

FIRST AMENDMENT TO EMERGENCY ORDER NO. 2020-21
PHASE ONE STEP BY STEP RECOVERY ORDER
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, everyone, regardless of age or health condition, is threatened by COVID-19; 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, on April 1, 2020 Governor DeSantis issued Executive Order 20-91 putting in place a state-wide stay at home order and listing what are to be considered essential services and activities; and

WHEREAS, Executive Order 20-91 adopts both the Essential Critical Infrastructure Workers guidelines issued by the Department of Homeland Security and the list of essential services and activities set forth in Miami-Dade County Emergency Order 07-20; and,

WHEREAS, the CDC, the Florida Department of Health and the University of Florida

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recommends the use of face coverings, including those which are homemade to slow the spread of the disease; and

WHEREAS, the gradual reopening of the State and the County will lead to more contact between individuals and lead to more potential for the increased community spread of the disease. Face masks are of great assistance in preventing individuals who may be shedding the virus to spread it to other individuals; and

WHEREAS, researchers at the University of Florida believe it is too early to ease restrictions without enhanced testing in place and that such testing is not currently in place and that COVID-19 will be present in the population for a long time <https://mediasite.video.ufl.edu/Mediasite/Play/b8849c7ddb114f2db5fcc0be6a4ec0b41d>; and,

WHEREAS, according to the Department of Health 7,174 out of 269,043 residents or 2.66% have been tested therefore, local testing has been underutilized and the number of individuals being tested needs to increase and contact tracing must increase as well; and

WHEREAS, COVID-19 is spread through airborne transmission from individuals sneezing, speaking and coughing and infectious droplet nuclei can spread for a great distance, although how far is not fully understood at present; and

WHEREAS, the Centers for Disease Control have recommended the use of facial coverings to reduce the spread of the virus since many individuals with no symptoms can spread the virus, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>; and

WHEREAS, Governor DeSantis has issued Executive Order 20-112 designed to ease some restrictions established by Executive Order 20-90 in the first phase of a plan to fully reopen the State; and

WHEREAS, Executive Order 20-112, does not preempt the authority of local governments to add additional restrictions to businesses opened by the Governor; and

WHEREAS, the Board of County Commissioners met on May 1st in special session to consider the Governor's Order and to receive public comment, and

WHEREAS, the Board of County Commissioners considered the public comment along with information received from the Department of Health and the University of Florida regarding challenges raised at this point in time by COVID-19; and

WHEREAS, the Board of County Commissioners believes based upon the foregoing that it is important to be cautious in the process of opening up businesses in the absence of detailed testing and contact testing while implementing the Governor's plan in phasing, reopening as local conditions allow to be done with prudence; and,

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

WHEREAS, acting on his own authority as the Official Authority and based upon the actions taken on May 1st by the Board of County Commissioners meeting in public session; and

WHEREAS, pursuant to §252.38(1), Florida Statutes the County has jurisdictional authority over the entire county.

THEREFORE, IT IS ORDERED THAT:

1. While Executive Order 20-112 provides more opportunity to be outside the home, those who are vulnerable to infection should stay home as much as possible. Those who are not considered to be at risk should use prudence when leaving their home and stay at home if possible.
2. Pursuant to Executive Order 20-112, Essential Services and Activities are those set out in the CISA guidance and Executive Order 20-89 and a list propounded by Miami-Dade County in its Emergency Order 07-20. As stated in Order 20-91, this list is subject to change and an updated list may be found at www.floridadisaster.org. Private museums, libraries, botanical gardens and wildlife preserves may reopen at 25% of their capacity, but shall not allow any use of interactive displays or playground equipment.
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, 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. To the extent any of these businesses have retail sales facilities as part of their operation, they may open subject to the limitations below and calculating occupancy based upon the retail space.
4. All Essential Services and Activities are encouraged to remain open. To the greatest extent feasible, Essential Services and Activities should comply with Social Distancing Requirements as recommended by the Centers for Disease Control and the Surgeon General of Florida, including by maintaining six-foot distance between both employees and members of the public always, including when any customers are standing in line. 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. 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 worksite. If an employee believes that they are being required to work in sub-standard conditions they may call the County's 311 phone number and leave a complaint anonymously. To the extent that there is an industry association, governing body, or licensure agency that imposes more stringent guidelines than OSHA, then the business shall comply with those requirements.

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5. Pursuant to Executive Order 20-112, retail businesses may now open subject to the limitations in that order. Retail businesses are encouraged to utilize curbside service and via delivery to limit face to face contact. All businesses which are open, retail or otherwise, shall comply with the safety guidelines established by the CDC and OSHA. To the extent any business is governed by licensure or board requirements which are stricter than those of the CDC or OSHA, those board requirements will take precedence. A list will be developed covering Industry Specific Operating Standards for Pandemic Response which will be the standard used for enforcement.
6. In addition to the restrictions set forth in Executive 20-112, restaurants and food service facilities shall comply with the Food and Drug Administration "Best Practices for Retail Food Stores, Restaurants, and Food Pick Up and Delivery Services During the Covid-19 Pandemic."
7. Essential Services and Activities, and retail establishments shall limit occupancy, to one per five hundred square feet of covered space. In no case does this allow more than Executive Order 20-112. The business shall also be responsible for ensuring that appropriate social distancing be followed. Restaurants may open at 25% occupancy but, as set forth in the Governor's Executive Order 20-112, must follow appropriate social distancing in seating. Outdoor seating does not count against indoor occupancy but must meet the requirements of social distancing set forth in the Governor's Executive Order 20-112. The occupancy limits, for purposes of the one per five hundred square feet of covered space standard, do not include members of staff as long as they are able to comply with appropriate social distancing techniques under the circumstances. The limitations regarding essential services do not apply to Hospitals or other medical facilities following appropriate use of PPE as required by their licensing bodies. Child care facilities may use reasonable occupancy limits as allowed by their license and their ability to use PPE on the part of staff and after screening the children for at risk exposure.
8. Use of face coverings and personal protective equipment
 - a. Persons working in or visiting grocery stores, restaurants, retail facilities, pharmacies, construction sites, public transit vehicles, vehicles for hire, along with locations where social distancing measures are not possible shall wear facial coverings as defined by the CDC.
 - b. Face covering includes any covering which snugly covers the nose and mouth, whether store bought or homemade, and which is secured with ties or ear loops. Examples of compliant home-made masks may be found at <https://www.cdc.gov/coronavirus/2019ncov/prevent-getting-sick/diy-cloth-face-coverings.html>. Persons should not utilize N95 rated masks, as those are critical supplies for health care workers, police, fire, emergency management, or other persons engaged in life/safety activities. Persons who wear face coverings should review the CDC and Florida Department of Health guidelines regarding safely applying, removing, and cleaning face coverings.
 - c. A face covering shall not be required for children under six, persons who have trouble breathing due to a chronic pre-existing condition or individuals with a documented or demonstrable medical problem.
 - d. This Order does not change or alter any social distancing requirements imposed by this or in any other Emergency Order.
 - e. Face masks do not have to be worn while eating or drinking.

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9. Pursuant to the Governor's Executive Order 20-91, no public gathering of 10 or more persons is allowed. Pursuant to the Order, groups greater than 10 may be ordered to disperse. This includes any gathering which takes place in the commons area of any multiple residence facility.

10. 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 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.

11 Effective Date; Duration.

This Order supersedes Emergency Order 20-09. This Order shall be effective May 5th, 2020 at 12:01 a.m. and will stay in effect during the pendency of the state of emergency or until adoption of subsequent order or repeal.

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

13. 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 County Order within their jurisdiction.

14 The County or municipalities within its boundaries 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. The County has jurisdiction countywide to enforce the terms of this Order.

15. This Order does not apply to operations of local governments within the county, to the State University System, State College System, the State of Florida, or Federal agencies who are encouraged to adopt their own rules and procedures regarding the matters set forth herein.

16. Any violation of these emergency measure(s) shall be a violation of §252.50, Florida Statutes and may be punishable as provided therein and shall be enforced by law enforcement as provided by law. For failure to wear face coverings in compliance with this Order, the County or municipalities within their jurisdictions will direct any individual acting in violation of this Emergency Order to come into compliance immediately. Failure to comply with the requirements of section 8 of this Emergency Order presents a serious threat to the public health, safety, and welfare, pursuant to Chapter 162, Florida Statutes, and a citation may be issued immediately for such violation. The first violation of section 8 of this Emergency Order shall be subject to a fine of \$125.00 to the violator. The second violation of section 8 of this Emergency Order shall be subject to a fine of \$250.00 to the violator. All

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subsequent violations of section 8 of this Order shall constitute a Class V violation under Article II, Chapter 24 of the Alachua County Code of Ordinances, requiring a mandatory court appearance and subject to a fine not to exceed \$500.00. All other remedies available at law or equity, including injunction, remain available to the County, even after issuance of a citation.

17. This Order supersedes and replaces any conflicting provisions of prior orders.

Dated this 4th day of May, 2020 at 7:05 p.m.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: 
Robert Hutchinson, Chairman

APPROVED AS TO FORM:



County Attorney's Office