RESOLUTION NO. 20-16

WHEREAS, in order to fully and effectively respond to the developing threats posed by the novel coronavirus and its associated disease (COVID-19), and in coordination with ongoing emergency actions by the state and federal governments, the Gadsden County Board of County Commissioners passed Resolution 20-12, Resolution 20-13, Resolution 20-14 and Resolution 20-15. These Resolutions declared a local state of emergency in Gadsden County, and subsequently such extensions of these resolutions have been deemed necessary to have been issued; and

WHEREAS, on April 2, 2020, the Florida Department of Health-Gadsden (FDOH-Gadsden) announced a positive case of coronavirus disease (COVID-19) in Gadsden County.

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing (personal distancing) measures, such as avoiding gatherings of more than ten (10) people, and in states with evidence of community spread, recommending restrictions to certain establishments conducive to mass gatherings and congregations; and

WHEREAS, on March 29, 2020, the President extended such guidance to be in effect until April 30, 2020; and

WHEREAS, on March 31, 2020, the President updated the guidance, renaming it "30 Days to Slow the Spread", and along with the White House Coronavirus Task Force urged Americans to continue to adhere to the guidelines and expand community mitigation efforts; and

WHEREAS, the majority of individuals in Florida that have tested positive for COVID-19 have been concentrated in its southeastern counties and other urban cores; and

WHEREAS, positive cases of COVID-19 have continued to rise in other states in close proximity to Florida, resulting in increased risk to counties in northern Florida; and

WHEREAS, many thousands of people fled the New York City region to Florida following New York State issuing a "shelter-in-place" order, thereby jeopardizing the health and safety of Floridians; and

WHEREAS, on March 23, 2020, Governor Ron DeSantis issued Executive Order 20-80, requiring all individuals that fly into Florida from states with substantial community spread to self-isolate in Florida for 14 days or the duration of their trip, whichever is shorter; and

WHEREAS, on March 27, 2020, Governor DeSantis issued Executive Order 20-86, requiring all individuals driving into Florida from states with substantial community spread to self-isolate in Florida for 14 days or the duration of their trip, whichever is shorter; and

WHEREAS, persistent travel continues to pose a risk to the entire state of Florida; and

WHEREAS, on March 24, 2020, Governor DeSantis issued Executive Order 20-83, directing the State Surgeon General and State Health Officer to issue a public health advisory urging the public to avoid all social or recreational gatherings of ten (10) or more people and urging those who work remotely to do so; and

WHEREAS, it is necessary and appropriate to take action to ensure that the spread of COVID-19 is slowed, and that residents and visitors in Florida remain safe and secure; and

WHEREAS, conditions presented by the threat of COVID-19 continue to pose a threat to the public health that requires dynamic emergency response, including the maintenance of existing orders, as well as the imposition of additional directives and orders as conditions require; and

WHEREAS, there is reason to believe that COVID-19 is spread amongst the population by various means of exposure, including the propensity to spread person to person and the propensity to attach to surfaces for prolonged periods of time, thereby spreading from surface to person and causing increased infections to persons, and property loss and damage in certain circumstances; and

WHEREAS, despite the measures taken thus far pursuant to prior Resolutions, as well as existing actions taken by the federal, state, and other municipal governments, new cases of COVID-19 continue to increase in surrounding counties and municipalities, demonstrating that more prevention, community action and cooperation to socially separate and maintain distance is necessary in within the County; and

WHEREAS, it has become necessary that residents and visitors in Gadsden County do more to avoid close social interaction, including, when possible, remaining in their respective homes, residences, and domiciles, including any apartment, dormitory, hotel, motel, or similar accommodation to slow the spread of COVID-19 and address the unprecedented threat to the public health and welfare posed by COVID-19; and

WHEREAS, it is safer to stay at home and subject to certain exceptions for essential activities and services while allowing minimum business operations that appropriately balance public health, safety, and welfare within the County while promoting the continued delivery of essential infrastructure, services, and functions to residents and visitors in the County. Such exceptions are made consistent with guidance from the Centers for Disease Control and Prevention (CDC) and the President's Coronavirus Guidelines for America; and

WHEREAS, Pursuant to §252.38, Florida Statutes, the County has jurisdictional authority over the entire county for emergency management purposes; and

WHEREAS, on April 2, 2020, Governor DeSantis issued Executive Order 20-94, suspending and tolling any statute providing for a mortgage foreclosure cause of action under Florida law for forty-five (45) days from the date of the Executive Order; and

WHEREAS, on April 6, 2020, Governor DeSantis issued Executive Order 20-95, suspending the assessment and collection of taxation imposed under Florida Statutes Chapter 201 for notes and other written obligations made pursuant to Title I of the CARES Act; and

WHEREAS, the CDC has recommended wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), especially in areas of significant community-based transmission.

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the CHAIRMAN OF THE GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS on this **10th** day of **April 2020** that Gadsden County, Florida is hereby declared to be in a State of Emergency.

BE IT FURTHER RESOLVED AND DECLARED that, as long as our County continues to deal with the spread of COVID-19, we must remain focused on the safety, health and well-being of our residents and encourage steps to promote a safe and healthy lifestyle; and

BE IT FURTHER RESOLVED AND DECLARED, that while the State of Emergency continues to exist, the County shall have the power and authority to carry on those activities set forth in Fla. Stat. § 252.38, including but not limited to: appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victim of any emergency; to limit the size of gatherings taking place within the County for a period during this State of Emergency to a maximum of ten (10) individuals; and direct and coordinate the development of the emergency management plans and protocols in accordance with the plans and policies set forth by the Federal and State Emergency Management agencies; and

During this State of Emergency, pursuant to Chapter 2, Article II, Division 2, Section 2-42(f) of the Gadsden County Code of Ordinances, the County may call emergency meetings which bypass the notice conditions required by the Code. Such emergency meetings shall not be required to be held at the normal meeting times as set forth in the Code; and

During this State of Emergency, the Gadsden County Board of County Commissioners hereby empowers the Chairman of the Gadsden County Board of County Commissioners (or his designated representative) with the following powers:

To appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers; and

To establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations; and

To assign and make available for duty the offices and agencies of Gadsden County, including the employees, the property or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services for emergency operation services, as the primary emergency management forces of the political subdivision for employment within or outside the political limits of the subdivision; and

To request State assistance or invoke emergency-related mutual-aid assistance by declaring a local State of Emergency in the event of an emergency affecting only one political subdivision. The duration of this State of Emergency declared locally is limited to seven (7) days; it may be extended (or terminated) as necessary by the Chairman of the Gadsden County Board of County Commissioners (or his designee), in seven-day increments, without further affirmative action from the Board.

To take any additional action he (or his designee) deems necessary effectuate and promote the continued health and safety of the County while this state of emergency is in effect.

BE IT FURTHER RESOLVED AND DECLARED that, pursuant to Resolutions 20-12, 20-13, 20-14 and 20-15 (as extended), declaring a local state of emergency, as an executive order pursuant thereto, we resolve a "Stay at Home" Order providing the following requirements and restrictions:

A. ESSENTIAL SERVICES

All persons in Gadsden County shall limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities.

Senior citizens and individuals with a significant underlying medical condition (such as chronic lung disease, moderate-to-severe asthma, serious heart conditions, immunocompromised status, cancer, diabetes, severe obesity, renal failure and liver disease) shall stay at home and take all measures to limit the risk of exposure to COVID-19.

For the purposes of this Order and the conduct it limits, **"Essential Services"** mean and encompasses the list detailed by the United States Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, v. 2 (March 28, 2020) and any subsequent lists published.

Essential services also include those businesses and activities designated by Executive Order 20-89 and its attachment which consists of a list propounded by Miami-Dade County in multiple orders.

Other essential services may be added under this Order with the approval of the State Coordinating Officer, in close coordination with the State Health Officer. The State Coordinating Officer shall maintain an online list of essential services, as specified in this Order along with any additions approved by the Governor.

Nothing in this Order prohibits individuals from working from home; indeed, this Order encourages individuals to work from home.

All businesses or organizations are encouraged to provide delivery, carry-out or curbside service outside of the business or organization, of orders placed online or via telephone, to the greatest extent practicable.

B. ESSENTIAL ACTIVITIES

For the purposes of this Order and the conduct it limits, "**Essential Activities**" mean and encompasses:

1. Attending religious services conducted in churches, synagogues and houses of worship; and
2. Participating in recreational activities (consistent with social and personal distancing guidelines) such as walking, biking, hiking, fishing, hunting, running, or swimming; and
3. Taking care of pets; and
4. Caring for or otherwise assisting a loved one or friend.

C. NON-ESSENTIAL RETAIL & COMMERCIAL BUSINESSES

For the purposes of this Order, any business that is not specifically described and defined in Section D shall be deemed to be a "**Non-Essential Retail and Commercial Business**". All **Non-Essential Retail and Commercial Businesses** are ordered **CLOSED**. Any business which is not deemed to be an Essential Retail and Commercial Business that remains open after this Order takes effect shall be punished in accordance with provisions in Section "M" and Section "N" as set forth hereinbelow.

D. ESSENTIAL RETAIL & COMMERCIAL BUSINESSES

For the purposes of this Order, any business set forth in Section B of this Order shall be deemed an "**Essential Retail and Commercial Business**" and such business may remain **OPEN** provided that each such business maintain proper social distancing

(personal distancing) and abide by CDC guidance. The term **Essential Retail and Commercial Business**, shall be defined as:

a. Healthcare providers, including, but not limited to, hospitals, doctors' and dentists' offices, urgent care centers, clinics, rehabilitation facilities, physical therapists, mental health professionals, psychiatrists, therapists, and pharmacies;

b. Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This authorization includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operations of residences;

c. Food cultivation, including farming, livestock, and fishing;

d. Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

e. Newspapers, television, radio, and other media services;

f. Gas stations and auto-supply, auto-repair, and related facilities;

g. Banks and related financial institutions;

h. Hardware stores;

i. Contractors and other tradesmen, appliance repair personnel, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and other structures;

j. Businesses providing mailing and shipping services, including post office boxes;

k. Private colleges, private schools, trade schools, and technical colleges within the County, but only as needed to facilitate online or distance learning;

l. Laundromats, dry cleaners, and laundry service providers;

m. Restaurants and other facilities that prepare and serve food, but subject to the limitations and requirements of Emergency Order 3-20. Schools and other entities that typically provide free food services to students or members of the

public may continue to do so on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

n. Businesses that supply office products needed for people to work from home;

o. Businesses that supply other essential businesses with the support or supplies necessary to operate, and which do not interact with the general public;

p. Businesses that ship or deliver groceries, food, goods, or services directly to residences;

q. Airlines, taxis, and other private transportation providers providing transportation services via automobile, truck, bus, or train;

r. Home-based care for seniors, adults, or children;

s. Assisted living facilities, nursing homes, and adult day care centers, and senior residential facilities;

t. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;

u. Landscape and pool care businesses, including residential landscape and pool care services;

v. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities should operate under the following mandatory conditions:

    i. Childcare must be carried out in stable groups of ten (10) or fewer (inclusive of childcare providers for the group);

    ii. Children and childcare providers shall not change from one group to another;

    iii. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix or interact with each other.

w. Businesses operating at any airport, seaport, or other government facility including parks and government offices.

x. Pet supply stores.

y. Logistics providers, including warehouses, trucking, consolidators, fumigators, and handlers;

z. Telecommunications providers, including sales of computer or telecommunications devices and the provision of home telecommunications;

aa. Provision of propane or natural gas;

bb. Office space and administrative support necessary to perform any of the above listed activities;

cc. Open construction sites, irrespective of the type of building;

dd. Architectural, engineering, or land surveying services;

ee. Factories, manufacturing facilities, bottling plants, or other industrial uses;

ff. Waste management services, including collection and disposal of waste; and

gg. Any business that is interacting with customers solely through electronic or telephonic means, and delivering products via mailing, shipping, or delivery services.

E. OPERATIONS OF GADSDEN COUNTY

This order does not affect or limit the operations of Gadsden County, any public utility, any municipality, the Gadsden County School District, or any State or Federal office or facility, except that such entities shall abide by the restrictions of any State or Federal emergency order, as applicable.

F. PERSONAL & SOCIAL DISTANCING

This order does not limit the number of persons who may be physically present performing services at any location where an essential business is being conducted except as expressly set forth herein or otherwise governed by any State or Federal order or regulation. Employers and employees are urged, but are not required, to practice social distancing (personal distancing), such as keeping six (6) feet between persons and limiting group size to less than ten (10) people.

G. CURFEW

a. In order to protect the public health, safety and welfare, and mitigate the spread of the COVID-19 virus, a curfew is hereby established in all of Gadsden County, Florida, from the hours of **9**

p.m. and 6 a.m., continuing to remain in effect beginning **Friday, April 10th, 2020 at 9 p.m**.

b. The curfew applies to all pedestrian and vehicular movement, standing and parking, except for: individuals participating in, going to, or returning from employment, including, but not limited to, federal, state, and local government employees, judicial personnel, those providing hospital and other health care services, first responder and correctional personnel, child protection and child welfare personnel, housing and shelter personnel, postal and shipping services personnel, and those performing utility and telecommunications repairs. Medical patients in need of transport, and others seeking medical care, are also excluded from the curfew. The curfew shall not prohibit a person from walking a pet/animal in the vicinity of their residence or in such place where the animal(s) is/are maintained. Violations of this section shall be punished in accordance with State law and Section 1-8 of the Gadsden County Code of Ordinances.

c. Businesses that sell or offer gasoline, diesel or other fuels shall be exempted from the curfew requirements as provided herein. Except, such businesses shall not allow more than ten (10) individuals to congregate on their premises.

H. EXPIRATION

This order shall expire upon the expiration of the existing Gadsden County State of Emergency, except that if such State of Emergency is extended, this order shall also be deemed to extend for the duration of such extension. This order may be cancelled earlier by action of the Gadsden County Board of County Commissioners.

I. PROHIBITED ACTIVITIES:

All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes fully set forth hereinunder and as may be amended from time to time. Pursuant to current guidance from the CDC, any gathering of more than ten (10) people is prohibited unless exempted herein.

J. 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 center, playgrounds theme parks, bowling alleys, pool halls, internet cafes, movie and other theatres, concert and music halls, country clubs,

social clubs and fraternal organizations;

K. LOITERING AT ESSENTIAL BUSINESSES PROHIBITED

Nothing within this Resolution shall be construed to allow loitering at Essential Businesses. Inasmuch as such Essential Businesses may remain open and operating outside of the hours of the curfew detailed herein, they shall not allow individuals to loiter on their premises in groups of ten (10) or more. Violation of this section shall be punished in accordance with Section 1-8 of the Gadsden County Code of Ordinances.

L. ESSENTIAL INFRASTRUCTURE DEFINED

For purposes of this Resolution, individuals may leave their residence to provide any services or perform any work necessary to offer, provision, operate, maintain and repair Essential Infrastructure. Essential Infrastructure includes, but is not limited to: food production, distribution, and sale; construction; building management and maintenance; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; roads, highways, railroads, and public transportation; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services). Essential Infrastructure shall be construed broadly.

M. PENALTIES

Law Enforcement is authorized to disperse gatherings of ten (10) or more persons and treat violations of this emergency measure as a County ordinance violation. Law Enforcement is authorized to disperse gatherings of ten (10) or more persons and treat violations of this emergency measure as a County ordinance violation, punishable in accordance with Section 1-8 of the Gadsden County Code of Ordinances.

Any person violating any provision of ss. 252.31-252.90 or any rule or order made pursuant to ss. 252.31-252.90 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

N. ENFORCEMENT AUTHORITY

The law enforcement agencies of the state and the political subdivisions thereof shall enforce the orders and rules issued pursuant to Florida Statutes ss. 252.31-252.90.

Any person violating any provision of ss. 252.31-252.90 or any rule or order made pursuant to ss. 252.31-252.90 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083

O. ESSENTIAL GOVERNMENTAL FUNCTIONS

For purposes of this Resolution, all employees of first responder entities as determined by the agency head, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support Essential Services are categorically exempt from this Order. Essential Government Functions means all services provided by the State or any constitutional office, municipality, county, subdivision or agency of government including public universities and colleges which are needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Government Functions.

This Order does not affect or limit the operations of Gadsden County, any public utility, any municipality, the Gadsden County School District, any other local government entity in Gadsden County, or any State or Federal office or facility.

P. OCCUPANCY RESTRICTIONS

Non-medical businesses shall observe occupancy restrictions of 1 (one) customer per one thousand (1000) square feet. Ancillary portions of businesses such as patios and outdoor areas shall count towards the limitation but a detached area without walls such as a gas station would not so long as the customers are able to maintain a 6-foot distance from each other.

Q. FACEMASK USAGE IS ENCOURAGED

Based upon prevailing CDC guidance, the County recommends and encourages wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), **especially** in areas of significant community-based transmission.

The County also recommends and encourages the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings fashioned from household items or made at home from common materials at low cost can be used as an additional, voluntary public health measure.

Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance.

The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance.

By Special Order of the Chairman of the Gadsden County Board of County Commissioners on this **10th** day of **April** 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA

NICHOLAS THOMAS GADSDEN COUNTY CLERK OF CIRCUIT COURT FLORIDA

By: _____
Nicholas Thomas
Clerk of the Circuit Court

By: _____
Anthony O. Viegbesie, Ph.D.
Chairman