

RESOLUTION 2020-014

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 and Resolution 20-13. 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, 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

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS on this 27th day of March 2020 that Gadsden County, Florida is hereby declared to be in a State of Emergency. Due to the rapid escalation of this situation, and the requirement for rapid action, notice of the special meeting of the Board of County Commissioners at which this Resolution was adopted could not be published in the local newspapers. However, reasonable notice under the circumstances was provided in accordance with the Gadsden County Code of Ordinances, as notice was posted on the County's website, at the County's offices, and in all City Halls within the County, and was sent by electronic mail to all the County's media partners. Further, the Board of County Commissioners hereby exercises its authority and waives the procedures and formalities required by law of a political subdivision pursuant to the provisions enumerated in Florida Statutes § 252.38; and

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, 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 and 20-13, declaring a local state of emergency, as extended, as an executive order pursuant thereto, we resolve a “Stay at Home” Order providing the following requirements and restrictions:

A. 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 people is prohibited unless exempted herein;

B. 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;

C. Individuals in Gadsden County are ordered to:

1. Comply with the CDC guidelines by maintaining a distance of 6 feet from other persons and by not gathering in groups of more than ten (10) individuals.
2. Limit non-essential activity and/or transportation to the following locations:
 - a. Primary or emergency care or direct care support for a family member, relative, friend, or their pet;

- b. Healthcare and medical services;
- c. Groceries;
- d. Meal take-outs from local food establishments;
- e. Essential work duties that cannot be performed from home;
- f. Banks and related financial institutions;
- g. Laundry services, laundromats;
- h. Essential and necessary home repairs and maintenance;
- i. Veterinarians and pet boarding facilities;
- j. Gas stations, auto-supply and auto-repair facilities;

D. Places of public assembly are ordered to:

Close to the public. Whether indoors or outdoors, this includes, but is not limited to, locations with amusement rides, carnivals, water parks, publicly accessible pools, zoos, museums, arcades, fairs, publicly accessible children's play centers, publicly accessible playground equipment, theme parks, bowling alleys, pool halls, movie and other theaters, concert and music halls, country clubs, social clubs and fraternal organizations.

Religious organizations are allowed to hold services, provided they conform to CDC guidance, practice proper social distancing and that the attendance at such services does not exceed ten (10) individuals.

Funerals services shall be permitted to take place, provided that such services conform CDC guidance, adhere to social distancing requirements and that attendance at such services does not exceed ten (10) individuals.

E. All places and entities conducting public and private gatherings are ordered to:

All public and private gatherings of any number of people not meeting CDC guidance occurring outside a family unit, single household or living unit are prohibited, except for the limited purposes permitted herein. Any gatherings involving groups of ten or more may be told to disperse.

F. Businesses in Gadsden County are ordered to:

Close storefront operations and limit customer foot traffic if they do not provide Essential Services as outlined herein or cannot maintain CDC social distancing guidelines. However, businesses may continue internal and minimum basic operations required to maintain the businesses but are required to enforce CDC social

distancing and group gathering guidelines as it applies to their workforce. All businesses, other than those providing Essential Services, intending to remain open for business as set forth herein, by maintaining compliance with CDC guidance for social distancing and hazard mitigation and other applicable legal requirements, must post a notice, clearly visible at all times to those present on the premises including patrons and employees, in a form to be established by the County Administrator. This notice will, at a minimum, clearly identify the requirements of this Resolution for conducting business, provide contact information for reporting suspected violations, and clearly indicate that the requirements of this Resolution have the force of law and may be enforced by any available legal process. This Resolution does not limit the number of persons who may be physically present and performing services on-site related to the provision of Essential Services, except as expressly set forth herein or otherwise governed by any County, State or Federal order or regulation.

Essential Services are defined to include the following:

1. Healthcare providers and public health operations (except to the extent precluded by the Governor's Executive Order 20-72 or any subsequent Executive Order), including but not limited to: hospitals; doctors' and dentists' offices; urgent care centers, clinics, and rehabilitation facilities; physical therapists; mental health professionals; psychiatrists; therapists; research and laboratory services; blood banks, medical cannabis facilities; medical equipment, devices, and other healthcare manufacturers and suppliers; reproductive health care providers; eye care centers; home healthcare services providers; substance abuse providers; medical transport services; and pharmacies;
2. Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, baby products, pet supply, alcoholic beverages, fresh or frozen meats, fish, and tofu, and any other household consumer products (such as cleaning and personal care products). This authorization to remain open 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 and other structures;
3. Businesses engaged in food cultivation, including farming,

livestock, and fishing;

4. Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
5. Newspapers, television, radio, and other media services;
6. Gas stations, and auto-supply, and auto-repair facilities, as well as supply and repair facilities servicing bicycles;
7. Banks and related financial institutions;
8. Hardware, gardening, and building material stores;
9. Businesses primarily providing mailing, logistics, pick-up, and shipping services, including post office boxes;
10. Restaurants and other facilities that prepare and serve food, but subject to the limitations and requirements of the Governor's Executive Orders 20-68 and 20-71, and any subsequent Executive Orders.
11. Businesses that primarily supply other essential businesses and operations as stated in this Resolution, with the support or supplies necessary to operate, and which do not interact with the general public, including cybersecurity firms (but not including businesses that primarily sell or lease furniture);
12. Businesses that primarily ship or deliver groceries, food, goods, or services directly to residents;
13. Airlines, taxis, buses and other private transportation providers.
14. Businesses engaged in providing home-based care for seniors, adults, or children;
15. Assisted living facilities, nursing homes, adult day care centers, and homebased and residential settings for adults, seniors, children, and/or people with disabilities or mental illness;
16. Businesses providing professional services, such as legal or accounting services, to the extent those services comply with

the social distancing requirements referenced herein;

17. Childcare facilities providing services that enable employees employed by employers exempted in this Resolution to work as permitted. Childcare facilities should operate under the following conditions: Childcare must be carried out in stable groups of ten (10) or fewer (inclusive of childcare providers for the group); children and childcare providers shall not change from one group to another; 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, or have access to or use the same objects, materials, or surfaces without sanitization. All play equipment used by one group of children must be cleaned and sanitized before use by another group of children. Any child or employee exhibiting symptoms consistent with COVID-19 illness shall not be allowed to stay in the childcare facility.
18. Businesses operating at any airport, or other government facility, except as provided in the Governor's Executive Order 20-71.
19. Logistics providers, including warehouses, trucking, consolidators, fumigators, and handlers;
20. Telecommunications providers, including sales of computer or telecommunications devices and the provision of home telecommunications;
21. Businesses engaged in the provision and sale of propane or natural gas;
22. Factories, warehouses, manufacturing facilities, bottling plants, or other industrial distribution and supply chain facilities used for essential products and industries for the U.S. domestic market;
23. Waste management services, including businesses engaged primarily in the collection and disposal of waste;
24. Hotels, motels, other commercial lodging establishments, and temporary vacation rentals, subject to the limitations stated in the Governor's Executive Order 20-71.
25. Veterinarians and pet boarding facilities;

26. Mortuaries, funeral homes, and cemeteries including funeral and cremation services;
27. Businesses providing services to any local, state, or federal government, pursuant to a contract with such government and provided such services relate directly to a governmental response to the COVID-19 crisis;
28. Electrical production and distribution services.

G. Curfew

1. 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.**, commencing **Friday, March 27, 2020 at 9 p.m.**
2. 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.
3. 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. 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.

I. 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.

J. 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.

K. 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

L. 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.

M. 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.

N. Appeal of Non-Essential Business Status

Businesses that are not designated as Essential Businesses as defined herein, may appeal to the Interim County Administrator for such designation. The Interim County Administrator shall have the sole authority to designate an entity as an Essential Business.

By Special Order of the Chairman of the Gadsden County Board of County Commissioners on this 27th day of March 2020.

ATTEST:



**BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA**

By: Marcella Blocker, Deputy
Nicholas Thomas
Clerk of the Circuit Court

By: [Signature]
Anthony O. Viegbesie, Ph.D.
Chairman