

EMERGENCY ORDER NO. 2020-30
FULL PHASE TWO 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 20-52¹, 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, 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 20-91² 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 07-20³; and,

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

¹ https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-52.pdf

² https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-91-compressed.pdf

³ <https://www.miamidade.gov/information/library/coronavirus-emergency-order-07-20-businesses.pdf>

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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 increased 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. Facial covering are of 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 time⁴; 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 virus⁵, and

WHEREAS, a meta-analysis funded by the World Health Organization⁶ supports the use of social distancing and facial coverings to avoid transmission of COVID-19; and

WHEREAS, the World Health Organization on June 5th 2020 changed their position on the use of facial coverings to support their use⁷, and

WHEREAS, on April 29, 2020, Governor DeSantis issued Executive Order 20-112⁸ (Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery) designed to ease some restrictions established by Executive Order 20-91 in the first phase of a plan to fully reopen the State, effective May 4, 2020; and,

WHEREAS, with very specific exceptions the Governor's orders, do not preempt the authority of local governments to add additional restrictions to businesses opened by the Governor; and

WHEREAS, the Board of County Commissioners have various times, most recently on June 9th at which time they considered the Governor's Executive Order 20-139 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

⁴ <https://mediasite.video.ufl.edu/Mediasite/Play/b8849c7ddb114f2db5fcc0be6a4ec0b41d>

⁵ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

⁶ <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2820%2931142-9>

⁷ <https://apps.who.int/iris/rest/bitstreams/1279750/retrieve>

⁸ https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-112.pdf

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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 continued testing and contact tracing while implementing the Governor's plan in phasing, reopening as local conditions allow to be done with prudence; and,

WHEREAS, on May 15, 2020, Governor DeSantis issued Executive Order 20-123⁹ (Full Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery), opening gyms and fitness centers, subject to standards, and further loosening occupancy restrictions on restaurants and food establishments, in-store retail sales establishments, and museums and libraries, effective May 18, 2020; and

WHEREAS, on June 5th Governor DeSantis has issued Executive Order 20-139 (Phase 2: safe. Smart. Step by Step. Plan for Florida's Recovery¹⁰), which opens up a number of additional businesses and increases capacity of other businesses; and,

WHEREAS, Governor DeSantis issued Emergency Order 20-131¹¹ on May 22nd, 2020, removing any state restrictions on summer camps and sports activities for youth, and

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 June 9th the Board of County Commissioners meeting in public session after considering Emergency Order 20-139; and

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

THEREFORE, IT IS ORDERED THAT:

1. Except as herein noted Executive Order 20-139 shall govern the residents and businesses in Alachua County.
2. All services and activities permitted to be operated by Governor DeSantis' Executive Orders (in existence as of this Emergency Order and executed subsequent to this Emergency Order) may operate in Alachua County pursuant to the standards contained herein and referenced by this Emergency Order. All business shall operate in accordance with OSHA and CDC guidelines applicable to their business.
3. Use of facial coverings.

⁹ https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-123.pdf

¹⁰ https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-139.pdf

¹¹ https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-131.pdf

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- a. Persons working in or visiting grocery stores, restaurants, in-store retail establishments, 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. Facial 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. The Centers for Disease Control provide examples of homemade facial coverings.¹² 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 facial coverings should review the CDC and Florida Department of Health guidelines regarding safely applying, removing, and cleaning face coverings.
- c. A facial 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. It is the intent of this provision that those individuals who cannot tolerate a facial covering for a medical, sensory or any other condition which makes it difficult for them to utilize a facial covering and function in public are not required to wear one. It is recognized that this requirement is broader than what might be considered to be a covered condition under the Americans with Disabilities Act.
- d. This Emergency Order does not change or alter any social distancing requirements imposed by this or in any other emergency order.
- e. This Emergency Order does not change any requirements for wearing facial coverings imposed by regulatory bodies or orders from the Governor.
- f. Facial coverings do not have to be worn while eating or drinking.

4. 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, Fla. Stat., 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.

5. Effective Date; Duration.

This Emergency Order supersedes any inconsistent emergency order. This Order shall be effective upon filing with the Clerk of the Court and will stay in effect during the pendency of the state of emergency or until adoption of subsequent order or repeal.

6. This Emergency Order is in addition to the Executive Orders issued by Governor DeSantis.

¹² <https://www.cdc.gov/coronavirus/2019ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

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7. 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. Municipalities are authorized to impose regulations which are more stringent than those set forth herein.
8. 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.
9. This Emergency 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.
10. Except as provided herein, any violation of these emergency measure(s) shall be a violation of Sec. 252.50, Fla. Stat., and may be punishable as provided therein and shall be enforced by law enforcement as provided by law.
11. A violation of section 3 of this Order is a noncriminal infraction. A violation of section 3 of this Order does not authorize the search or arrest of any individual prior to issuing any citation the individual will be asked to comply with the order or be able to explain how 3(c) applies to them. Failure to comply with the requirements of section 3 of this 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 County shall enforce the first violation of section 3 of this Emergency Order through a fine of \$125.00 to the violator. The second violation of section 3 of this Emergency Order shall be subject to a fine of \$250.00 to the violator. All subsequent violations of section 3 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. The municipalities may enforce this Order as provided by Florida law and municipal code.
12. This Order supersedes and replaces any conflicting provisions of prior orders.

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Dated this 10th day of June, 2020 at 7:15 p.m.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: 
Robert Hutchinson, Chair

APPROVED AS TO FORM:



County Attorney's Office