

EMERGENCY ORDER NO. 2020-44
RESTAURANTS AND BARS
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, 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 June 5th, Governor DeSantis issued Executive Order 20-139 (Phase 2: Safe. Smart. Step by Step. Plan for Florida's Recovery²), which permitted restaurants and other establishments, and bars and other vendors licensed to sell alcoholic beverages for consumption on the premises, to operate a 50% of their indoor capacity, excluding employees, so long as bar areas only has seated service; and

WHEREAS, on July 1, 2020, Secretary Halsey Beshears, Florida Department of Business and Professional Regulation, issued Emergency Order 2020-09, requiring vendors licensed to sell alcoholic beverages for consumption on the premises, but not licensed to offer food service, to suspend sales of alcoholic beverages for consumption on the premises; and

WHEREAS, prior to the issuance of Emergency Order 2020-09, news media around the state reported various incidents bars and other alcohol vendors not enforcing the occupancy and social distancing requirements of EO-139; and

WHEREAS, on September 10, 2020, Secretary Beshears issued Emergency Order 2020-10, repealing Emergency Order 2020-09; and

WHEREAS, according to data provided by the Alachua County Health Department, Alachua County has experienced a marked increase in total cases of COVID-19 positivity; and

WHEREAS, Alachua County no longer meets certain gating criteria for Phase II; and

WHEREAS, the County is now facing the opening up of primary and secondary schools and the return of University of Florida and Santa Fe College students to Alachua County from various locations inside and outside of the State of Florida with varying degrees of infection; and

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

WHEREAS, acting on his own authority as the Official Authority and based upon the actions taken at June 23rd 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

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_20-139.pdf

Alachua County
Emergency Order 20-44

entire county.

THEREFORE, IT IS ORDERED THAT:

1. The owner, operator or manager of a restaurants and other establishments, or a bar and other vendor licensed to sell alcoholic beverages for consumption on the premises shall follow Governor's Order 20-139, Section 4(A), which states, in pertinent part:

Restaurants and other establishments, and bars and other vendors licensed to sell alcoholic beverages for consumption on the premises, may operate at fifty (50) percent of their indoor capacity, excluding employees, as under Executive Order 20-123, Section 1. Bar areas may be open with seated service. In addition, outdoor seating is permissible with appropriate social distancing.

Only table service permitted.

2. Nightclubs in Alachua County remain closed.
3. Restaurants and other establishments, and bars and other vendors licensed to sell alcoholic beverages may continue to sell alcoholic beverages in containers for consumption off-premises.
4. Failure of an owner, operator or manager of an establishment or a vendor, as regulated by Section 1, to limit capacity, to enforce seating requirement, or to comply with any other provision of Section 1 shall result in the following progressive sanctions.
 - 1) First, a written warning followed by at least 1 hour to comply.
 - 2) The failure to comply with a written warning may result in an order to cease operation within 15 minutes of issuance of the order, or as soon thereafter as possible, and remain ceased for the immediate 12 hours after closure.
 - 3) All violations of Section 1, following a warning and an order to cease operations for 12 hours, may result in an order to cease operation within 15 minutes of issuance of the order, or as soon thereafter as possible, and remain ceased for the immediate 7 calendar days after closure (calculated as 168 hours following ceasing of operations).

Warnings and orders shall be substantially consistent with Attachment A.

5. Law enforcement and code enforcement may enforce this Emergency Order. In addition, County and municipal managers may appoint a wide range of County and municipal officials and employees to enforce this Emergency Order.
6. 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

Alachua County
Emergency Order 20-44

deemed to be severed from this Emergency Order, with the remainder of this 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.

7. Effective Date; Duration.

This Emergency Order shall be effective at 12:01am, Monday, September 14, 2020, and will stay in effect during the pendency of the state of emergency or until adoption of subsequent order or repeal.

- 8. This Emergency Order is in addition to the Executive Orders issued by Governor DeSantis.
- 9. 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 Emergency Order within their jurisdiction. Municipalities are authorized to impose regulations which are more stringent than those set forth herein.
- 10. 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 Emergency Order.
- 11. 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. Notwithstanding the provisions herein, the County may alternatively enforce these emergency measure(s) through law enforcement or code enforcement by issuing a citation imposing a fine not to exceed \$500 per violation, pursuant to Chapt. 162, Fla. Stat. All other remedies available at law or equity, including injunction, remain available to the County and municipalities.
- 12. This Order supersedes and replaces any conflicting provisions of prior orders.

Dated this 11th day of September, 2020 at 5:00 pm.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: 
Robert Hutchinson, Chair

APPROVED AS TO FORM:



County Attorney's Office



ALACHUA COUNTY EMERGENCY ORDER 2020-44 VIOLATION CITATION

Alachua County Emergency Order 2020-44 requires owners, operators and managers of restaurants and bars to ensure that

1. The occupancy shall be no more than 50% of the establishment's seating capacity
2. Service is only provided to patrons seated at tables

On _____(date), at _____ (time),
your establishment _____ (name), at
_____ (address):

- Failed to limit occupancy to no more than 50% of seating capacity
- Failed to limit service to patrons seated at tables

Therefore, pursuant to the County's emergency order, you are receiving a:

- One time warning
- Order to close immediately and remain closed for 12 hours
- Order to close immediately and remain closed for 7 days

Failure to comply with this Emergency Order violation, or future violations of the County's Order, will result in more significant sanctions.