RESOLUTION NO. R-20-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, FLORIDA RELATING TO THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); MAKING FINDINGS AND DECLARING THAT A PUBLIC HEALTH STATE OF CIVIL EMERGENCY EXISTS IN THE CITY OF WINTER HAVEN, FLORIDA DUE TO COVID-19; ISSUING ORDERS REGARDING THE STATE OF EMERGENCY IN THE CITY; AUTHORIZING THE CITY MANAGER TO EXERCISE CERTAIN EMERGENCY POWERS OF THE CITY AND SUSPEND APPLICABILITY OF CERTAIN STATUTES, ORDINANCES AND RULES BY ADMINISTRATIVE ORDER; AUTHORIZING THE CITY MANAGER TO EXTEND THE STATE OF EMERGENCY IN SEVEN DAY INCREMENTS AS REQUIRED BY STATE LAW; AUTHORIZING THE CITY MANAGER TO REGULATE THE CITY COMMISSION MEETING PLACES AND CALENDAR DURING THE STATE OF EMERGENCY; PROVIDING FOR RATIFICATION OF THE CITY MANAGER’S ACTIONS RELATED TO COVID-19; PROVIDING FOR AN EFFECTIVE PERIOD OF SIXTY (60) DAYS; PROVIDING AN EFFECTIVE DATE.

DECLARATION OF STATE OF EMERGENCY
CITY OF WINTER HAVEN, FLORIDA

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, Florida Governor Ron DeSantis issued Executive Order 20-51 declaring COVID-19 and the presence of the coronavirus responsible for COVID-19 (“SARS-CoV-2”) in the State of Florida to be a public health emergency pursuant to Chapter 381 of the Florida Statutes. A copy of Executive Order 20-51 is attached hereto as Exhibit “A”; and

WHEREAS, on March 7, 2020 Governor DeSantis directed the Director of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and
WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52 (a) declaring COVID-19 and the presence of coronavirus responsible for COVID-19 and its continued spread in the State of Florida to be a state of civil emergency pursuant to Chapter 252 of the Florida Statutes; (b) activating the Florida National Guard to assist with emergency management; (c) suspending the effect of budgetary statutes and rules that would prevent, hinder or delay necessary action in coping with the emergency; (d) authorizing pharmacists to dispense extended refills of medication; and (e) authorizing political subdivisions of the state to waive certain procedures and formalities relating to public work, contracts, obligations, employment of workers, rental of equipment, acquisition of supplies and appropriation/expenditure of public funds. A copy of Executive Order 20-52 is attached hereto as Exhibit "B"; and

WHEREAS, on March 13, 2020, President Trump issued a Proclamation Declaring a National Emergency Concerning the COVID-19 Outbreak. A copy of the President's Proclamation of National Emergency is attached hereto as Exhibit "C".

WHEREAS, as of March 16, 2020, there were 137 confirmed cases of COVID-19 in the State of Florida; and

WHEREAS, as of March 16, 2020, cases of COVID-19 have been confirmed in five (5) counties adjacent to Polk County (Hillsborough, Manatee, Orange, Osceola and Pasco); and

WHEREAS, on March 16, 2020, the Polk County Manager declared a state of local emergency to exist in Polk County, Florida under authority of Chapter 252, Florida Statutes and Polk County Ordinance 19-074. A copy of Declaration of State of Local Emergency 20-01 is attached hereto as Exhibit "D"; and
WHEREAS, on March 17, 2020, Governor DeSantis issued another Executive Order 20-68 as a result of COVID-19 relating to Bars, Pubs and Nightclubs; Beaches; and Restaurants within the State of Florida. A copy of Executive Order 20-68 is attached hereto as Exhibit “E”; and

WHEREAS, COVID-19 has created or imminently threatens to create conditions that may severely affect the public health, safety, welfare and security of the citizens, residents and visitors of the City of Winter Haven, Florida; and

WHEREAS, in order to mitigate or prevent these impacts, the City Commission of the City of Winter Haven, Florida finds that it is necessary to declare a state of emergency within the entire incorporated limits of the City of Winter Haven pursuant to Section 13 of the Charter of the City of Winter Haven, Florida, and the City’s home rule authority, including that set forth in Article VIII, Section 2(b), Florida Constitution, and Section 166.021, Florida Statutes; and

WHEREAS, based on the current status of the emergency conditions experienced in the City of Winter Haven, the City Commission (a) determines that a public health state of civil emergency exists in the City of Winter Haven, Florida as outlined herein; and (b) adopts this Resolution to authorize the City Manager, pursuant to Section 23(h) of the Charter of the City of Winter Haven, Florida, to issue and promulgate all administrative orders necessary to deal with the emergency circumstances presented by COVID-19 and SARS-CoV-2;

NOW, THEREFORE, BE IT RESOLVED, DECLARED AND PROCLAIMED BY THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The foregoing recitals are incorporated
herein and found by the City Commission to be true and correct statements of fact.

SECTION 2. **State of Emergency.** Pursuant to Section 13 of the *Charter of the City of Winter Haven, Florida*, the City Commission confirms, declares and proclaims that, as of the date and time of this Resolution, a state of emergency exists within the incorporated limits of the City of Winter Haven, Florida, as a result of COVID-19 and SARS-CoV-2. All emergency powers afforded to the City by every relevant local, state and federal laws are, during the state of emergency, authorized to be executed by the appropriate officials of the City.

SECTION 3. **City Manager Granted Specific Emergency Authority.** As permitted by Chapter 252 of the Florida Statutes and Sections 9, 13, and 23(h) of the *Charter of the City of Winter Haven, Florida*, the City Manager is authorized by the City Commission of the City of Winter Haven to execute the following emergency powers of the City, as the City Manager may see fit in his discretion, based on official guidance issued by the Centers for Disease Control or the Florida Department of Health and/or the emergency measures implemented by the State of Florida and local governments in the State of Florida:

(a) The waiver of procedures and formalities otherwise required by law, statute, ordinance or rule pertaining to (1) performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community; (2) entering into contracts; (3) incurring obligations; (4) employment of permanent and temporary workers; (5) utilization of volunteer workers; (6) rental of equipment; (7) acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and (8) appropriation and expenditure of public funds;
(b) The ability to open, close, and modify the hours, type, level and amount of public access to any public building, facility, park, street or property owned by or under the control of the city, regardless of any procedures and formalities required by law, statute, ordinance or rule;

(c) To order the evacuation of certain areas of the City;

(d) To declare certain areas and/or places of the City subject to quarantine or accessible only under specified conditions;

(e) To prohibit the sale of merchandise, goods or services at more than the normal average retail price;

(f) The ability to formally participate in emergency management programs, funding requests, grant applications, mutual aid requests, and all similar types of activities, with political subdivisions of the State of Florida, Polk County and area county governments, the Division of Emergency Management, the Florida Department of Health, the Federal Emergency Management Agency and all other local, state or federal authorities, agencies and governmental organizations with jurisdiction; and

(g) The ability to fully regulate and leverage the workforce of the City of Winter Haven, Florida to meet the needs of the emergency; to task and retask any municipal employee to assist with emergency management efforts, regardless of job classification or pay appropriation; to limit the official travel of municipal employees; to establish reasonable conditions of work and to place employees on administrative leave as deemed necessary based on the circumstances; and

(h) The ability to take any other necessary actions as the City Manager may see fit in his discretion, based on official guidance issued by the Centers for Disease
Control or the Florida Department of Health and/or other emergency measures implemented by the State of Florida and/or Polk County, Florida.

(i) The ability to extend the duration of and/or renew the effective period of the City's state of emergency to match the effective period of the State of Florida's emergency in Executive Order 20-52, and the effective period of this Resolution, in seven (7) day increments as required under § 252.38(3)(a)5., Florida Statutes (2019) for a period of sixty (60) days from the date of the Effective Date of this Resolution or as determined by the City Commission.

SECTION 4. City Meetings. Pursuant to §§ 2-26; 2-228; and 2-230 of the Code of Ordinances of the City of Winter Haven, the City Commission hereby authorizes the City Manager to regulate the places of and meeting calendar of the City Commission while the state of emergency is pending, and to determine the places of and to call, cancel and/or reschedule all regular and special meetings of the City Commission, and of all lesser appointed boards and authorities of the City of Winter Haven, upon the issuance of proper notice to the public as required by applicable City Charter, Code of Ordinances, and Florida law. In the event the applicability of Chapter 286 of the Florida Statutes is suspended by the Governor of Florida, or the Governor of Florida or any other competent authority authorizes local governing boards to meet by electronic means, the City Manager shall be authorized to call an electronic meeting of the City Commission, or of any lesser appointed board, if necessary under the circumstances to protect the health of the members and the general public.

SECTION 5. City Manager Administrative Order. The City Manager may memorialize the exercise of Emergency Authority granted herein via the issuance of
appropriate Administrative Order(s).

SECTION 6. Activations of Emergency Plans. The state of emergency declared hereby shall activate all City emergency plans applicable thereto. Nothing herein shall preclude the grant of additional powers or authority to the City Manager or other appropriate City officials by further declaration or proclamation pursuant to Section 13 of the Charter of the City of Winter Haven, Florida if necessary to prevent or mitigate the effect of the emergency conditions created by COVID-19.

SECTION 7. Effective Period of Resolution. This Resolution shall be effective for an initial period of sixty (60) days from its effective date. The effective period of this Resolution shall automatically renew and extend to and through the expiration date of Executive Order 20-52, as the same may be renewed and/or extended by the Governor of Florida or until declared terminated by the City Commission.

SECTION 8. Violations. Violations of this Declaration of State of Emergency, and orders issued pursuant thereto, shall be punishable as provided in Section 1-13 of the Code of Ordinances of the City of Winter Haven, Florida, or as otherwise provided by law.

SECTION 9. Ratification of City Manager Actions. All actions of the City Manager related to COVID-19 taken prior to the adoption of this Resolution are hereby ratified and confirmed.

SECTION 10. Effective Date. This Resolution declaring and proclaiming a state of emergency shall take effect immediately upon its adoption.
INTRODUCED AND PASSED by the City Commission of the City of Winter Haven, in Special Session, on this 18th day of March, 2020.

CITY OF WINTER HAVEN, FLORIDA

MAYOR - COMMISSIONER

Vanessa Castillo
CITY CLERK

Approved as to form:

CITY ATTORNEY
STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 20-51
(Establishes COVID-19 Response Protocol and Directs Public Health Emergency)

WHEREAS, 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, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

WHEREAS, in response to the recent COVID-19 outbreak in Japan, the CDC has advised older travelers and those with chronic medical conditions to avoid nonessential travel and all travelers to exercise enhanced precautions; and

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, use of alcohol-based hand sanitizers with 60%-95%
EXHIBIT "A"
to Resolution R-20-23

alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, two individuals in the State of Florida tested presumptively positive for COVID-19, including a resident of Manatee County and a resident of Hillsborough County; and

WHEREAS, the CDC currently recommends mitigation measures in communities with COVID-19 cases, including staying at home when sick, keeping away from others who are sick and staying at home when a household member is sick with respiratory disease symptoms or if instructed to do so by public health officials or a health care provider; and

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled and that residents and visitors in Florida remain safe and secure;

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

Section 1. Because of the foregoing conditions, I direct the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency in the State of Florida, pursuant to his authority in section 381.00315, Florida Statutes. The State Health Officer is authorized and directed to use his judgment as to the duration of this public health emergency.

Section 2. In accordance with section 381.0011(7), Florida Statutes, I direct the State Health Officer to take any action necessary to protect the public health.

Section 3. I direct the State Health Officer to follow the guidelines established by the CDC in establishing protocols to control the spread of COVID-19 and educate the public on prevention.
Section 4. In accordance with section 381.0011(7), Florida Statutes, I designate the Florida Department of Health as the lead state agency to coordinate emergency response activities among the various state agencies and local governments. The State Health Officer, or his designee, shall advise the Executive Office of the Governor on the implementation of these emergency response activities.

Section 5. All actions taken by the State Health Officer with respect to this emergency before the issuance of this Executive Order are ratified.

Section 6. The Florida Department of Health will actively monitor, at a minimum, all persons meeting the definition of a Person Under Investigation ("PUI") as defined by the CDC for COVID-19 for a period of at least 14 days or until the PUI tests negative for COVID-19. Active monitoring by the Florida Department of Health will include at least the following:

A. Risk assessment within 24 hours of learning an individual meets the criteria for a PUI.
B. Twice-daily temperature checks.

Section 7. The Florida Department of Health, pursuant to its authority in section 381.00315, Florida Statutes, will ensure that all individuals meeting the CDC’s definition of a PUI are isolated or quarantined for a period of 14 days or until the person tests negative for COVID-19.

Section 8. I hereby direct the Florida Department of Health to make its own determinations as to quarantine, isolation and other necessary public health interventions as permitted under Florida law.

Section 9. I direct all agencies under the direction of the Governor to fully cooperate with the Florida Department of Health, and any representative thereof in furtherance of this Order.
Agencies not under the direction of the Governor are requested to provide such assistance as is required.

IN TESTIMONY WHEREOF, I have herewith set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 1st day of March, 2020.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE
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, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention (“CDC”) has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; 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 7, 2020, I directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, as of March 9, 2020, eight counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and
WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; 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. Because of the foregoing conditions, I declare a state of emergency exists in the State of Florida.
Section 2. I designate the Director of the Division of Emergency Management ("Director") as the State Coordinating Officer for the duration of this emergency and direct him to execute the State’s Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Additionally, I designate the State Health Officer and Surgeon General as a Deputy State Coordinating Officer and State Incident Commander.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

B. Designate additional Deputy State Coordinating Officers, as necessary.

C. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

D. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.
Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that 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. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, “necessary action in coping with the emergency” means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54, Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions.
C. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

D. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may 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;

2) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);

3) Incurring obligations;

4) Employment of permanent and temporary workers;

5) Utilization of volunteer workers;

6) Rental of equipment;

7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,

8) Appropriation and expenditure of public funds.

E. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each State agency to report the closure of any State
building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

1) Maintain an accurate and up-to-date list of all such closures; and,

2) Provide that list daily to the State Coordinating Officer.

Section 5. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and the funds currently available may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 6. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.
Section 8. All activities taken by the Director of the Division of Emergency Management and the State Health Officer and Surgeon General with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty 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 9th day of March, 2020.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE
In December 2019, a novel (new) coronavirus known as SARS-CoV-2 ("the virus") was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally. The Secretary of Health and Human Services (HHS) declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), in response to COVID-19. I have taken sweeping action to control the spread of the virus in the United States, including by suspending entry of foreign nationals seeking entry who had been physically present within the prior 14 days in certain jurisdictions where COVID-19 outbreaks have occurred, including the People's Republic of China, the Islamic Republic of Iran, and the Schengen Area of Europe. The Federal Government, along with State and local governments, has taken preventive and proactive measures to slow the spread of the virus and treat those affected, including by instituting Federal quarantines for individuals evacuated from foreign nations, issuing a declaration pursuant to section 319F-3 of the Public Health Service Act (42 U.S.C. 247d-6d), and releasing policies to accelerate the acquisition of personal protective equipment and streamline bringing new diagnostic capabilities to laboratories. On March 11, 2020, the World Health Organization announced that the COVID-19 outbreak can be characterized as a pandemic, as the rates of infection continue to rise in many locations around the world and across the United States.

The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems. As of March 12, 2020, 1,645 people from 47 States have been infected with the virus that
causes COVID-19. It is incumbent on hospitals and medical facilities throughout the country to assess their preparedness posture and be prepared to surge capacity and capability. Additional measures, however, are needed to successfully contain and combat the virus in the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5), do hereby find and proclaim that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020. Pursuant to this declaration, I direct as follows:

Section 1. Emergency Authority. The Secretary of HHS may exercise the authority under section 1135 of the SSA to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children’s Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule throughout the duration of the public health emergency declared in response to the COVID-19 outbreak.

Sec. 2. Certification and Notice. In exercising this authority, the Secretary of HHS shall provide certification and advance written notice to the Congress as required by section 1135(d) of the SSA (42 U.S.C. 1320b-5(d)).

Sec. 3. General Provisions. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP
DECLARATION OF STATE OF LOCAL EMERGENCY 20-0/1


FURTHERMORE, PURSUANT TO THE AUTHORITY OF POLK COUNTY ORDINANCE 19-074, AS AMENDED AND OTHER APPLICABLE COUNTY ORDINANCES AND STATE LAWS, THE COUNTY MANAGER OF POLK COUNTY AND HIS DESIGNEE(S) ARE HEREBY AUTHORIZED TO, INTER ALIA, TAKE THE FOLLOWING ACTIONS:

1. Utilize all available resources of the county government as reasonably necessary to cope with the emergency.

2. Make provisions for the availability and use of temporary emergency housing and the emergency warehousing of materials.

3. Acquire merchandise, equipment, vehicles or property needed to alleviate the emergency.

FURTHER, IN ACCORDANCE WITH §252.38, FLORIDA STATUTES AND POLK COUNTY ORDINANCE 19-074, THE COUNTY HEREBY WAIVES THE PROCEDURES AND FORMALITIES OTHERWISE REQUIRED OF THE COUNTY 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.
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f. Rental of equipment.

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

h. Appropriation and expenditure of public funds.

PURSUANT TO POLK COUNTY ORDINANCE 19-074 THIS DECLARATION OF LOCAL STATE OF EMERGENCY SHALL EXPIRE WITHIN SEVEN (7) DAYS UNLESS EXTENDED, AS NECESSARY, IN 7-DAY INCREMENTS.

DATED this 11th day of March, 2020.

ATTEST:

STACY M. BUTTERFIELD, CLERK

By: [Signature]
Deputy Clerk

POLK COUNTY
BOARD OF COUNTY COMMISSIONERS

By: [Signature]
Name: Bill Briley
Title: County Manager

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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 Allt

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE