

MAYORAL EXECUTIVE ORDER 01-2020

AN EXECUTIVE ORDER DECLARING A STATE OF EMERGENCY;
RECOGNIZING THE THREATENING TRAJECTORY OF THE COVID-19 VIRUS
AND DIRECTING BUSINESS AND FACILITY CLOSINGS AND BUSINESS
PRACTICES TO IMPLEMENT PROTOCOLS ISSUED BY THE PRESIDENT OF
THE UNITED STATES AND THE CENTER FOR DISEASE CONTROL (CDC); AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, I, Lynn Stoner, am Mayor of the City of Plantation, Florida, and pursuant to Sec. 14 of the City Charter, am the Chief Executive Officer of the City and required by such Charter to see that the provisions of the Charter, ordinances, laws and rules of the City are complied with, and enforced; and

WHEREAS, pursuant to the City Charter, I, as Mayor, have the power and authority to put down riots and unlawful assemblies, and the authority to use the police power of the City to see that peace, good order, safety, and good morals are preserved within the City; and

WHEREAS, pursuant to section 2-452 et. seq., of the City's Code of Ordinances ("Emergency Powers"), I as Mayor, have the power to declare a State of Emergency, initiate, and implement the Emergency Powers; and

WHEREAS, pursuant to the Emergency Powers, I as Mayor, retain the power to direct as necessary the powers, duties, functions, and obligations of the city's public safety department heads as is appropriate to deal with the public health emergency in the City of Plantation; and

WHEREAS, Novel Coronavirus (COVID-19) is a severe acute respiratory illness that can spread quickly among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in December of 2019, a new and substantial outbreak of COVID-19 emerged in Wuhan, China, and has since spread rapidly to 150 countries and territories throughout the World, including the United States, and more specifically Broward County and 18 other counties in the State of Florida; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 and declared a public health emergency in the State of Florida due to the public health threat resulting from the spread of the COVID-19; and

WHEREAS, in the Executive Order, Governor Desantis declared a state of emergency statewide, and authorized in accordance with Section 252.38, Florida Statutes, each political subdivision within the State to "waive the procedures and formalities otherwise required of the political subdivision by law pertaining to: 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety and welfare of the community. . ."; and

WHEREAS, the City is currently following the Governor's Executive Order; and

WHEREAS, on March 10, 2020, Broward County Administrator Bertha Henry declared a state of emergency in Broward County; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic; and

WHEREAS, as of March 19, 2020, there are 222,643 confirmed cases of COVID-19 globally, and 8,966 deaths, showing rapidly increasing transmission of the virus; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) is predicting that it is likely that widespread transmission of COVID-19 will also occur in the United States; and

WHEREAS, no vaccine or drug is currently available to cure or combat COVID-19; and

WHEREAS, as of March 18, 2020, at least 80 persons in Broward County, 328 persons in the State of Florida, and 9,415 persons in the United States, have tested positive for COVID-19, with an unknown number of persons awaiting testing or awaiting test results; and

WHEREAS, the City of Plantation is threatened by COVID-19 because of the extraordinary ability of the virus to spread rapidly among humans, and COVID-19 thereby constitutes a clear and present threat to the health, safety, and welfare of the citizens and visitors of the City of Plantation; and

WHEREAS, this State of Emergency is necessary not only because of the propensity of the virus to spread person to person but also because the virus physically is causing property damage due to its proclivity to attach to surfaces for prolonged periods of time; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the CDC issued guidelines for "Community Mitigation Strategies" to limit the spread of COVID-19, including recommendations for social distancing and limiting gatherings of more than 10 people, which have been shown to be an effective method for containing COVID-19; and

WHEREAS, Section 2-452 of the City of Plantation Code of Ordinances authorizes certain emergency measures to be taken under emergency conditions; and

WHEREAS, COVID-19 poses a health risk to Plantation residents, particularly elderly residents and those who are immunosuppressed or otherwise have high-risk medical conditions; and

WHEREAS, minimization of contact is necessary to avoid risk of COVID-19 infection for the residents of the City; and

WHEREAS, restaurants, bars, banquet halls, lounges, breweries, cafeterias, bowling alleys, movie theaters, arcades, ballrooms, gyms, fitness centers, and dance studios are potential gathering places for the spread of COVID-19; and

WHEREAS, Section 252.47 Florida Statutes charges the law enforcement authorities of the state and political subdivisions with enforcement of the orders and rules issued pursuant to ss. 252.31-252.90 Florida Statutes, including but not limited to orders and rules issued by the Governor; and

WHEREAS, pursuant to section 252.50, Florida Statutes, any person violating any rule or order issued pursuant to ss. 252.31-252.90 Florida Statutes, is guilty of a misdemeanor of the second degree; and

WHEREAS, this Executive Order is also issued, pursuant to s. 252.38, Florida Statutes; and

WHEREAS, in order to protect the City's residents and visitors, the extremely threatening trajectory of the COVID-19 virus calls for emergency action and commitment to the social distancing protocols of the Center for Disease Control and the President of the United States; and

WHEREAS, the Mayor finds and determines that in support and recognition of Federal and CDC guidelines and recommendations, Executive Orders of the Governor of the State of Florida, and the authority of the Department of Business and Professional Regulation, emergency enforcement measures are necessary to protect the public health, safety and welfare.

NOW, THEREFORE, I, LYNN STONER, Mayor of the City of Plantation, hereby issue the following Executive Orders:

1. A State of Emergency is hereby declared.
2. The following events and activities within the City of Plantation are postponed, cancelled, or suspended:
 - a. All meetings of the City Council, City Boards, including all advisory and statutory boards, City committees and City working groups;
 - b. All Special Magistrate, Code Enforcement except when necessary related to unsafe structures or other health and safety threats;
 - c. All homeowner association and civic association meetings conducted or held on City property;
 - d. All City events, including but not limited to, city sponsored or approved special events; and
 - e. All City recreational programs and facilities, facility rentals, and organized sports leagues.

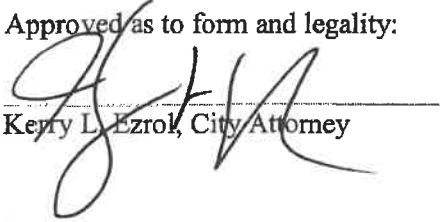
3. All public gatherings of any type, whether organized or otherwise, of greater than 10 persons are prohibited. Grocery stores, convenience stores, pet stores, gas stations, banks, credit unions and other financial institutions, hardware and home-improvement stores, auto-supply stores, hospital, healthcare and medical facilities, medical supply companies, pharmacies and drug stores, state licensed child care facilities, private schools, land or facilities owned and managed by Broward County, the Broward County School Board, the North Broward Hospital District, the State of Florida, and the Federal Government, are exempt from this regulation.
4. All gyms, fitness centers, fitness studios, dance studios, and gymnasiums shall close. This regulation shall not apply to gymnasiums, fitness centers, and fitness studios which: (a) are amenities of hotels or office buildings and which have a capacity of 10 persons or less; and (b) are an amenity of residential buildings.
5. All bars, cocktail lounges, breweries, dance halls, movie theaters, halls for hire, auditoriums, bowling alleys, video arcades, and other like entertainment facilities and businesses, including but not limited to those contained within a hotel or other enclosed facility or structure, shall close.
6. As of March 23, 2020 at 5:00 pm, all restaurants, cafeterias, and other food service establishments are mandated to cease all on-premises service, including but not limited to outdoor dining. However, such establishments may continue to operate their kitchens for drive-thru, delivery, take-out, and exterior pick-up foodservices.
7. Businesses exempted in Paragraph 3 and facilities exempted in Paragraph 4 shall:
 - a. have alcohol-based hand sanitizer at every entrance for use by persons upon entering and exiting;
 - b. provide wipes at every gym or fitness center station or machine;
 - c. follow restaurant employee protocols issued by the Department of Business and Professional Regulation; and
 - d. take all available steps to ensure a 6 foot minimum distance between any group of patrons
8. All residents and visitors of the City Plantation are directed to comply with the isolation and social distancing protocols issued by the CDC and United States President, and with these emergency regulations and necessary measures which shall be strictly enforced, and to cooperate with public officials and public safety personnel in executing any emergency operational plans, and to obey and comply with the lawful direction of all properly identified public officers.
9. The Mayor retains all executive powers under the Charter and the City Code to direct as necessary the powers, duties, functions, and obligations of the city's public safety department heads as is appropriate to deal with the public health emergency as described herein.

10. This Executive Order shall remain in effect until rescinded in writing by me or in my absence or disability, by the President of the City Council acting as Mayor pursuant to the City Charter, the President Pro Tem of the City Council in the absence or disability of me or the President of the City Council, or the Chief Administrative Officer in the absence or disability of the foregoing three elected officials having executive power or conditional Charter executive powers.

DONE AND ORDERED at 10:00 P.M. this 19 day of March 2020 at Plantation, Florida.


Lynn Stoner, Mayor

Approved as to form and legality:


Kerry L. Ezrol, City Attorney