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Danny J. Shipp, Levy County Clerk, Florida
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Deputy Clerk UWILLIAMS

EMERGENCY ORDER

2020-070

**AN EMERGENCY ORDER PROVIDING FOR RESCINDING
EMERGENCY ORDER 2020-059, AS AMENDED,
ELIMINATING RESTRICTIONS ON GATHERINGS OF
GROUPS OF MORE THAN TEN PEOPLE; PROVIDING
COUNTY SUPPORT AND IMPLEMENTATION OF
GOVERNOR'S PHASE 2: SAFE. SMART. STEP-BY-STEP.
PLAN FOR FLORIDA'S RECOVERY.**

WHEREAS, Levy County is under federal, State and Local States of Emergency as the result of the novel coronavirus ("COVID-19") pandemic, pursuant to the March 13, 2020 enactment of a National State of Emergency by President Donald J. Trump, Executive Orders 20-51 and 20-52 issued by Governor Ron DeSantis (on March 1 and March 9, 2020, respectively), as extended by the Governor's Executive Order 20-114 issued May 8, 2020, and Levy County Emergency Declaration 2020-020 dated March 17, 2020 as extended and altered by several subsequent Emergency Declarations which have or will have been ratified by the Board of County Commissioners ("Board") as of the date of this Emergency Order; and

WHEREAS, pursuant to its police power and Sections 252.38 and 252.46, Fla. Stat., the Board may take actions to protect the health, safety and welfare of its citizens, including making such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the emergency management provisions of Sections 252.31 through 252.90, Fla. Stat.; and

WHEREAS, such orders when filed with the Clerk of Court shall have the force of law, and all existing laws, ordinances, and rules which are in conflict are suspended to the extent of the conflict, pursuant to Section 252.46(2), Fla. Stat.; and

WHEREAS, the law enforcement authorities of the State and its political subdivisions are authorized to enforce such orders pursuant to Section 252.47, Fla. Stat.; and

WHEREAS, a violation of a duly promulgated order is a second degree misdemeanor, punishable by a fine of up to \$500.00 for each offense and by a term of imprisonment of up to sixty (60) days in jail for each offense, pursuant to Section 252.50, Fla. Stat.; and

WHEREAS, since the start and continued spread of COVID-19, President Donald J. Trump, the Centers for Disease Control (“CDC”), and the Florida Department of Health (“FLDOH”) have issued guidance advising individuals to adopt social distancing protocols of maintaining a distance of at least six feet between individuals, working from home, and avoiding gatherings of large numbers of people to slow the spread of COVID-19, and maintaining sanitation protocols of washing hands frequently, and sanitizing surfaces and living spaces, which social distancing and sanitation protocols have been updated and amended as the country proceeds through and begins recovery from the spread of COVID-19; and

WHEREAS, in an effort to limit the spread of COVID-19 throughout the State of Florida, Governor Ron DeSantis issued Executive Order Number 20-91 on April 1, 2020, which, as subsequently amended, implemented a “safer at home” order limiting individuals’ movements throughout the State and directing local governments to ensure that gatherings of more than ten people are prohibited in public spaces, on issued several Executive Orders on various dates limiting activities such as attendance at beaches and operation of businesses such as restaurants, bars, barbershops, gyms, and other businesses, and on issued several Executive Orders on various dates limiting travel into the State; and

WHEREAS, in the weeks since the adoption of the Governor’s Executive Order 20-91 and other Executive Orders limiting individual movements, activities, operation of certain businesses, and travel into the State, while the threat of COVID-19 infections and deaths has not been eliminated, Florida’s testing for COVID-19 has increased and Florida’s COVID-19 infection percentages and death rates have improved, resulting in a reduction in demand on health care facilities related to COVID-19; and

WHEREAS, in anticipation of past and continued improvement of COVID-19 infection percentages and deaths in Florida, and with the addition of enhanced testing throughout the State, Governor DeSantis eased restrictions contained in Executive Order 20-91, as amended, and other Executive Orders limiting activities and businesses, through implementation of successive phases of the Governor’s plan for Florida’s recovery from the effects of COVID-19, reflected in Executive Order 20-112 implementing *Phase 1: Safe*.

Smart. Step-by-Step. Plan for Florida's Recovery ("Governor's Plan, Phase 1"), and Executive Order 20-123 implementing *Full Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery* ("Governor's Plan, Full Phase 1");

WHEREAS, on June 3, 2020, as the result of Florida's continued improvement in COVID-19 infection percentages and continued recovery from COVID-19, Governor DeSantis issued Executive Order 20-139 implementing the next phase of Florida's recovery plan, *Phase 2: Safe. Smart. Step-by-Step. Plan for Florida's Recovery*, which eliminated the "safer at home" order and the directive to local governments to ensure that groups of more than ten people are not permitted to gather in public spaces from Executive Order 20-91, as amended, and eased restrictions on businesses and activities of citizens from other Executive Orders, while still providing guidance to avoid activities with groups of more than fifty people, and encouraging practice of social distancing and sanitation protocols; and

WHEREAS, the County Emergency Management Director and the Chair of the Board of County Commissioners ("Chair"), in consultation with law enforcement and other government officials, and with review of local and State health department recommendations and information on COVID-19, previously determined that prohibiting gatherings of more than ten people was of paramount interest in preventing and mitigating the spread of COVID-19; and

WHEREAS, in order to protect the public health, safety and welfare and limit the spread of COVID-19 in Levy County, and in compliance with the requirements contained in the Governor's Executive Order 20-91, on March 31, 2020, the Board adopted Emergency Order 2020-026 prohibiting gatherings of more than ten people in Levy County during the County's declared State of Emergency, with some exceptions and limitations; and

WHEREAS, since March 31, 2020, in response to a need for clarification of some provisions of Emergency Order 2020-026, response to continued improvement in Levy County's COVID-19 infection percentages and continuation of low infection rates and low death rates from COVID-19, and response to the implementation of the Governor's Plan, Phase 1 and the Governor's Plan, Full Phase 1, the Board adopted or ratified the Chair's adoption of numerous amendments to Emergency Order 2020-026, contained in Emergency Orders 2020-030, 2020-047, 2020-048, and 2020-057; and

WHEREAS, based on COVID-19 test results and other data reflecting that COVID-19 infection rates continue to be relatively low, on April 21, 2020, the Board adopted the *Levy County BOCC COVID-19 Phased Re-Opening Guide* ("County Guide"), which

provides a flexible, phased plan for re-opening Levy County's economy and lifting the restrictions imposed by Emergency Order 2020-026, as amended, the provisions of which Guide are contingent on actions by Governor DeSantis regarding a then-anticipated re-opening plan for the State, which was ultimately reflected in the Governor's Plan, Phase 1, the Governor's Plan, Full Phase 1, and the Governor's Plan, Phase 2; and

WHEREAS, on April 21, 2020, the Board also authorized the Chair to enact amendments to the County Guide and to Emergency Order 2020-026, as amended, in order to implement the guidelines contained in the County Guide in response to actions by Governor DeSantis regarding the State's re-opening plan; and

WHEREAS, on May 26, 2020, the Board adopted Emergency Order 2020-059, which restated Emergency Order 2020-026, as amended, to provide for clarity and extension of the County's current provisions regarding gatherings of more than ten people and exceptions thereto; and

WHEREAS, on June 2, 2020, the Board adopted Emergency Order 2020-064, amending Emergency Order 2020-059 to expand exceptions to gathering restrictions to include youth activities and operations of fraternal organizations, social clubs and country clubs; and

WHEREAS, in light of the continued improvement in COVID-19 infection rates and increased testing in Levy County and the State, and in light of the elimination of the direction from the Governor through executive order to local governments to ensure gatherings of more than ten people are prohibited in public spaces, Levy County's need for Emergency Order 2020-059, as amended, has ended; and

WHEREAS, even though the need for Emergency Order 2020-059, as amended, has ended in Levy County, and even though COVID-19 infection rates in Levy County are relatively low, especially when compared to some of the more populous neighboring counties, the threat of COVID-19 spread still exists without some guidance for certain activities, some restrictions on operations of businesses and activities, and requirements for compliance with social distancing and sanitation protocols, as reflected in the Governor's Plan, Phase 2; and

WHEREAS, the Board finds that it is in the best interests of the public to eliminate unnecessary regulation and restrictions on businesses and activities of Levy County residents and visitors by rescinding Emergency Order 2020-059, as amended, to eliminate restrictions on gatherings of more than ten people; and

WHEREAS, the Board finds it is necessary to protect human life, health, safety and welfare, and in the best interests of the public to provide guidance for certain activities, some restrictions on operations of businesses and activities, and requirements for compliance with social distancing and sanitation protocols, as reflected in the County Guide and the Governor's Plan, Phase 2;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Rescinding Order. Emergency Order 2020-059, as amended by Emergency Order 2020-064, is rescinded and of no further force and effect.

2. Responsible Individual and Business Activity.

(a) The encouragements, guidance and protocols listed in this Section 2, constitute guidance only and are not enforceable pursuant to Section 252.50, Fla. Stat., or Section 30-37, Levy County Code.

(b) All persons in Levy County are encouraged to follow appropriate social distancing and sanitation protocols issued by the CDC and the Occupational Safety and Health Administration and the FLDOH.

(c) Any business or other entity performing operations or providing goods or services in Levy County should adopt and maintain reasonable measures to ensure sanitation and cleanliness of their premises and items that may come into contact with employees and the public. Such businesses or entities and any persons providing goods or performing services within such businesses' or entities' premises or on behalf of such businesses or entities should take all reasonable actions to adhere to limiting numbers of people to fifty or fewer and to the social distancing protocol of maintaining a minimum of six feet between people, whenever possible. Senior citizens and individuals with a significant underlying medical condition are strongly encouraged to avoid crowds and take measures to limit the risk of exposure to COVID-19.

(d) All persons in Levy County are encouraged to avoid congregating in groups larger than 50 people.

(e) All persons work in long-term care facilities should be tested for COVID-19 on a routine basis.

3. Businesses and Activities. The operation of the following businesses or conduct of the following activities shall meet the restrictions contained herein for such businesses or activities, as follows:

(a) Restaurant or food establishments licensed under Chapters 500 or 509, Fla. Stat. ("restaurants"), and bars and other vendors licensed to sell alcoholic beverages for consumption on the premises ("bars") may operate; provided that such restaurants or bars operate at fifty percent (50%) of their indoor capacity, excluding employees, plus outdoor seating; provided further that such restaurants or bars maintain appropriate social distancing for indoor or outdoor seating of six feet between parties or use of partitions between parties, and limiting seating to parties of ten or fewer people; provided further that any bar area may be open with seated service; provided further that such restaurants or bars comply with appropriate safety measures posted on the website of the Department of Business and Professional Regulation ("DBPR"), as the same may be updated; and provided further that the exception in this subsection will not be construed to include nightclubs.

(b) Nightclubs will not be allowed to operate unless otherwise provided by subsequent Executive Order of the Governor, and subject to any limitations contained in any subsequent Executive Order of the Governor.

(c) In-store retail establishments, gyms and fitness centers, and museums and libraries may operate; provided that such venues maintain appropriate social distancing and sanitation protocols; and provided further that such venues comply with any best practices for their operations that may be adopted by DBPR and posted on the DBPR website, as the same may be updated.

(d) Organized youth activities, including youth sports teams and leagues, youth clubs and programs, and child care, and including summer camps and youth recreation camps, including but not limited to those defined in Sections 409.175 and 503.02, Fla. Stat., respectively, may operate; provided that the operation of all such activities, programs or camps maintain appropriate social distancing and sanitation protocols, to the extent feasible.

(e) Fraternal organizations, social clubs, and country clubs may meet and operate; provided that they comply with any prohibitions or restrictions regarding operation of restaurants or bars contained in any applicable Executive Order issued by the Governor or applicable Emergency Order approved by the Board; and provided further that they comply with appropriate social distancing and sanitation protocols.

(f) Entertainment businesses, including but not limited to movie theaters, concert houses, auditoriums, playhouses, bowling alleys and arcades may operate; provided that

such venues operate at fifty percent (50%) of their building capacity; and provided further that such venues comply with appropriate social distancing between groups and with sanitation protocols.

(g) Personal services, including but not limited to tattooing, body piercing, acupuncture, tanning and massage may operate; provided that such personal services comply with appropriate safety guidelines as outlined by the FLDOH.

4. Masks Not Required. Unless specifically provided otherwise in a subsequent Emergency Order, nothing contained in this Emergency Order, or any other Emergency Order previously adopted by the Chair or the Board, shall be construed to require face masks to be worn in any public or private place, or in any County building or at any County facility.

5. Enforcement. Except for the provisions of Section 2 of this Emergency Order, any person violating this or any Emergency or Executive Order issued pursuant to Emergency Declaration 2020-020, as the same may be extended or altered, or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of executive orders shall, upon conviction therefor, be punished in accordance with Section 252.50, Fla. Stat., or, in the alternative or in addition, Section 30-37, Levy County Code.

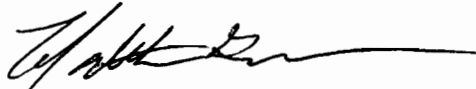
6. Severability. If any provision of this Emergency Order is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Emergency Order, which shall continue to have the full force and effect of law.

7. Effective Date and Duration. This Emergency Order will take effect at 12:01 a.m. on June 5, 2020, or upon filing with the Clerk of Court of Levy County, Florida in accordance with Section 252.46(2), Fla. Stat., whichever is later, and will remain in effect during the Local State of Emergency declared by Emergency Declaration 2020-020, as the same may be extended or altered, but in no event longer than ninety (90) days from the date hereof, unless either modified or rescinded.

ENACTED BY THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS this 4th day of June, 2020, and to be ratified the 16th day of June, 2020, or as soon thereafter as a quorum of the Board can meet.

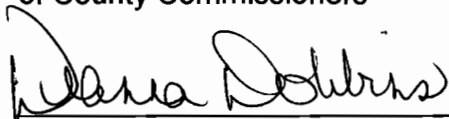
**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

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Matt Brooks, Chair

ATTEST: Clerk of the Circuit Court
And Ex Officio Clerk to the Board
of County Commissioners



Danny J. Shipp, Clerk

for



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



Anne Bast Brown, County Attorney

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LR2020-022