



EMERGENCY ORDER NUMBER 2  
WELLINGTON COVID-19

**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 Wellington; and

**WHEREAS**, on March 1, 2020, Governor Ron 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 Ron DeSantis issued Executive Order 20-52 declaring a state of emergency for the State of Florida as a result of 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, pursuant to section 252.38(3)(a)(5), Florida Statutes, Palm Beach County declared a local state of emergency due to the Coronavirus pandemic, which has since been extended in accordance with applicable law; and

**WHEREAS**, the Village of Wellington has declared a state of emergency pursuant to Chapter 252 of the Florida Statutes and has authorized the Village Manager to take all actions necessary and appropriate to protect human life and property, including the authority to promulgate rules and order necessary, subject to the limitations of section 252.33 of the Florida Statutes; and

**WHEREAS**, on March 24, 2020, Governor Ron DeSantis, issued Executive Order 20-83 directing the State Surgeon General and the State Health Officer to issue a public health advisory to advise senior persons, and persons that have a serious underlying medical condition that places them at a high risk of severe illness from COVID-19 to stay at home. Such conditions include, but are not limited to, chronic lung disease or moderate

to severe asthma; serious heart conditions; immunocompromised status, including those in cancer treatment; and severe obesity; and

**WHEREAS**, on April 1, 2020, Governor Ron DeSantis, issued Executive Order 20-91, as amended by Executive Order 20-92, directing senior citizens and individuals with a significant underlying medical condition (such as chronic lung disease, moderate-to-severe asthma, serious heart conditions, immunocompromised status, cancer, diabetes, severe obesity, renal failure, and liver disease) to stay home and take all measures to limit the risk of exposure to COVID-19, and further directing all persons to limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities; and

**WHEREAS**, there is no vaccine or drug currently available to combat COVID-19; 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 ("FDOH") recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing between persons in smaller gatherings; and

**WHEREAS**, limitations on gatherings and the use of social distancing to prevent transmission of COVID-19 are especially important for people who are sixty (60) years old and older, and to people with chronic health conditions because those populations are at a higher risk of severe illness, hospitalization and death from COVID-19. However, it appears that everyone, regardless of age or health condition, is threatened by COVID-19 and could be spreading the COVID-19 virus even if not displaying symptoms; and

**WHEREAS**, the number of COVID-19 cases continues to rise, particularly in the tri-county areas of Miami-Dade, Broward and Palm Beach; and the goal of the CDC and FDOH is to slow the spread of the COVID-19 virus by requiring and mandating social distancing requirements and encouraging all seniors age sixty (60) and older, and persons with chronic health conditions to stay at home and by encouraging and recommending that persons of all ages avoid groups of persons and stay at home unless serving critical purposes to the community; and

**WHEREAS**, Wellington is experiencing an increase in the number of COVID-19 cases resulting in increased concern from public health authorities concerning the importance of maintaining social distancing, keeping the elder population at home, washing hands and practicing good hygiene and following the mitigation strategies advanced by the CDC; and

**WHEREAS**, the measures being taken to implement the community mitigation strategies are having an impact on the economy and businesses in Wellington and are hindering the ability of property owners and developers to exercise certain rights under existing development orders; and

**WHEREAS**, pursuant to section 252.363, Florida Statutes, the declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration and extends the period remaining to exercise the rights under a permit or other authorization for six (6) months in addition to the tolled period; and

**WHEREAS**, such tolling and extension rights available pursuant to section 252.363, Florida Statutes, applies to the expiration of a development order issued by a local government; and

**WHEREAS**, the holder of the permit or other authorization is required to provide written notice of its intent to exercise the tolling and extension rights contemplated by section 252.363, Florida Statutes; and

**WHEREAS**, the tolling and extension rights contemplated by section 252.363, Florida Statutes, is automatic upon the provision of such written notice to the local authority; and

**WHEREAS**, Wellington presently has sixteen (16) pending development orders that are entitled to the tolling and extension rights contemplated by section 252.363, Florida Statutes; and

**WHEREAS**, this Emergency Order is necessary to mitigate the impact of COVID-19 by promoting social distancing and minimizing such person to person contact among Wellington residents and staff that may be necessary to exercise the tolling and extension rights available under the statute, particularly in light of the propensity of COVID-19 to

spread person to person and also because the virus is attaching to surfaces for prolonged periods of time; and

**WHEREAS**, this Emergency Order is necessary to protect the lives, health, welfare, and safety of Wellington's residents from the devastating impacts of this pandemic.

**NOW, THEREFORE, IT IS HEREBY ORDERED** pursuant to Wellington's Declaration of Emergency and Chapter 252 of the Florida Statutes, as follows:

Section 1. Effectively immediately, all pending development orders issued by Wellington and listed on the attached Exhibit A are automatically tolled and extended in accordance with section 252.363, Florida Statutes, as if the requisite notices of intent to invoke the tolling and extension rights provided by section 252.363 were provided to Wellington, and regardless of whether such notices were actually provided to Wellington with respect to each of the aforementioned development orders.

Section 3. This Emergency Order does not apply to any order issued by Wellington other than those listed on the attached Exhibit A.

Section 4. This Emergency Order does not apply outside of Wellington.

Section 5. This Emergency Order is supplemental and in addition to the Executive Orders issued by Governor DeSantis as well as any Emergency Orders issued by Palm Beach County in connection with COVID-19 and any additional Executive Orders that may be issued by Governor DeSantis or the President, or Emergency Orders issued by Palm Beach County that may be applicable to Wellington.

Section 6. Any provision(s) within this Emergency Order that conflict(s) with any county, state or federal law or constitutional provision, or conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States or any county-wide Emergency Order or ordinance, shall be deemed inapplicable and deemed to be severed from this Emergency Order, with the remainder of the Emergency Order remaining intact and in full force and effect. To the extent application of some or all the provisions of this Emergency Order is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Emergency Order.

Section 7. This Order shall be effective at 5:00 p.m. on April 16, 2020 and shall last for the duration of the declared emergency.

DATED this 16<sup>th</sup> day of April, 2020.

VILLAGE OF WELLINGTON

By: Paul Schofield<sup>es</sup>  
Paul Schofield, Village Manager

ATTEST:

By: Chevelle D. Addie  
Chevelle D. Addie, Village Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By \_\_\_\_\_  
Laurie Cohen, Village Attorney