



Legislation Text

File #: 20-0886, **Version:** 1

Agenda Item Name:

COVID-19 Emergency Order

Presenter:

Alachua County Attorney's Office

Description:

Discussion of Alachua County Emergency Orders follow Governor's Order 20-244

Recommended Action:

Potential non-exclusive options for the Board:

- Do not substantively amend order and continue to issue citations to individuals understanding that collection of fines is currently suspended.
- Amend order to hold businesses liable for their customers wearing masks and social distancing.
- Amend order to permit enforcement of social distancing requirements against patrons waiting in line on public property.

Prior Board Motions:

Numerous

Fiscal Consideration:

Cost of enforcement

Background:

On September 25, 2020, Governor DeSantis entered Executive Order 20-244, attached, which:

- Took Florida into "Phase 3" of reopening;
- Supersedes and eliminated many state restrictions on businesses, in previous executive orders;
- Declared the "No COVID-19 emergency ordinance may prevent an individual from working or from operating a businesses." and called this statement a preemption;
- Permitted restaurants (defined as any establishment with a food service license) to operate at 100% capacity and limited local governments' authority to mandate a lower % capacity; and
- Suspended collection of fines and penalties against individuals.

At this time, Alachua County has two orders which may be impacted by EO 20-244: Alachua County EO 20-44 and EO 20-30 (3rd Amendment), both attached.

Alachua County EO 20-44 (RESTAURANTS AND BARS) was issued by the Board Chair on September 11 and ratified by the Board as a whole on September 22. This Order requires restaurants and bars to follow Governor's Order 20-139, Section 4(A), which, in pertinent part, permitted the operation of restaurants and bars at no more than 50% occupancy with social distancing, and only permits seated service. This Order is largely, if not entirely, superseded by Governor's new order (Gov. EO 20-244), because the regulations of businesses in the Governor's order as incorporated into the County's order (Gov. EO 20-139) has been superseded and eliminated by Gov. Order 20-244.

Alachua County EO 20-30 (3rd Amendment) was issued by the Board Chair on July 17th. This Order requires all person in certain locations to wear facial coverings; requires all services and activities which are open to the public to post signage stating that facial coverings are required; requires businesses and employers to ensure that employees wear facial coverings; and limits number of people who may congregate to no more than 50. This Alachua County order remains almost entirely in effect despite Gov. EO 20-244, except that the collection (but not the issuance) of any fine or penalty against an individual has been suspended.

The Board discussed the possibility of imposing fines and penalties against businesses for its patrons' lack of social distancing and wearing facial coverings. The Board also heard from experts from the Alachua County Health Department and the University of Florida about their concerns regarding the spread of COVID-19 in situations where people are not social distancing and are not wearing facial coverings. The County Attorney's Office has reviewed a number of options for holding businesses responsible for its patrons and seeks direction for the Board about whether it wants to create this liability through an amendment to or new Alachua County emergency order.