

**CITY OF DEERFIELD BEACH, FLORIDA  
EMERGENCY ORDER NO. 2020-07**

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 the City of Deerfield Beach; and

WHEREAS, on March 1, 2020, Governor DeSantis issued Executive Order 20-51, directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida due to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic; and

WHEREAS, on March 13, 2020, the Mayor of Deerfield Beach issued Executive Order 2020-01, declaring a State of Local Emergency; and

WHEREAS, on March 17, 2020, the City Commission adopted a Resolution extending the State of Local Emergency in the City through April 17, 2020; 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 (6) feet between persons in smaller gatherings; and

WHEREAS, on March 20, 2020, the City Manager issued Emergency Order No. 2020-01, closing all public beach areas east of the boardwalk, closing the Center for Active Aging, the Deerfield Beach Aquatics Complex and other specified City parks and facilities, including closure of the International Fishing Pier for sightseeing but permitting fishing from 6am to midnight; and

WHEREAS, on March 23, 2020, the City Manager issued Emergency Order No. 2020-02, closing certain city facilities to the public, clarifying provisions regarding alcohol sales for off-premises consumption and closing the International Fishing Pier for sightseeing but permitting fishing under certain conditions; and

WHEREAS, on March 26, 2020, the City Manager issued Emergency Order No. 2020-03, closing the International Fishing Pier, golf courses and pools that are amenities of hotels, motels, community associations, rental apartments and other multifamily developments; and

WHEREAS, on March 27, 2020, the City Manager issued Emergency Order No. 2020-04 to implement a Safer-at Home Policy in the City providing further restrictions to limit the potential community spread of COVID-19; and

WHEREAS, on March 30, 2020, Governor DeSantis issued Executive Order 20-89, which ordered that Broward, Palm Beach, Miami-Dade and Monroe County restrict public access and facilities deemed non-essential pursuant to the Guidelines of Miami-Dade County Emergency Order 07-20, as amended; and

WHEREAS, on April 1, 2020, Governor DeSantis issued Executive Orders 20-91, which ordered all persons in Florida to limit their movements and personal interactions outside their homes to only those necessary to obtain or provide essential services or conduct essential activities; and

WHEREAS, on April 7, 2020, the City Manager issued an Amended and Restated Emergency Order No. 2020-04, to strongly encourage the wearing of facial coverings and to prohibit the improper disposal of used PPE; and

WHEREAS, on April 7, 2020, the City Commission adopted a Resolution extending the State of Local Emergency in the City through May 17, 2020; and

WHEREAS, on April 28, 2020, the Broward County Administrator issued Emergency Order 20-08, providing for the limited reopening of certain of certain parks, natural areas, boat ramps, marinas, golf courses, and certain pools and other amenities in Broward County; and

WHEREAS, on April 29, 2020, the City Manager issued Emergency Order 2020-06, providing for the limited reopening of City parks, natural areas, the Pioneer Park Boat Ramp, the International Fishing Pier, and certain pools and other amenities in the City, and requiring the use of facial coverings; and

WHEREAS, on April 29, 2020, Governor DeSantis issued Executive Order 20-112, implementing Phase 1 of Florida's "Safe. Smart. Step-by-Step. Plan for Florida's Recovery," (for counties other than Broward, Miami-Dade, and Palm Beach) adding certain additional services to the services previously permitted under Executive Order 20-91, including on premises consumption of food and beverage at restaurants, operation of in-store retail, and opening of museums, subject to a 25% capacity limitation; and

WHEREAS, on May 9, 2020, Governor DeSantis issue Executive Order 20-120, authorizing (for counties other than Broward and Miami-Dade) licensed professionals, including barbers and cosmetologists, to provide personal services as part of Phase 1; and

WHEREAS, on May 12, 2020, the City Commission adopted a Resolution extending the State of Local Emergency in the City through June 17, 2020; and

WHEREAS, on May 14, 2020, Governor DeSantis issued Executive Order 20-122, permitting Broward County to participate in the Phase 1 reopening identified in Executive Order 20-112, Executive Order 20-120, and any future orders pertaining to Phase 1 or the phased reopening of Florida; and

WHEREAS, on May 14, 2020, the Broward County Administrator issued Emergency Order 20-10, implementing certain measured steps to participate in the Phase 1 reopening of Broward County, including designating certain business activities as permitted activities and

reopening additional portions of recreational amenities, subject to the requirements in EO 20-10; and

WHEREAS, on May 15, 2020, Governor DeSantis issued Executive Order 20-123, providing for the “Full Phase One” reopening of certain businesses and establishments; and

WHEREAS, in order to enable the proper social distancing guidelines and support economic recovery, the City desires to allow for the issuance of temporary outdoor seating permits, as provided in this Order, to allow restaurants and food establishments to establish new or additional outdoor seating on a temporary basis.

NOW, THEREFORE, I, David Santucci, as City Manager, pursuant to my emergency authority under Section 30-29 of the City Code, the Declaration of Emergency issued and extended by the Governor, Chapter 252, Florida Statutes, the State of Local Emergency extended by the City Commission, and by the City Comprehensive Emergency Management Plan, declare:

Section 1: This Emergency Order is supplemental and in addition to the Governor’s Executive Orders 20-112, 20-120, 20-122 and 20-123 (collectively, the “Executive Orders”), together with Broward County Emergency Orders 20-08 (“EO 20-08”) and 20-10 (“EO 20-10”) (collectively, the “County Orders”), all of which are hereby adopted by the City of Deerfield Beach and incorporated herein.

Section 2: In addition to the regulations set forth in the Executive Orders and County Orders, I hereby order the following:

- a) **Continuing Adherence to CDC Guidelines Regarding Social Distancing and Facial Coverings** . All individuals shall continue to adhere to the social distancing guidelines from the Centers for Disease Control and Prevention available at <https://www.cdc.gov/coronavirus/2019ncov/prevent-getting-sick/social-distancing.html> and incorporated herein, as amended, by this reference (the “CDC Guidelines”), and the facial covering requirements in stated in Broward County Emergency Order 20-07, as amended. Social distancing requirements do not apply to members of the same household. In addition, pursuant to the Governor’s Executive Order 20-112, groups of more than ten people are not permitted to congregate in any public space that does not readily allow for the required social distancing.
- b) **Parks**. City parks will remain open to the public on a limited basis for passive use, such as walking, hiking, biking and jogging, as applicable, and under the circumstances and subject to the conditions and guidelines in Amended City EO 2020-06 and Attachment 2 of EO 20-08 (collectively, the “Park Guidelines”). Private parks may be opened by the owner/operator of such parks provided that the parks are operated in compliance with the minimum requirements in Attachment 2 of EO 20-08, except that basketball courts shall remain closed. Any activities that deviate from Park Guidelines shall remain prohibited.

Section 3: In effort to support the Executive Orders and EO 20-10, and promote business operation and economic recovery while maintaining focus on core safety principles by enabling the proper social distancing guidelines, I hereby order the following:

- a) **Conditions for Temporary Outdoor Seating Permits.** The City may issue temporary outdoor seating permits for restaurants that have a current certificate of occupancy and an active business tax license that wish to temporarily establish or expand their outdoor seating area (a “Temporary Permit”) in order to maintain the maximum capacity limitations and social distancing requirements set forth in applicable Broward County Emergency Orders (including but not limited to EO 20-10) and Governor Executive Orders (including but not limited to EO 20-112), as they may be amended or superseded. A qualified restaurant that desires to establish or expand their outdoor seating area on a temporary basis shall complete an application for such use, attached hereto as Attachment 1 (the “Application”), and comply with all terms and conditions of the Application and Temporary Permit that may be issued.
  
- b) **Revocation of Temporary Permit.** The issuance of a Temporary Permit is at the sole discretion of the City and subject to the terms, conditions, and requirements of this Emergency Order and the Application. Such Temporary Permit may be withdrawn by the City at any time, including upon a finding by the City of a violation of this Order or the Application, or if an applicable Governor Order or County Order is amended or superseded. Further, notwithstanding any provision of this Order to the contrary, the City reserves the right to restrict or prohibit temporary outdoor seating otherwise permitted by this Order if the City determines such use endangers the public health, safety, or welfare of the City, at the City’s sole discretion.

Section 4: This Order shall be strictly adhered to at all times. This Order may be enforced within the boundaries of the City of Deerfield Beach by the Broward Sheriff’s Office, as the City’s law enforcement agency, through issuance of Notices to Appear or arrest, pursuant to the provisions of Chapter 252, Florida Statutes, and other applicable State, County and City laws, rules and regulations, or through the issuance of Code Violations and Notices of Violation by the City’s Code Compliance Department pursuant to applicable provisions of Chapter 162, Florida Statutes, and the City Code, and by any other state or local agencies with jurisdiction.

Section 5: Any violation of any rule or regulation issued and set forth herein shall be punishable as provided by the City Code, this Order and other applicable law, including but not limited to Chapter 252, Florida Statutes, which provides that any person violating any rule or order made pursuant to the emergency provisions of state law is guilty of a second degree misdemeanor, punishable by up to 60 days in jail or a \$500 fine, or both.

Section 6: This Emergency Order is in addition to, and supplements, the City’s prior Emergency Orders, the Executive Orders issued by the Governor, and the Emergency Orders issued by Broward County. To the extent of any conflict between this Order and any previously issued City Emergency Order or existing City Ordinance, this Order shall control to the extent of such conflict. To the extent of any conflict between this Order and any applicable County Emergency Order or Governor Executive Order, the more stringent provisions shall control to the extent of such conflict and to the fullest extent permitted by law.

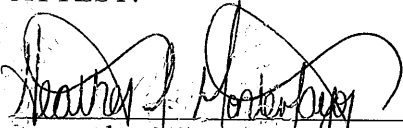
Section 7: This Order shall be effective as of 12:01 a.m. on Monday, May 18, 2020 and shall remain in place as long as the State of Local Emergency is in effect, as amended and extended, unless earlier terminated by subsequent Emergency Order.

ORDERED at 4:00 p.m. this 15<sup>th</sup> day of May, 2020.



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David Santucci, City Manager

ATTEST:



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Samantha Gillyard, City Clerk