suppliers; reproductive health care providers; eye care centers; home healthcare services providers; substance abuse providers; medical transport services; and pharmacies except to the extent precluded by the Governor's Executive Order 20-72 or any subsequent Executive Order;
- b. Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, baby products, pet supply, liquor, fresh or frozen meats, fish, and tofu, and any other household consumer products (such as cleaning and personal care products)- This includes suppliers for these facilities. This authorization to remain open includes stores that sell groceries and sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operations of residences and other structures;
- c. Residential and Commercial Related Construction, including repairs to existing structures and construction projects which are in progress can continue to completion. Permits for commencement of new construction will not be issued. Commencement of new construction is not permitted. In the case of a project that have multiple discrete elements, such as apartment complexes with multiple buildings, commencement of the next discrete element is not permitted, unless approved by the County Engineer or Growth Management Director. Approval is subject to verification that approval is needed for site or project security, weather mitigation, or to accommodate unique material delivery needs. All construction sites shall provide appropriate sanitary facilities including cleaning schedule for toilets and handwashing stations. New construction permits can be issued for those projects which directly involve issues of health and safety;
- d. Businesses engaged in food cultivation, including farming, livestock, and fishing;
- e. Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- f. Newspapers, television, radio, and other media services;
- g. Gas stations, and auto-supply, automobile dealerships or lots, auto-repair facilities and bicycle repair and sales;
- h. Banks and related financial institutions, insurance, and pawn shops;
- i. Realtors and businesses associated with real estate transactions;

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- j. Hardware, gardening, and building material stores;
- k. Contractors and other tradesmen, building and apartment management and maintenance (including janitorial companies servicing commercial businesses), home security firms, fire and water damage restoration appliance repair personnel, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and other structures;
- l. Businesses primarily providing mailing, logistics, pick-up, and shipping services, including post office boxes;
- m. Private colleges, trade schools, and technical colleges, but only as needed to facilitate online or distance learning, perform critical research, or perform essential functions, and university, college, or technical college residence halls, but only to the extent needed to accommodate students who cannot return to their homes;
- n. Laundromats, dry cleaners, and laundry service providers;
- o. Restaurants and other facilities that prepare and serve food, but subject to the limitations and requirements of the Governor's Executive Orders 20-68, 20-70, and 20-71 And any subsequent Executive Orders including those from the Department of Health. Schools and other entities that typically provide free food services to students or members of the public may continue to do so on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Restaurants and other facilities covered under this section may return to their normal operating hours for takeout only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site under their control. The facilities shall implement employee screening and prohibit any employee from entering the premises if they answer any of the questions below with a yes:
 - 1. Have you returned from international travel or been on a cruise within the last 14 days?
 - 2. Have you been in contact with anyone who has returned from international travel or been on a cruise within the last 14 days?
 - 3. Have you been in any gathering of 50 people or more in the last 14 days?
 - 4. Have you traveled through any airport within the past 14 days?
 - 5. Have you traveled to any area known to have high numbers

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of positive cases of COVID-19, including but not limited to California, Washington, New York, Massachusetts and Washington, D.C.?

6. Have you experienced signs or symptoms of COVID-19, such as fever, cough or shortness of breath?
 - p. Businesses that primarily supply office products needed for people to work from home (but not including businesses that primarily sell or lease furniture);
 - q. Businesses that primarily supply other essential businesses and operations as stated in this Emergency Order, with the support or supplies necessary to operate, and which do not interact with the general public, including cybersecurity firms.
 - r. Businesses that primarily ship or deliver groceries, food, goods, or services directly to residents;
 - s. Airlines, taxis, buses and other private transportation providers;
 - t. Businesses engaged in providing home-based care for seniors, adults, or children;
 - u. Assisted living facilities, nursing homes, adult day care centers, and homebased and residential settings for adults, seniors, children, and/or people with disabilities or mental illness;
 - v. Businesses providing professional services, such as legal or accounting services, to the extent those services are necessary to respond to legally mandated activities and such services cannot be performed as permitted in paragraph 10 below;
 - w. Childcare facilities providing services that enable employees employed by employers exempted in this Emergency Order to work as permitted. To the extent possible, childcare facilities should operate under the following conditions: Childcare must be carried out in stable groups of 10 or fewer (inclusive of childcare providers for the group); children and childcare providers shall not change from one group to another; if more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix or interact with each other. All play equipment used by one group of children must be cleaned and sanitized before use by another group of children. Any child exhibiting symptoms consistent with COVID-19 illness shall not be allowed to stay in the childcare facility; It is recommended that licensed childcare facilities implement the following employee screening by asking the employees the following questions:
 1. Have you returned from international travel or been on a cruise within the last 14 days?

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2. Have you been in contact with anyone who has returned from international travel or been on a cruise within the last 14 days?
3. Have you been in any gathering of 50 people or more in the last 14 days?
4. Have you traveled through any airport within the past 14 days?
5. Have you traveled to any area known to have high numbers of positive cases of COVID-19, including but not limited to California, Washington, New York, Massachusetts and Washington, D.C.?
6. Have you experienced signs or symptoms of COVID-19, such as fever, cough or shortness of breath?

Should any employee meet these criteria it is required the employer take appropriate action under the circumstances.

- x. Businesses operating at any airport, or other government facility, except as provided in the Governor's Executive Order 20-71, which requires all restaurants and food establishments licensed under Chapters 500 and 509, Florida Statutes to suspend on-premises food and alcohol consumption, and except as to businesses operating from Alachua County facilities as to which separate directives have or will be issued;
- y. Logistics providers, including warehouses, trucking, consolidators, fumigators, and handlers;
- z. Telecommunications providers, including sales of computer or telecommunications devices and the provision of home telecommunications;
- aa. Businesses engaged in the provision of propane or natural gas;
- bb. Businesses engaged in the provision of office space and administrative support necessary to perform any of the above-listed activities;
- cc. Businesses providing architectural, engineering, or land surveying services, but only regarding ongoing construction projects in which construction has already commenced;
- dd. Factories, warehouses, manufacturing facilities, bottling plants, or other industrial distribution and supply chain facilities used for essential products and industries for the U.S. domestic market;
- ee. Waste management services, including business engaged primarily in the collection and disposal of waste;
- ff. Hotels, motels, other commercial lodging establishments, and temporary vacation rentals, subject to the limitations stated in the Governor's Executive Order 20-70. They are encouraged to give priority to "Essential Lodgers" which

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are defined as: (1) healthcare professionals; (2) first responders; (3) National Guard members; (4) law enforcement; (5) government employees; (6) airline crewmembers; (7) patients; (8) patients' families; (9) journalists; (10) others providing direct services in response to COVID-19; (11) displaced residents or visitors; (12) persons utilizing hotels as transitional living arrangements; (13) persons sheltering in hotels due to domestic violence; (14) hotel employees, service providers, and contractors; or (15) individuals who, for any reason, are temporarily unable to reside in their home due to exigent circumstances;

- gg. Veterinarians and pet boarding facilities;
 - hh. Mortuaries, funeral homes, and cemeteries including funeral and cremation services;
 - ii. Businesses providing services to any local, state, or federal government, pursuant to a contract with such government and provided such services relate directly to a governmental response to the COVID-19 crisis or government operations during the state of emergency;
 - jj. Any business that employs five or fewer persons, including management/ownership, where the employees do not come in regular contact with the general public in the regular course of business and the business can conduct its business in a manner that complies with the recommended social distancing and other requirements of previous executive orders, except to the extent inconsistent with any Executive Order or regulation issued by the Governor of Florida, the state, or any federal authority;
 - kk. Electrical production and distribution services;
 - ll. Businesses who conduct their business solely over the internet; and
 - mm. Moving, storage and relocation services who must follow CDC policies.
10. In addition to any permitted Minimum Basic Operations, all retail and commercial businesses may perform remote work so that a business's employees may interact with each other and/or with customers solely through electronic or telephonic means, and deliver services or products via only electronic means or mailing, shipping, or delivery services.
11. **Occupancy Restrictions.** Non-medical businesses shall observe occupancy restrictions for of – 1 customer per 1,000 covered square feet, (e.g. a garden center as part of a facility would count towards the limitation but a detached area without walls such as a gas station would not so long as the customers are able to maintain a 6-foot distance from each other). Children 12 or younger accompanied by an adult do not count against the occupancy restriction. Additional customers may line up outside waiting for entry as well as customers lined up for payment. All effort should be made to assist customers in maintaining 6 feet of separation to comply with CDC guidance. Pharmacy

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only customers are permitted to be escorted to the pharmacy without waiting in line for entry to the grocery store.

12. The only exception to the occupancy restrictions are those related to medical under paragraph 9(a).
13. Appeal of non-essential business exemption or claims for exemption from an order based upon State or Federal law. Such review will be done by the County Manager, or her designee. The appeal will be determined with the concurrence of the appropriate City Manager based upon facts presented. Any request for an exception based upon State or Federal law, should cite to the law they claim the exemption emanates from.
14. This Order does not affect or limit the operations of Alachua County, any public utility, any municipality, the Alachua County School District, the, any other local government entity in Alachua County, or any State or Federal office or facility.
15. This Order does not limit the number of persons who may be physically present and performing services on-site related to the operations of an Essential Business or Operation except as expressly set forth herein or otherwise governed by any County, State or Federal order or regulation. All such persons are required to the full extent practicable to operate in full compliance with all measures advised by the CDC and OSHA or the State of Florida, including practicing social distancing such as keeping six feet between persons and limiting group size to less than ten.
16. Pursuant to the Governor's Executive order 20-83 and the Health Advisory by the Surgeon General, all individuals should cease participation in social or recreational gatherings of more than 10 people. For all gatherings of fewer than 10 people, individuals should practice social distancing by maintaining a distance of at least six feet from each other. Groups of 10 or more may be ordered to disperse. This applies to all gatherings, including religious services.

17. Applicability.

The provisions of this Emergency Order shall serve as minimum standards, and in no way modify any power possessed by municipalities within Alachua County to impose more stringent standards within their jurisdictions. This Emergency Order shall apply to retail and commercial businesses based upon their regular business.

18. Severability.

Any provision(s) within this Emergency Order that conflict(s) with any State or Federal law or constitutional provision, including the State's preemption of the regulation of firearms and ammunition codified in section 790.33, Florida Statutes 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 Emergency Order, with the remainder of the

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Emergency Order remaining intact and in full force and effect. To the extent application of some or all the provisions of this Emergency Order is prohibited on the sovereign land of a federally or state recognized sovereign Indian tribe, such application is expressly excluded from this Emergency Order.

19. Effective Date; Duration.

This Order shall be effective when signed. This Order 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 Emergency Order.

20. This Emergency Order is in addition to the Executive Orders issued by Governor DeSantis, including Emergency Orders 20-70 and 20-71.

21. This Emergency Order applies to incorporated and unincorporated areas within Alachua County, but has no application outside of Alachua County. Municipalities have the authority to enforce this Order within their jurisdiction.

22. Prior Emergency Orders remain in force an effect unless modified or superseded.

23. The County or municipalities within its jurisdiction will direct any establishment to cease and desist operations that are in violation of this Emergency Order and may treat violations as a violation of County or Municipal ordinance as appropriate.

24. Notwithstanding this, any violation of these emergency measure(s) shall be a violation of §252.50, Florida Statutes and may be punishable as provided therein.

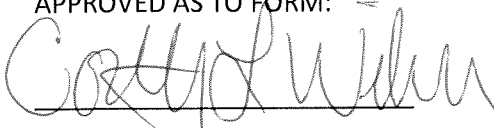
Dated this 27rd day of March, 2020 at 6⁰⁰ pm

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: 

Robert Hutchinson, Chairman

APPROVED AS TO FORM:



County Attorney's Office