RESOLUTION NO. 20-44

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 Resolutions 20-12 through 20-21, 20-23, 20-24, 20-28, 20-29, 20-37, 20-38, 20-39, 20-40, 20-41, 20-42 and 20-43. 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, it is necessary, appropriate and prudent 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 COVID-19 continue to pose a threat to 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 continued 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, 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; 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

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the CHAIRMAN OF THE GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS on this **21st** day of **August 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, during this 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 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; and

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 through 20-21, 20-23, 20-24, 20-28, 20-29, 20-34, 20-37, 20-38, 20-39, 20-40, 20-41, 20-42 and 20-43 (as extended), declaring a local state of emergency, we resolve the following "Safe & Healthy Lifestyle During COVID-19 Guidelines" providing the following guidance, requirements and restrictions:

A. IMPLEMENTATION OF GADSDEN COUNTY RE-OPENING PLAN

In conjunction with guidance provided by Governor DeSantis in Executive Order 20-139, the White House, the CDC, the Occupational Safety and Health Administration (OHSA) and the Florida Surgeon General and State Health Officer, Gadsden County hereby adopts the following rules and restrictions governing the re-opening of the County, to wit:

a. All persons in Gadsden County are encouraged to continue to follow appropriate social and personal distancing safety protocols issued by the CDC and OSHA; and
b. The County continues to strongly encourage senior citizens and individuals with significant underlying medical conditions to avoid crowds and take measures to limit the risk of exposure to COVID-19; and
c. All persons who work in long-term care facilities should be tested for COVID-19 on a routine basis; and
d. In-store retail businesses, including gyms and fitness centers are permitted to **OPEN** and should continue to maintain appropriate social and personal distancing; and
e. All parks within Gadsden County are permitted to **OPEN** and are permitted to allow camping, provided the following provisions are met:
    i. Groups who intend to use camping facilities must maintain adequate social and personal distancing and shall **limit camping groups to ten (10) people**;
    ii. Groups electing to host camping activities using recreational vehicles (and other similar conveyances) are permitted to exceed the ten (10) person restriction, provided all activities exceeding the ten (10) person limitation are conducted within the immediate vicinity of said recreational (or similar) vehicle.

1. "Immediate Vicinity" is defined as the area within a fifteen (15) foot radius of said recreational vehicle or similar conveyance.

f. The Board directs the County Administrator to submit a written request to the Secretary of the Florida Department of Business and Professional Regulation (DBPR) requesting permission to permit the re-opening of pari-mutuel facilities within the County. Pari-mutuel facilities operating within the County shall operate at fifty (50) percent of permitted capacity and observe proper social and personal distancing; and

g. Personal services, including but not limited to tattooing, body piercing, acupuncture, tanning and massage, may operate provided proper social and personal distancing is observed; and

h. Churches, mosques, synagogues and other places of worship are not affected by any restriction herein.

B. MANDATORY FACE MASK USAGE

In an abundance of caution, the Gadsden County Board of County Commissioners continues to mandate that: when in public and in closer than six (6) feet proximity to one another based upon prevailing CDC guidance, the 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. Persons working in grocery stores, restaurants, pharmacies, construction sites, public transit vehicles and vehicles for hire shall wear facial coverings as described in this Order as directed by the CDC at all times while at work. This provision shall be enforced pursuant to Florida Statutes ss. 252.31-252.90.

The County also mandates 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.

C. PENALTIES FOR VIOLATIONS & ENFORCEMENT AUTHORITY

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 by the use of the Gadsden County Mask Citation form, and as follows:

FIRST OFFENSE - $25.00
SECOND OFFENSE - $50.00
ALL SUBSEQUENT OFFENSES - $100.00

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 as a non-criminal infraction, punishable by the issuance a civil citation for the amounts enumerated above.

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 described hereinabove.

Fines collected for violations of this Section shall be remitted to the County if the officer issuing the citation indicates on the citation form that the offense occurred in an unincorporated area of the County that is not a part of a municipality. Fines collected for violations of this Section shall be remitted to the municipality in which the offense occurred, if the officer issuing the citation indicates on the citation form that the offense occurred within the City/Town limits.

D. RESTAURANTS & BARS

Restaurants and other establishments, and bars and other vendors licensed to sell alcoholic beverages for consumption on the premises (as specified for below), may operate at fifty (50) percent of their maximum indoor permitted capacity, excluding on-duty employees, provided such businesses abide by the ten (10) person gathering restrictions as set forth herein and subject to all guidance and orders promulgated by DBPR. Bar areas in such restaurants and establishments mentioned in this Section may open with seated service. All outdoor seating shall maintain appropriate social and personal distancing.

Pursuant to Executive Order 2020-09 issued by the Florida Department of Business and Professional Regulation and Secretary Halsey Beshears, all licensed vendors who derive more than fifty percent (50%) of their gross revenue from sales of alcoholic beverages shall suspend such sales of alcoholic beverages for consumption on the premises. Such vendors may continue to sell alcoholic beverages in sealed containers for consumption off the premises in accordance with Executive Order 20-71, Sections 1 & 2.

Vendors who are licensed as public food service establishments or "restaurants" under Chapter 509, Florida Statutes, may continue to operate for on-premises consumption of food and beverages at tables pursuant to the restrictions set forth in Executive Order 20-139, so long as those vendors derive fifty percent (50%) or less of gross revenue from the sale of alcoholic beverages for on-premises consumption.

Entertainment businesses, including but not limited to movie theaters, concert houses, auditoriums, playhouses, bowling alleys and arcades may operate at fifty (50) percent of their building capacity, with appropriate social and personal distancing between groups and appropriate sanitation protocols.

E. RECOMMENDED SANITATION AND DISINFECTING PROCEDURES

Based on prevailing guidance from the CDC, the County hereby strongly recommends and encourages retail businesses to routinely disinfect their premises. The following guidance is a recommended set of practices promulgated by the CDC to assist businesses in cleaning and disinfecting their facilities:

A. Wear disposable gloves to clean and disinfect;
B. Clean surfaces using soap and water;
C. Practice routine cleaning of frequently/highly touched surfaces;
D. High touch surfaces include tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets and sinks.
E. Clean the area or item with soap and water or another detergent if it is dirty. Then, use a household disinfectant specifically an EPA-registered household disinfectant. Follow the instructions on the label to ensure safe and effective use of the product. Many products recommend: Keeping surface wet for a period of time and taking precautions such as wearing gloves and making sure you have good ventilation during use of the product;
F. Diluted household bleach solutions may also be used if appropriate for the surface. Check to ensure the product is not past its expiration date. **Unexpired household bleach will be effective against COVID-19 when properly diluted**;
G. For soft surfaces such as carpeted floor, rugs, and drapes, clean the surface using soap and water or with cleaners appropriate for use on these surfaces;
H. For electronics, such as tablets, touch screens, keyboards, remote controls, and ATM machines, consider putting a wipeable cover on electronics. Follow manufacturer instructions for cleaning and disinfecting. If no guidance exists, use alcohol-based wipes or sprays containing at least 70% alcohol and then dry the surface thoroughly after disinfecting.

F. CURFEW

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 **9:00 PM and 5:00 AM**, continuing to remain in effect beginning **Friday, August 21st, 2020 at 9:00 PM**. Law Enforcement shall have the authority to exercise reasonable discretion in the enforcement of the of this Section.

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.

Businesses that sell or offer gasoline, diesel or other fuels and **restaurants offering delivery, takeout, drive-thru and in-restaurant dining** 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.

G. INTERNET CAFES

Pursuant to Florida Statutes Chapter 849, Internet Cafés have been deemed to be **ILLEGAL**. Moreover, in order to protect public health, promote adequate social distancing and ensure compliance with the gathering size restrictions set forth herein, Internet Cafés within the County shall remain **CLOSED.** Pursuant to Florida Statutes, all sums of money and every other valuable thing drawn and won as a prize, or as a share of a prize, or as a share, percentage or profit of the principal promoter or operator, in any lottery, and all money, currency or property of any kind to be disposed of, or offered to be disposed of, by chance or device in any scheme or under any pretext by any person, and all sums of money or other thing of value received by any person by reason of her or his being the owner or holder of any ticket or share of a ticket in a lottery, or pretended lottery, or of a share or right in any such schemes of chance or device and all sums of money and other thing of value used in the setting up, conducting or operation of a lottery, and all money or other thing of value at stake, or used or displayed in or in connection with any illegal gambling or any illegal gambling device contrary to the laws of this state, shall be forfeited, and may be recovered by civil proceedings, filed, or by action for money had and received, to be brought by the Department of Legal Affairs or any state attorney, or other prosecuting officer, in the circuit courts in the name and on behalf of the state; the same to be applied when collected as all other penal forfeitures.

H. OTHER PROVISIONS

The provisions and language of Resolution 20-24, specifically Sections R & T, styled "RE-OPENING OF VACATION RENTALS" and "RE-OPENING OF ORGANIZED YOUTH ACTIVITIES", respectively, and any accompanying Exhibits referenced therein and attached thereto, are hereby incorporated as though fully set forth in this section.

I. EXPIRATION

This Resolution 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.

J. SCRIVENERS' ERRORS

Scriveners' errors may be corrected as needed.

By Special Order of the Gadsden County Board of County Commissioners on this **21st** day of **August** 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA:

By: _____
Nicholas Thomas
Clerk of the Circuit Court

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