

SECOND AMENDMENT TO EMERGENCY ORDER NO. 2020-25
FULL 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 20-52¹, 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, on March 17, 2020, Governor DeSantis issued Executive Order 20-68², 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 20-91³ putting in place a state-wide stay at home order and listing what are to be considered essential services and activities; and

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_20-68.pdf

³ https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-91-compressed.pdf

Alachua County
Second Amendment to Emergency Order 20-25

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 07-20⁴; and,

WHEREAS, the CDC, the Florida Department of Health and the University of Florida 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 time⁵; and,

WHEREAS, according to the Department of Health 15,913 out of 269,043 residents or 5.9% 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 virus⁶; and

WHEREAS, on April 29, 2020, Governor DeSantis issued Executive Order 20-112⁷ (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, 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 Executive Order 20-112 and to receive public comment, and

WHEREAS, the Board of County Commissioners considered the public comment along with

⁴ <https://www.miamidade.gov/information/library/coronavirus-emergency-order-07-20-businesses.pdf>

⁵ <https://mediasite.video.ufl.edu/Mediasite/Play/b8849c7ddb114f2db5fcc0be6a4ec0b41d>

⁶ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

⁷ https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-112.pdf

Alachua County
Second Amendment to Emergency Order 20-25

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,

WHEREAS, on May 11, 2020, Governor DeSantis issued Executive Order 20-120⁸ (Expanding Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery), amending and extending Executive Order 20-112 to permit barbershops, cosmetology solons, and cosmetology specialty salons to open subject to standards; 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, the Board of County Commissioners met on May 19th to consider the Governor's Executive Order 20-123 and to receive public comment; and

WHEREAS, Governor DeSantis issued Emergency Order 20-131¹⁰ 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, pursuant to §252.38(1), Florida Statutes the County has jurisdictional authority over the entire county; and,

WHEREAS, acting on his own authority as the Official Authority and based upon the actions taken on May 26th by the Board of County Commissioners meeting in public session after considering Emergency Order 20-131.

THEREFORE, IT IS ORDERED THAT:

1. While Executive Orders 20-112 and 20-123 provides more opportunity to be outside the home, and in close contact with others, 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. Except as provided herein, all public places where social distancing is difficult to effectuate are

⁸ https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-120.pdf

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_20-131.pdf

Alachua County
Second Amendment to Emergency Order 20-25

closed to the public, including but not limited to, locations with amusement rides, carnivals, water parks, zoos, arcades, fairs, children's play centers, playgrounds, theme parks, , movie and other theaters, concert and music halls, ,.

3. 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 services and activities not permitted to operate by Governor DeSantis' Executive Orders (in existence as of this Emergency Order and executed subsequent to this Emergency Order) may not operate in Alachua County. To the extent any of the services or activities not permitted to operate have on-site retail sales facilities as part of their operation, on-site retail sales may operate subject to the limitations below and calculating occupancy based upon the retail space only.
 - a. Except as exempted herein, all services and activities permitted to operate by this Section shall operate at no more than 50% of their building occupancy.
 - i. Hospitals or other medical facilities following appropriate use of personal protective equipment as required by their licensing bodies may exceed 50% of their building occupancy.
 - ii. Child care facilities may exceed 50% of their building occupancy and use reasonable occupancy limits as allowed by their licenses if they require their staff to use personal protective equipment and screen children for exposure to COVID-19.
 - b. All services and activities shall comply, to the greatest extent feasible, 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.
 - c. All services and activities shall abide by the safety guidelines issued by the CDC and OSHA, including but not limited to OSHA guidelines regarding COVID-19 found in publication 3990¹¹: or subsequent rules more specific to their industry. 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 and are mandated by this Order. A list will be developed covering Industry Specific Operating Standards for Pandemic Response which will be the standard used for enforcement. Services and activities shall ensure that workers are educated about the required safety standards and shall ensure that the standards be present on the worksite. The County's 311 phone number shall be available to take anonymous complaints from employees who believe that they are being required to work in sub-standard conditions.
 - d. All services and activities should make every effort to maintain no more than 50% of the onsite workforce capacity, where possible and to the extent that reduction can be

¹¹ <https://www.osha.gov/Publications/OSHA3990.pdf>

Alachua County
Second Amendment to Emergency Order 20-25

accomplished without significantly disrupting the ability to conduct services and activities.

- e. In-store retail establishments are encouraged to utilize curbside service and via delivery to limit face to face contact.
 - f. Restaurants and food establishments, licensed under Chapters 500 or 509, Fla. Stat., shall meet social distancing standards. Outdoor seating does not count against indoor occupancy but shall meet the requirements of social distancing. In addition to other restrictions found in this Emergency Order and Governor's Orders, restaurants and food establishments 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."¹² To the extent that any social club, country club or fraternal organization serves meals but is otherwise exempt under Chapters 500 or 509, Fla. Stat., they shall comply with social distancing standards and meet the occupancy and face covering requirements of restaurants.
 - g. Private museums, libraries, botanical gardens and wildlife preserves may operate at 50% occupancy, but shall not allow any use of interactive displays or playground equipment.
4. Use of facial coverings.
- 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.¹³ 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.

¹² <https://www.fda.gov/food/food-safety-during-emergencies/best-practices-retail-food-stores-restaurants-and-food-pick-up-delivery-services-during-covid-19>

¹³ <https://www.cdc.gov/coronavirus/2019ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

Alachua County
Second Amendment to Emergency Order 20-25

- 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.
5. Pools. Indoor and outdoor pools may operate or open subject to the following standards.
- a. Pools shall meet the standards set by the CDC¹⁴ and Florida Administrative Code §64E-9.004 for disinfectant level.
 - b. All seating and tables around any pool shall be set up with social distancing of at least 6 feet between groupings and fixed in some way so they cannot be easily rearranged.
 - c. Activity in pools shall be limited to activities with social distancing and occupancy of 1 person per 100 square feet of water surface. Groupings outside the pool shall be limited to no more than 10 individuals.
 - d. The owners/operators of these pools shall post signs explaining these rules and monitor the pool for compliance with the health standards and use limitations on a reasonable basis.
 - e. Pool houses and locker rooms shall limit their occupancy to 50% occupancy and shall ensure that surfaces within businesses are disinfected in accordance with applicable CDC guidelines. Employees working in pool houses, locker rooms, around pools and in similar areas shall wear facial coverings.
6. Groups of people greater than ten are not permitted to congregate in any public space that does not readily allow for appropriate physical distancing. 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.
7. The provisions of the Governor's Emergency Order 20-131 shall be effective within the restrictions set forth in this Order concerning social distancing and the size of groups. The Board of County Commissioners intends to take input from the various stake holders on appropriate best practices to follow, but in the meantime urges these groups to utilize guidance from the centers for Disease Control^{15 16} or other activity specific governing bodies.
8. 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

¹⁴ <https://www.cdc.gov/healthywater/swimming/index.html>

¹⁵ <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/youth-sports.html>

¹⁶ <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/summer-camps.html>

Alachua County
Second Amendment to Emergency Order 20-25

or state recognized sovereign Indian tribe, such application is expressly excluded from this Emergency Order.

9. 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.

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

11. 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.

12. 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.

13. 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.

14. 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.

15. A violation of section 4 of this Order is a noncriminal infraction. A violation of section 4 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 4(c) applies to them. Failure to comply with the requirements of section 4 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 4 of this Emergency Order through a fine of \$125.00 to the violator. The second violation of section 4 of this Emergency Order shall be subject to a fine of \$250.00 to the violator. All subsequent violations of section 4 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

Alachua County
Second Amendment to Emergency Order 20-25

citation. The municipalities may enforce this Order as provided by Florida law and municipal code.


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

Dated this 26th day of May, 2020 at 10:00 p.m.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: 
Robert Hutchinson, Chair

APPROVED AS TO FORM:



County Attorney's Office