

**SECOND AMENDMENT TO EMERGENCY ORDER NO. 2020-12
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, on April 1st, 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 businesses and services; 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 set forth

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in Miami-Dade County Emergency Order 07-20; and,

WHEREAS, Executive Order 20-91 expressly supersedes any conflicting official action or order issued by local officials in response to COVID-19 but only to the extent that such action or order allows essential services or essential activities prohibited by the Executive Order; and,

WHEREAS, during a press conference on April 2nd 2020 Governor DeSantis stated that local governments could enact reasonable local restrictions on occupancy and matters regarding social distancing; and

WHEREAS, guidance from the Governor's office indicates that the Orders do not affect whether a local authority may close a business (or in other words, decide if a business is non-essential) as local enforcement would be on the business itself; and

WHEREAS, that same guidance does not allow businesses to avoid local codes; 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. Individuals shall comply with Executive Order 20-91 and stay at home, unless they are conducting essential businesses or activities as are permitted under that order.
2. **Essential businesses and activities are those set out** in the CISA guidance and Executive Order 20-89 and its attachment which consists of a list propounded by Miami-Dade County in its Emergency Order 07-20. Non-essential businesses and activities are those which are not mentioned and therefore are prohibited. As stated in Order 20-91, this list is subject to change and an updated list may be found at floridadisaster.org. In order for the business to be considered essential the primary purpose of the business or majority of the sales must fall clearly within the categories established in the Governor's Order and that maintained by the State Division of Emergency Management.¹
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. **All Essential Businesses and Operations are encouraged to remain open.** To the

¹ Underscored text reflects a change from prior order.

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greatest extent feasible, Essential Businesses and Operations 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 a governing body or licensure group that imposes more stringent guidelines than OSHA, then the business shall comply with those requirements.

5. All non-medical and non-residential businesses and activities allowed under the Governor's Orders shall limit occupancy by individuals other than staff. to one per 750 square feet of covered space as determined by the local authority. 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 only customers are permitted to be escorted to the pharmacy without waiting in line for entry to the grocery store This section applies to services in houses of worship, churches or synagogue.
6. 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.
7. 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.
8. Pursuant to the Governor's Executive order 20-91, no public gathering of 10 or more 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.
9. 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

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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.

10. Effective Date; Duration.

This order supersedes Emergency Order 20-09. This Order shall be effective at upon filing with the Clerk of Courts. 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.

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

12. 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.

13. 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.

14. 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 and shall be enforced by law enforcement as provided by law.

Dated this 15th day of April, 2020 at 4:48 p.m.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: 
Robert Hutchinson, Chairman

APPROVED AS TO FORM:



County Attorney's Office