

PROPOSED  
ORDINANCE NO. 08-05

ORDINANCE NO. 08-05

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 2-4-8 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; GRANTING AUTHORITY TO THE CITY MANAGER DURING PERIODS OF EMERGENCY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 2-4-8 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

**Sec. 2-4-8. Authority of city manager during state of emergency.**

(a) Upon declaration of a state of emergency by the president of the United States, by the governor of the State of Florida or by Escambia County for any area which includes the City of Pensacola, the city manager shall be authorized and directed to take such emergency measures as he determines necessary to protect the health, safety and welfare of the citizens and to ensure the timely reconstruction and repair of structural damage caused by the emergency event and the continued functioning of local government. The city manager shall further be authorized to exercise such emergency management powers granted to political subdivisions by Florida law and may alter normal work schedules and grant the non-essential work force time off with pay. The City Manager will make the determination of which employees are deemed essential during each emergency. The City Manager is authorized to pay essential employees, both non-exempt and certain ranges of exempt under the Fair Labor Standards Act, at overtime rates when required to report for duty during the time the remaining work force is not required to report. The city manager shall further be authorized to waive or suspend all ordinances, policies, procedures or customs of the city as the city manager determines necessary for purchase of commodities and services, for contracts of no more than one year duration, for the

assignment of employees and for the facilitation of reconstruction and repair, both public and private, as the city Manager determines necessary. The city Manager is authorized to delegate such powers to staff as determined necessary to the effective administration of the government of the City of Pensacola. This authorization is subject to the limits of the Constitution and Laws of the United States and the State of Florida.


(b) The city manager's exercise of authority pursuant to this section shall exist for a period of thirty (30) days following declaration of a state of emergency unless extended or shortened by action of the city council.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

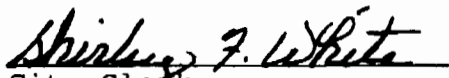
SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect immediately upon its passage by the City Council.

Passed: August 21, 2005

Approved:   
Mayor

Attest:

  
City Clerk


Legal in form and valid  
if enacted:

  
City Attorney

# CITY COUNCIL MEMORANDUM

ITEM 12-A

**TO:** Mayor and City Council

**FROM:** Thomas J. Bonfield, City Manager 

**DATE:** August 11, 2005

**SUBJECT:** Proposed Ordinance No. 08-05 - Granting Certain Emergency Powers to the City Manager.

**RECOMMENDATION:** That City Council approve Proposed Ordinance No. 08-05 on second reading.

**SUMMARY:** The City Attorney has suggested that an ordinance be developed to codify the long-time practice of granting certain emergency powers to the City Manger during declared emergencies. The attached ordinance outlines the conditions and time frame by which these powers could be granted.

**PRIOR ACTION:** July 21, 2005, City Council approved Proposed Ordinance No. 08-05 on first reading.

**CURRENT ACTION:**

**FUNDING:** None Required.

**ATTACHMENTS:** Proposed Ordinance No. 08-05

**STAFF CONTACT:** Thomas J. Bonfield, City Manager; Don J. Caton, City Attorney.

**PRESENTATION:** No.

City of  
Pensacola



Published Daily-Pensacola, Escambia County, FL

### PROOF OF PUBLICATION

State of Florida  
County of Escambia:

Before the undersigned authority personally appeared Kay Chastain, who on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

### NOTICE OF PROPOSED ORDINANCES

Was published in said newspaper in the issue(s) of:  
JULY 31, 2005

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 5 day of AUGUST, 2005, by Kay Chastain, who is personally known to me.

*Kay Chastain*

Affiant

*Nikki E. Nichols*

Notary Public

NIKKI E. NICHOLS  
Notary Public-State of FL  
Comm. Exp. Aug. 01, 2009  
Comm. No. DO 427341

### NOTICE OF PROPOSED ORDINANCES

Please be advised that Proposed Ordinance Nos. 09-05 and 08-05 were presented to the City Council of the City of Pensacola for the first reading on Thursday, July 21, 2005, and will be presented for final reading and adoption on Thursday, August 11, 2005, at 7:00 p.m. in the Council Chambers on the First Floor of City Hall, 160 Governmental Center, Pensacola, Florida.

The titles of the proposed ordinances are as follows:

P.O. #09-05:  
AN ORDINANCE CREATING SECTION 2-4-6 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; GRANTING AUTHORITY TO THE CITY MANAGER DURING PERIODS OF EMERGENCY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSES; PROVIDING AN EFFECTIVE DATE.

P.O. #08-05:  
AN ORDINANCE CLOSING, ABANDONING AND VAGATING A PORTION OF THE "A" STREET RIGHT-OF-WAY IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

A copy of the proposed ordinances may be inspected by the public in the City Clerk's office located in the Fire Administration Building, 475 E. Strong Street, Pensacola, Florida. Interested parties may appear at the Council meeting and be heard with respect to the proposed ordinances.

If any person desires to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans With Disabilities Act and will make reasonable modifications for access to city services, programs and activities. Please call 435-1606 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the city time to provide the requested services.

CITY OF PENSACOLA, FLORIDA  
By: Shirley A. White, City Clerk

Visit [www.ci.pensacola.fl.us](http://www.ci.pensacola.fl.us) to learn more about City activities. Council agendas posted on-line before meetings.

Legal No. 08100

TT

July 31, 2005

March 19, 2020

Provided by Councilwoman Myers

**Escambia County Commission**

Jeff Bergosh, County Commissioner District 1  
Doug Underhill, County Commissioner District 2  
Lumon May, County Commissioner District 3  
Robert Bender, County Commissioner District 4  
Steven Barry, County Commissioner District 5

Dear Commissioners,

In order to protect our residents and minimize the spread of COVID-19 in our community, we strongly urge you to take measures that will drastically limit the ability for people to congregate. The time is now for all of us to take actions that will encourage social distancing. In addition to the measures the Governor has already put in place, and consistent with many county commissions throughout the state and in neighboring Alabama, we recommend you take swift action in the following areas and are certain there are others you are aware of that could be added to the list:

- Prohibit on-premise consumption at all restaurants. Immediately convert all restaurants to take-out only.
- Restrict all permitted public gatherings and events, not just those with 50 or more participants.
- Close the beach to public traffic.
- Continue closures of community centers.
- Close libraries, or repurpose for a higher use during this time.

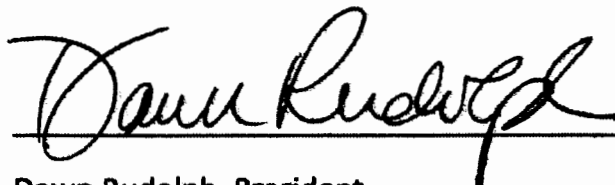
As you know, this situation is very fluid and continues to evolve. We recommend these closures occur immediately and initially for 2 weeks. This will drastically reduce the opportunity for spread of COVID-19 and can continue to be reviewed as the situation evolves.

All hospital systems and our county health department stand united in this recommendation for the protection of our community.

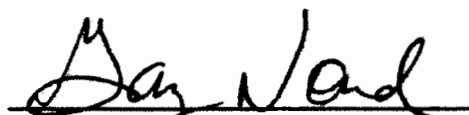
In unison,



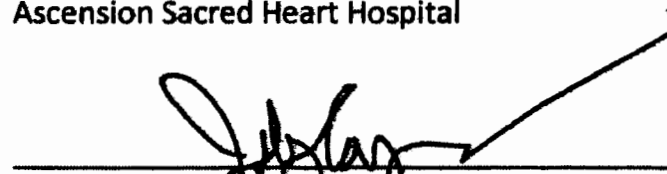
Mark Faulkner, President & CEO,  
Baptist Health Care



Dawn Rudolph, President,  
Ascension Sacred Heart Hospital



Gay Nord, CEO,  
West Florida Hospital



John J. Lanza, MD, Director,  
Florida Department of Health in Escambia County

Provided by Councilman Myers

Select Year: 2019 ▾ Go

## The 2019 Florida Statutes

### Title XVII

#### MILITARY AFFAIRS AND RELATED MATTERS

### Chapter 252

#### EMERGENCY MANAGEMENT

### [View Entire Chapter](#)

**252.38 Emergency management powers of political subdivisions.**—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) **COUNTIES.**—

(a) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies within the scope of ss. 252.31-252.90, each county within this state shall be within the jurisdiction of, and served by, the division. Except as otherwise provided in ss. 252.31-252.90, each local emergency management agency shall have jurisdiction over and serve an entire county. Unless part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(b) which is recognized by the Governor by executive order or rule, each county must establish and maintain such an emergency management agency and shall develop a county emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program. Counties that are part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(b) which is recognized by the Governor by executive order or rule shall cooperatively develop an emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program.

(b) Each county emergency management agency created and established pursuant to ss. 252.31-252.90 shall have a director. The director must meet the minimum training and education qualifications established in a job description approved by the county. The director shall be appointed by the board of county commissioners or the chief administrative officer of the county, as described in chapter 125 or the county charter, if applicable, to serve at the pleasure of the appointing authority, in conformance with applicable resolutions, ordinances, and laws. A county constitutional officer, or an employee of a county constitutional officer, may be appointed as director following prior notification to the division. Each board of county commissioners shall promptly inform the division of the appointment of the director and other personnel. Each director has direct responsibility for the organization, administration, and operation of the county emergency management agency. The director shall coordinate emergency management activities, services, and programs within the county and shall serve as liaison to the division and other local emergency management agencies and organizations.

(c) Each county emergency management agency shall perform emergency management functions within the territorial limits of the county within which it is organized and, in addition, shall conduct such activities outside its territorial limits as are required pursuant to ss. 252.31-252.90 and in accordance with state and county emergency management plans and mutual aid agreements. Counties shall serve as liaison for and coordinator of municipalities' requests for state and federal assistance during postdisaster emergency operations.

(d) During a declared state or local emergency and upon the request of the director of a local emergency management agency, the district school board or school boards in the affected area shall participate in emergency management by providing facilities and necessary personnel to staff such facilities. Each school board providing transportation assistance in an emergency evacuation shall coordinate the use of its vehicles and personnel with the local emergency management agency.

(e) County emergency management agencies may charge and collect fees for the review of emergency management plans on behalf of external agencies and institutions. Fees must be reasonable and may not exceed

the cost of providing a review of emergency management plans in accordance with fee schedules established by the division.

(2) **MUNICIPALITIES.**—Legally constituted municipalities are authorized and encouraged to create municipal emergency management programs. Municipal emergency management programs shall coordinate their activities with those of the county emergency management agency. Municipalities without emergency management programs shall be served by their respective county agencies. If a municipality elects to establish an emergency management program, it must comply with all laws, rules, and requirements applicable to county emergency management agencies. Each municipal emergency management plan must be consistent with and subject to the applicable county emergency management plan. In addition, each municipality must coordinate requests for state or federal emergency response assistance with its county. This requirement does not apply to requests for reimbursement under federal public disaster assistance programs.

(3) **EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.**—

(a) In carrying out the provisions of ss. 252.31-252.90, each political subdivision shall have the power and authority:

1. To appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.

2. To appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers.

3. To establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.

4. To assign and make available for duty the offices and agencies of the political subdivision, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the political subdivision for employment within or outside the political limits of the subdivision.

5. To request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one political subdivision. The duration of each state of emergency declared locally is limited to 7 days; it may be extended, as necessary, in 7-day increments. Further, the political subdivision has the power and authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.

b. Entering into contracts.

c. Incurring obligations.

d. Employment of permanent and temporary workers.

e. Utilization of volunteer workers.

f. Rental of equipment.

g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.

h. Appropriation and expenditure of public funds.

(b) Upon the request of two or more adjoining counties, or if the Governor finds that two or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate emergency management agencies and services, the Governor may delineate by executive order or rule an interjurisdictional area adequate to plan for, prevent, mitigate, or respond to emergencies in such area and may direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint emergency plan, a provision for mutual aid, or an area organization for emergency planning and services. A finding of the Governor pursuant to this paragraph shall be based on one or more factors related to the difficulty of maintaining an efficient and

effective emergency prevention, mitigation, preparedness, response, and recovery system on a unijurisdictional basis, such as:

1. Small or sparse population.
2. Limitations on public financial resources severe enough to make maintenance of a separate emergency management agency and services unreasonably burdensome.
3. Unusual vulnerability to emergencies as evidenced by a past history of emergencies, topographical features, drainage characteristics, emergency potential, and presence of emergency-prone facilities or operations.
4. The interrelated character of the counties in a multicounty area.
5. Other relevant conditions or circumstances.

**History.**—s. 1, ch. 74-285; s. 1, ch. 77-174; s. 22, ch. 81-169; s. 21, ch. 83-334; s. 102, ch. 92-279; s. 55, ch. 92-326; s. 14, ch. 93-211; s. 132, ch. 95-148; s. 5, ch. 2000-140; s. 34, ch. 2001-61.

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### **Section 3.01. Form of Government.**

With the exception of the initial transition period pursuant to Section 10.07 below, the City shall have a Mayor-Council form of government. There shall be a City Council, which shall be the governing body of the City with all legislative powers of the City vested therein, consisting of seven (7) Council Members, one (1) to be elected from each of the seven (7) election districts of the City. There shall also be a Mayor who is elected at large and who shall not be a member of the City Council.

Sec. 37-35. - Declarations of emergency; local; special.

(a) *Declaration of local emergency.*

- (1) A state of local emergency may only be declared by a special emergency meeting of the board of county commissioners. If, after reasonable effort, a special emergency meeting cannot be convened then a state of local emergency may be proclaimed by the chairman of the board of county commissioners, or in the event the chairman cannot be located in the county, by proclamation of the vice-chairman; or in the event the vice-chairman cannot be located, by proclamation of any available county commissioner in order of seniority on the board or by (district) in numerical order. In the event no county commissioner can be located in the county, the county administrator may proclaim the state of local emergency. In the event the county administrator cannot be located in the county, any available assistant county administrator, in order of seniority may proclaim the state of local emergency. In the event no assistant county administrator can be located in the county, the director of public safety may proclaim the state of local emergency. The proclamation declaring the state of local emergency shall activate the comprehensive emergency management plan (CEMP).
- (2) If a state of local emergency is declared in the county, the county administrator or designee may request state assistance or invoke emergency-related mutual-aid assistance where the circumstances warrant such an action. The duration of each state of local emergency is limited to seven days, it may be extended as necessary, in seven-day increments.

- (b) *Declaration of special emergency.* The board of county commissioners hereby delegates to the public safety director or in the event the public safety director is out of town, the person appointed as acting public safety director, the authority to declare a state of special emergency, and authorizes the public safety director or designee to carry out all emergency management functions required by the special emergency.

(Code 1985, § 1-24-80; Ord. No. 2002-28, § 2, 7-2-2002; Ord. No. 2007-16, § 2, 3-15-2007)

**252.36 Emergency management powers of the Governor. —**

(1)(a) The Governor is responsible for meeting the dangers presented to this state and its people by emergencies. In the event of an emergency beyond local control, the Governor, or, in the Governor's absence, her or his successor as provided by law, may assume direct operational control over all or any part of the emergency management functions within this state, and she or he shall have the power through proper process of law to carry out the provisions of this section. The Governor is authorized to delegate such powers as she or he may deem prudent.

(b) Pursuant to the authority vested in her or him under paragraph (a), the Governor may issue executive orders, proclamations, and rules and may amend or rescind them. Such executive orders, proclamations, and rules shall have the force and effect of law.

(2) A state of emergency shall be declared by executive order or proclamation of the Governor if she or he finds an emergency has occurred or that the occurrence or the threat thereof is imminent. The state of emergency shall continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and she or he terminates the state of emergency by executive order or proclamation, but no state of emergency may continue for longer than 60 days unless renewed by the Governor. The Legislature by concurrent resolution may terminate a state of emergency at any time. Thereupon, the Governor shall issue an executive order or proclamation ending the state of emergency. All executive orders or proclamations issued under this section shall indicate the nature of the emergency, the area or areas threatened, and the conditions which have brought the emergency about or which make possible its termination. An executive order or proclamation shall be promptly disseminated by means calculated to bring its contents to the attention of the general public; and, unless the circumstances attendant upon the emergency prevent or impede such filing, the order or proclamation shall be filed promptly with the Department of State and in the offices of the county commissioners in the counties to which the order or proclamation applies.

(3) An executive order or proclamation of a state of emergency shall:

(a) Activate the emergency mitigation, response, and recovery aspects of the state, local, and interjurisdictional emergency management plans applicable to the political subdivision or area in question; and

(b) Be authority for the deployment and use of any forces to which the plan or plans apply and for the use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to ss. 252.31-252.90 or any other provision of law relating to emergencies.

(c) Identify whether the state of emergency is due to a minor, major, or catastrophic disaster.

1. For a major or catastrophic disaster, the proclamation is authority for a health care practitioner licensed in another state to assist in providing health care in the disaster area according to the provisions specified in the proclamation.

2. For a catastrophic disaster, the proclamation constitutes a formal request for mobilization of the military, which shall be communicated to the President of the United States.

(4) During the continuance of a state of emergency, the Governor is commander in chief of the Florida National Guard and of all other forces available for emergency duty. To the greatest extent practicable, the Governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or rules, but nothing herein restricts the Governor's authority to do so by orders issued at the time of the emergency.

(5) In addition to any other powers conferred upon the Governor by law, she or he may:

(a) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency.

(b) Utilize all available resources of the state government and of each political subdivision of the state, as reasonably necessary to cope with the emergency.

(c) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services.

(d) Subject to any applicable requirements for compensation under s. 252.43, commandeer or utilize any private property if she or he finds this necessary to cope with the emergency.

(e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if she or he deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery.

(f) Prescribe routes, modes of transportation, and destinations in connection with evacuation.

(g) Control ingress and egress to and from an emergency area, the movement of persons within the area, and the occupancy of premises therein.

(h) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles. However, nothing contained in ss. 252.31-252.90 shall be construed to authorize the seizure, taking, or confiscation of firearms that are lawfully possessed, unless a person is engaged in the commission of a criminal act.

(i) Make provision for the availability and use of temporary emergency housing.

(j) Take effective measures for limiting or suspending lighting devices and appliances, gas and water mains, electric power distribution, and all other utility services in the general public interest.

(k) Take measures concerning the conduct of civilians, the movement and cessation of movement of pedestrian and vehicular traffic prior to, during, and subsequent to drills and actual or threatened emergencies, the calling of public meetings and gatherings, and the evacuation and reception of civilian population, as provided in the emergency management plan of the state and political subdivisions thereof.

(l) Authorize the use of forces already mobilized as the result of an executive order, rule, or proclamation to assist the private citizens of the state in cleanup and recovery operations during emergencies when proper permission to enter onto or into private property has been obtained from the property owner. The provisions of s. 768.28(9) apply to this paragraph.

(m) Authorize businesses and their employees who sell commodities as defined in s. 501.160(1)(a) to exceed the times of curfews for the purpose of ensuring that the supplies of commodities are made available to the public and direct local law enforcement to assist and accommodate those businesses and their employees in ensuring that commodities are available in coping with the emergency.

(n) By executive order, authorize the operator of solid waste disposal facilities to extend operating hours to ensure the health, safety, and welfare of the general public.

(6) The Governor shall take such action and give such direction to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of ss. 252.31-252.90 and with the orders and rules made pursuant thereto.

(7) The Governor shall employ such measures and give such directions to the Department of Health and the Agency for Health Care Administration as may be reasonably necessary for the purpose of securing compliance with the provisions of ss. 252.31-252.90 or with the findings or recommendations of such agency of health by reason of conditions arising from emergencies or threats of emergency.

(8) The Governor shall delegate emergency responsibilities to the officers and agencies of the state and of the political subdivisions thereof prior to an emergency or threat of an emergency and shall utilize the services and facilities of existing officers and agencies of the state and of the political subdivisions thereof, including their personnel and other resources, as the primary emergency management forces of the state, and all such officers and agencies shall cooperate with and extend their services and facilities to the division, as it may require.

(9) The Governor and the division shall establish agencies and offices and appoint executive, professional, technical, clerical, and other personnel as may be necessary to carry out the provisions of ss. 252.31-252.90.

(10) The Governor shall formulate and execute plans and rules for the control of traffic in order to provide for the rapid and safe movement or evacuation over public highways and streets of people, troops, or vehicles and materials for national defense or for use in any defense industry and may coordinate the activities of the departments or agencies of the state and the political subdivisions thereof concerned directly or indirectly with public highways and streets in a manner which will best effectuate such plans.

**History.**—s. 1, ch. 74-285; s. 1, ch. 77-47; s. 4, ch. 79-12; s. 21, ch. 81-169; s. 2, ch. 83-44; s. 19, ch. 83-334; s. 11, ch. 93-211; s. 129, ch. 95-148; s. 47, ch. 99-8; s. 33, ch. 2001-61; s. 2, ch. 2005-283; s. 1, ch. 2006-100.

**252.46 Orders and rules.—**

(1) In accordance with the provisions of chapter 120, the political subdivisions of the state and other agencies designated or appointed by the Governor or in the state comprehensive emergency management plan are authorized and empowered to make, amend, and rescind such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the provisions of ss. 252.31-252.90, but which are not inconsistent with any orders or rules adopted by the division or by any state agency exercising a power delegated to it by the Governor or the division.

(2) All orders and rules adopted by the division or any political subdivision or other agency authorized by ss. 252.31-252.90 to make orders and rules have full force and effect of law after adoption in accordance with the provisions of chapter 120 in the event of issuance by the division or any state agency or, if promulgated by a political subdivision of the state or agency thereof, when filed in the office of the clerk or recorder of the political subdivision or agency promulgating the same. All existing laws, ordinances, and rules inconsistent with the provisions of ss. 252.31-252.90, or any order or rule issued under the authority of ss. 252.31-252.90, shall be suspended during the period of time and to the extent that such conflict exists.

(3) In order to attain uniformity so far as practicable throughout the country in measures taken to aid emergency management, all action taken under ss. 252.31-252.90 and all orders and rules made pursuant to such sections shall be taken or made with due consideration of the orders, rules, actions, recommendations, and requests of federal authorities relevant thereto and, to the extent permitted by law, shall be consistent with such orders, rules, actions, recommendations, and requests.

**History.**—s. 1, ch. 74-285; s. 1, ch. 77-174; s. 12, ch. 78-95; s. 23, ch. 81-169; s. 29, ch. 83-334; s. 18, ch. 93-211; s. 35, ch. 2001-61.

**252.47 Enforcement.**—The law enforcement authorities of the state and the political subdivisions thereof shall enforce the orders and rules issued pursuant to ss. 252.31-252.90.

**History.**—s. 1, ch. 74-285; s. 30, ch. 83-334; s. 19, ch. 93-211; s. 36, ch. 2001-61.

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-68 (Emergency Management - COVID-19)

**WHEREAS**, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

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

**WHEREAS**, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

**WHEREAS**, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

**WHEREAS**, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued the 15 Days to Slow the Spread guidance advising individuals to adopt far-reaching social distancing measures, such as working from home and avoiding gatherings of more than 10 people; and

**WHEREAS**, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

**NOW, THEREFORE, I, RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Bars, Pubs and Nightclubs

A. Pursuant to sections 252.36(5)(g)-(h), Florida Statutes, any licensee authorized to sell alcoholic beverages for consumption on premises that derive more than 50% of its gross revenue from the sale of alcoholic beverages shall suspend all sale of alcoholic beverages for thirty days from the date of this order, effective at 5 p.m. today, March 17, 2020.

B. The Department of Business and Professional Regulation shall utilize its authorities under Florida law to further implement and enforce the provisions of this Section and shall take additional measures with respect to bars, pubs and nightclubs as necessary to protect the public health, safety and welfare.

Section 2. Beaches

Pursuant to section 252.36(5)(k), Florida Statutes, I direct parties accessing public beaches in the State of Florida to follow the CDC guidance by limiting their gatherings to no more than 10 persons, distance themselves from other parties by 6 feet, and support beach closures at the discretion of local authorities.

Section 3. Restaurants

A. Pursuant to section 252.36(5)(g), Florida Statutes, a restaurant shall immediately limit its occupancy to 50% of its current building occupancy.

B. Pursuant to section 252.36(5)(g), Florida Statutes, a restaurant shall follow the CDC guidance by ensuring, at minimum, a 6-foot distance between any group of patrons and limiting parties to no more than 10 individuals.

C. The Department of Business and Professional Regulation shall ensure all restaurants implement employee screening and prohibit any employee from entering the restaurant premises if they meet any of the criteria listed below:



1) Any person infected with COVID-19 who has not had two consecutive negative test results separated by 24 hours;

2) Any person showing, presenting signs or symptoms of, or disclosing the presence of a respiratory infection, including cough, fever, shortness of breath or sore throat;

3) Any person who has been in contact with any person(s) known to be infected with COVID-19, who has not yet tested negative for COVID-19 within the past 14 days;

4) Any person who traveled through any airport within the past 14 days; or

5) Any person who traveled on a cruise ship within the past 14 days.

D. The Department of Business and Professional Regulation shall utilize its authorities under Florida law to further implement and enforce the provisions of this Section and shall take additional measures with respect to bars, pubs and nightclubs as necessary to protect the public health, safety and welfare.

For purposes of this section, "restaurant" shall include any Food Service Establishment, licensed under Chapter 500, Florida Statutes, and Public Food Service Establishment, licensed under Chapter 509, Florida Statutes.

Section 4. This Executive Order shall expire thirty days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 17th day of March, 2020.

  
RON DESANTIS, GOVERNOR

ATTEST:

  
SECRETARY OF STATE

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 20-71

(Emergency Management - COVID-19 – Alcohol Sales, Restaurants, and Gyms)

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

**WHEREAS**, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

**WHEREAS**, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

**WHEREAS**, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention (“CDC”) issued the “15 Days to Slow the Spread” guidance advising individuals to adopt far-reaching social distancing measures, such as avoiding gatherings of more than 10 people, and in states with evidence of community spread, bars, restaurants, food courts, gyms and other indoor and outdoor venues where groups of people congregate should be closed; and

**WHEREAS**, the State Surgeon General has advised me that gyms and fitness centers are establishments that attract gatherings of more than 10 people and are more susceptible for spreading COVID-19; and

**WHEREAS**, on March 17, 2020, I issued Executive Order 20-68 restricting bars, pubs, and nightclubs from selling alcohol and ordered every restaurant to limit its occupancy to 50% of its current building occupancy and abide by the CDC’s “social distancing” guidelines; and

**WHEREAS**, restaurants are increasing sales of orders for take-out and delivery for customers in order to meet demand while adhering to Executive Order 20-68; and

**WHEREAS**, I am committed to supporting retailers, restaurants and their employees as they pursue creative business practices that safely serve consumers during this temporary period of social distancing; and

**WHEREAS**, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

**NOW, THEREFORE, I, RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

**Section 1.**      Alcohol Sales

A. I hereby order all vendors licensed to sell alcoholic beverages for consumption on the premises to suspend the sale of alcoholic beverages by the drink or in sealed containers for consumption on the premises. Such vendors may continue to sell alcoholic beverages in sealed containers for consumption off-premises.

B. The restriction in section 561.20(2)(a)4., Florida Statutes, prohibiting a specially licensed food service establishment from selling package sales of alcohol for delivery, take-out or consumption off-premises is suspended for restaurants complying with Executive Order 20-68, through the expiration of the state of emergency declared in Executive Order 20-52, including any extensions, so long as the following conditions are met:

1) Any sale of an alcoholic beverage in a sealed container for consumption off-premises is accompanied by the sale of food within the same order; and

2) Any delivery of an alcoholic beverage complies with section 561.57, Florida Statutes.

C. The provisions of section 561.42, Florida Statutes, and Rules 61A-1.010, 61A-1.0107, 61A-1.0108, Florida Administrative Code, are suspended for the limited purpose of allowing licensed vendors of alcoholic beverages to request the return of undamaged alcoholic beverages purchased for events cancelled in response to COVID-19, so long as:

1) The requests are made within 30 days of the expiration of the state of emergency declared in Executive Order 20-52, including any extensions.

2) Vendors shall make and keep records of all events cancelled in response to COVID-19 that comply with section 561.55, Florida Statutes, and Rule 61A-1.01028(2), Florida Administrative code, and also include:

- a. the event name;
- b. the date the event was to be held;
- c. the date the event was cancelled;
- d. the location of the event or gathering that was cancelled; and
- e. the product returned to a distributor as a result of the cancellation of the event.

3) Licensed distributors shall make and keep records of all returns that comply with the record keeping requirements of section 561.55, Florida Statutes, and Rule 61A-1.01028(2), Florida Administrative code, and also include:

- a. the request from the licensed vendors;
- b. the date the request was made;
- c. the identity of the licensed vendor making the request, including the

licensed vendor's business name and address;

d. the license number of the licensed vendor making the request;

e. the product returned; and

f. whether the vendor received cash or credit.

4) Vendors receive cash or a credit against outstanding indebtedness within sixty days from the date the distributor picks up the products.

5) The returned products were not initially purchased, sold, or otherwise obtained with either the privilege of return, or in any other manner that would be considered a violation of Florida's Beverage Law.

D. This Section does not prohibit retail stores and vendors that currently sell sealed containers of alcoholic beverages for off-premises consumption from continuing such sales for off premises consumption.

E. This Section amends and supersedes Executive Order 20-68, Section 1.

**Section 2.**      Restaurants and Bars

I hereby order all restaurants and food establishments licensed under Chapters 500 and 509, Florida Statutes, within the State of Florida to suspend on-premises food consumption for customers. Notwithstanding the foregoing, such establishments may operate their kitchens for the purpose of providing delivery or take-out services. Employees, janitorial personnel, contractors and delivery personnel shall be allowed access to such establishments for the purposes of delivery or take-out services. This Section amends and supersedes Executive Order 20-68, Sections 3(A)-(B).

**Section 3.**      Gyms and Fitness Centers

I hereby order the closure of gymnasiums and fitness centers within the State of Florida.

This order shall not apply to gymnasiums and fitness centers which are: (i) amenities of hotels which have a capacity of 10 persons or less, (ii) are an amenity of a residential building, (iii) are interior to any fire or police stations or (iv) are located inside any single-occupant office building.

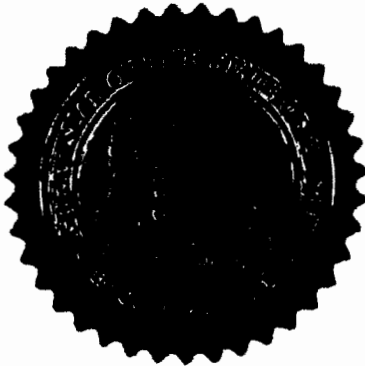
#### **Section 4. Enforcement and Implementation**

A. The Department of Business and Professional Regulation shall utilize its authorities under Florida law to further implement and enforce the provisions of this Executive Order and shall take additional measures as necessary to protect the public health, safety and welfare.

B. Pursuant to section 252.36(6), Florida Statutes, all state and local law enforcement shall further implement and enforce the provisions of this Executive Order.

**Section 5.** This Executive Order shall expire upon the expiration of Executive Order 20-52, including any extensions.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 20th day of March, 2020.



RON DESANTIS, GOVERNOR

**ATTEST:**

*Laurel M. Bee*  
SECRETARY OF STATE

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Provided by Councilwoman  
Myers

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 20-80

(Emergency Management - COVID-19 – Airport Screening and Isolation)

**WHEREAS**, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

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

**WHEREAS**, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

**WHEREAS**, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

**WHEREAS**, many cases of COVID-19 in Florida have been as a result of individuals coming into the State of Florida from international travel and other states and exposing our residents; and

**WHEREAS**, Florida is seeing an increase in individuals fleeing to Florida from states where “shelter-in-place” orders are being implemented, including from the New York Tri-State Area; and

**WHEREAS**, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

**NOW, THEREFORE, I, RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252,

Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1.

A. I hereby direct all persons whose point of departure originates from outside the State of Florida in an area with substantial community spread, to include the New York Tri-State Area (Connecticut, New Jersey and New York), and entering the State of Florida through airports to isolate or quarantine for a period of 14 days from the time of entry into the State of Florida or the duration of the person's presence in the State of Florida, whichever is shorter. This Order shall not apply to persons employed by the airlines and those performing military, emergency or health response. This Order shall take effect on March 24, 2020 at 12:01 a.m. All persons isolating or quarantining under this Section, shall be responsible for all costs associated with that person's isolation or quarantine, including transportation, lodging, food, medical care and any other expenses to sustain the person during the period of isolation or quarantine.

B. I hereby direct the Florida Department of Health, pursuant to section 381.00315(5), Florida Statutes, to immediately apply existing rules adopted pursuant to that section. The Florida Department of Health shall take any steps necessary to ensure the screening and appropriate isolation and quarantine of individuals covered by this Order.

C. I hereby direct the Florida Department of Health to coordinate with the Florida Division of Emergency Management, each aviation and airport authority in Florida, county and local governments, and law enforcement agencies to effectuate the isolation or quarantine outlined above.

D. Pursuant to section 381.0012(5), Florida Statutes, "it shall be the duty of every state and county attorney, sheriff, police officer, and other appropriate city and county officials



upon request to assist the [Department of Health]" in enforcing any isolation or quarantine or order of the Department of Health issued pursuant to this Order.

E. Any person who violates any isolation or quarantine directed by the Department of Health commits a misdemeanor of the second degree, which is punishable by imprisonment not to exceed 60 days, a fine not to exceed \$500, or both. *See* § 381.00315(6), Fla. Stat.

Section 2. This Executive Order shall expire upon the expiration of Executive Order 20-52, including any extensions, or upon an Executive Order lifting the isolation or quarantine after advice from the State Health Officer and Surgeon General.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 23rd day of March, 2020.

  
RON DESANTIS, GOVERNOR

ATTEST:

  
SECRETARY OF STATE

2020 MAR 23 PM 7:41

FILED