

**CITY OF DEERFIELD BEACH, FLORIDA
EMERGENCY ORDER NO. 2020-11**

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 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 Commission adopted a Resolution extending the State of Local Emergency in the City through May 17, 2020; 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, on May 21, 2020, Broward County issued Emergency Order 20-12, which was amended on May 22, 2020 by Emergency Order 20-13, outlining the establishments permitted to operate within Broward County and, as amended, providing for the reopening of beaches, commercial gyms and fitness centers, hotels and other lodging establishments, subject to the guidelines and conditions set forth in the County orders; and

WHEREAS, on May 22, 2020, Governor DeSantis issued Executive Order 20-131, expanding “Full Phase 1” to include organized youth activities; and

WHEREAS, on May 29, 2020, Broward County issued Emergency Order 20-14, permitting certain additional activities on beaches and at parks, and permitting tattoo parlors and massage establishments to operate; and

WHEREAS, on June 3, 2020, Governor DeSantis issued Executive Order 20-139, implementing Phase 2 of Florida’s “Safe. Smart. Step-by-Step. Plan for Florida’s Recovery,” (for counties other than Broward, Miami-Dade, and Palm Beach, which may enter Phase 2 upon approval of a written request from the County Administrator or County Mayor), adding certain additional services to the services previously permitted under Phase 1 Orders, including seating at bar areas and reopening of entertainment businesses, pari-mutuel establishments, and personal services; and

WHEREAS, on June 5, 2020, Broward County issued Emergency Order 20-15, permitting additional establishments and youth activities, including summer camps, to operate under certain guidelines, permitting vacation rentals, pari-mutuel establishments, movie theaters, and certain other entertainment venues to operate pursuant to specific guidelines or pre-approved reopening and operations plans; and

WHEREAS, on June 12, 2020, Broward County issued Emergency Order 20-17, requiring retail establishments and restaurants to post signage containing information regarding sanitization, social distancing, and facial covering requirements; and

WHEREAS, on June 16, 2020, the City Commission adopted a Resolution extending the State of Local Emergency in the City through July 17, 2020; and

WHEREAS, on June 23, 2020, Broward County issued Emergency Order 20-18 (“County EO 20-18”), which outlines penalties for establishments that fail to comply with Emergency Orders mandating sanitization, social distancing, facial coverings and other requirements intended to mitigate the spread of COVID-19; and

WHEREAS, on July 1, 2020, Broward County issued Emergency Order 20-20 modifying the facial covering requirements and limiting hours for on-site consumption of food and alcohol at restaurants and food establishments within the County; and

WHEREAS, over the past three weeks, Broward County and the State of Florida have experienced a material upward trajectory of positive reported cases and sustained increased positivity rates, which pose a material risk to public health and safety; and

WHEREAS, on July 8, 2020, Broward County issued Emergency Order 20-21, a comprehensive order clarifying previous Emergency Orders, closing certain establishments and imposing additional requirements for establishments that fail to comply with the guidelines in the Emergency Order; and

WHEREAS, on July 12, 2020, the State of Florida reported 15,300 new positive cases setting a record in the United States for the most new Covid-19 cases any state has had in a single day; and

WHEREAS, on July 17, 2020, Broward County issued Emergency Order 20-22, which implements new restrictions to help curtail large social gatherings, including house parties, street parties and other activities that are contributing to community spread of the virus.

WHEREAS, during the past week, Broward County reported more than 1,300 new cases each day and positivity rates as high as 16.58%, with hospitals either at or are exceeding their bed capacity; and

WHEREAS, in certain outdoor locations within the City, such as the City’s boardwalk, fishing pier and certain portions of City parks, it is very difficult to maintain 6 feet of social distancing due to the width of certain areas and heavy pedestrian traffic.

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, hereby order as follows:

Section 1: This Emergency Order is supplemental and in addition to the Governor's Executive Orders 20-131 and 20-139 (collectively, the "Executive Orders"), together with Broward County Emergency Orders 20-20, 20-21 and 20-22 (collectively, the "County Orders"), all of which are hereby adopted by the City of Deerfield Beach and incorporated herein.

Section 2: Face Coverings Requirements for City Beach Boardwalk, Pier, Parks and Facilities.

- a. *City Beach Boardwalk and International Fishing Pier* - Regardless of whether social distancing is also maintained, face coverings shall be required to be worn at all times by all persons while at the City Boardwalk (the portion of the eastern sidewalk that runs along the beach from the Kirk Cottrell Pavilion. to SE 10th St. adjacent to Ocean Way) and the International Fishing Pier.
- b. *City Parks and Facilities* - Face coverings shall be required to be worn at all times by all persons while at all City owned parks (excluding the City beach), except: (i) while the person is actively engaged in strenuous physical activity, provided that social distancing of at least six feet between persons not of the same household is maintained, or (ii) if the person has a disability or medical condition that prevents the person from wearing a facial covering.
- c. *Exemptions* - The face coverings requirements of Section 2 of this Emergency Order do not apply to the following individuals under the conditions stated:
 - (i) Children under the age of two (who should not wear facial coverings per CDC Guidelines);
 - (ii) Public health and safety, fire and other life safety personnel, as their personal protective equipment requirements will be governed by their respective agencies.

Section 3: 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 Sheriffs 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 4: Any violation of any rule or regulation issued and set forth herein shall be punishable as provided by the City Code, this Order, County EO 20-18 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 5: This Emergency Order is in addition to, and supplements, the Executive Orders issued by the Governor, and the Emergency Orders issued by Broward County. This Emergency Order supersedes and replaces any contrary provision in any prior City Emergency Order. 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 6: This Order shall be effective as of 12:01 a.m. on Tuesday, July 20, 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 8:00 p.m. this 20th day of July, 2020.



David Santucci, City Manager