

RESOLUTION NO. 93-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CONFIRMING A DECLARATION OF A STATE OF EMERGENCY; AMENDING RESOLUTION 89-20 IN ORDER TO PROVIDE FOR THE CONTINUED PHASE 1 REOPENING OF THE CITY OF DELRAY BEACH CONSISTENT WITH STATE OF FLORIDA EXECUTIVE ORDER 20-123; PROVIDING A CONFLICTS CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, a State of Emergency in the City of Delray Beach was proclaimed by the City Commission on March 13, 2020 and has been extended eight times due to the spread of the Novel Coronavirus Disease 2019 (COVID-19); and

WHEREAS, on March 20, 2020, City Manager George Gretsas executed City of Delray Beach Resolution 75-20 providing for, inter alia, the closure non-essential retail and commercial establishments; and

WHEREAS, Resolution 75-20 was extended several times, most recently on April 30, 2020 by Resolution 85-20; and

WHEREAS, both on a state and national level, task forces have been established to develop a plan to safely reopen the state and to assist local officials in determining when to reopen their economies and get people back to work while continuing to protect the health, safety, and welfare of the public at large; and

WHEREAS, on April 29, 2020, Governor Ron Desantis issued Executive Order 20-112, "Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery" providing for a phased path to re-opening the State; and

WHEREAS, on May 9, 2020, Governor Desantis issued Executive Order 20-120 expanding Phase 1 re-openings to include Palm Beach County and authorizing barbershops, cosmetology salons, and cosmetology specialty salons to reopen subject to their adoption of appropriate social distancing and precautionary measures as outlined by the Department of Business and Professional Regulation; and

WHEREAS, on May 15, 2020, Governor Desantis extended EO's 20-112 and 20-120 to further exhaust the recommendations of the proposed Phase 1 re-opening of the State included in the White House's Guidelines for Re-Opening America Again; and

WHEREAS, the City now desires to amend and modify its own Phase 1 re-opening in order to remain consistent with both the Governor's phased approach to re-opening the State; and

WHEREAS, Chapter 95 of the City of Delray Beach Code of Ordinances authorizes the City Manager to take necessary measures in order to protect the health, safety and welfare of the citizens of Delray Beach and the public at large; and

WHEREAS, the City of Delray Beach wishes to adopt, by reference, State of Florida Executive Order 20-123 and continue to provide for a phased re-opening of the City of Delray Beach to prevent the spread of COVID-19 and mitigate its impacts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. A declaration of a State of Emergency proclaimed on March 13, 2020 is hereby confirmed.

Section 2. The City of Delray Beach hereby adopts and incorporates by reference State of Florida Office of the Governor Executive Order Number 20-123 (“EO 20-123”) dated May 15, 2020, attached hereto and incorporated herein as Exhibit A.

All owners, operators and personnel of the facilities and participants in the activities referenced in EO 20-123 shall ensure compliance with CDC guidelines and with appropriate social distancing and precautionary measures.

Section 3. This Resolution does not affect or limit the operations of Palm Beach County, the Palm Beach County School District, or any State or Federal office or facility, except as may be provided in EO 20-123.

Section 4. All parts of Resolution 89-20, and by reference EO 20-112 and EO 20-120, not expressly amended herein remain in full force and effect.

Section 5. Any provision(s) within this Resolution that conflict with any state or federal law or constitutional provision, or conflicts with, or are superseded by, a current or subsequently issued Executive Order of the Governor or President of the United States, shall be deemed inapplicable and deemed to be severed from this Resolution, with the remainder of the Resolution remaining intact and in full force and effect.

Section 6. Violations of the provisions of this Resolution shall be subject to enforcement pursuant to Chapter 95 of the Delray Beach Code of Ordinances.

Section 7. This Resolution shall be effective at 12:01 a.m. on Monday, May 18, 2020. This Resolution shall expire upon the expiration of the existing State of Local Emergency declared on March 13, 2020 by the City of Delray Beach, as same may be extended by subsequent order or declaration, unless earlier terminated.

PASSED AND ADOPTED on this the 15th day of May, 2020.



George Gretsas, City Manager

ATTEST:

Mearyn Grilkowski
City Clerk

Exhibit A

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-123

(Full Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery)

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 April 29, 2020, I issued Executive Order 20-112 initiating Phase 1 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, Executive Order 20-112 did not exhaust the recommendations of the proposed Phase 1 included in the White House's Guidelines for Re-Opening America Again.

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 Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order:

Executive Order 20-112, as modified by Executive Order 20-120, is extended as further modified by this order below, bringing all Florida counties into Full Phase 1.

Section 1. Restaurants, Retail, Museums and Gyms

- A. Restaurants and food establishments licensed under Chapters 500 or 509, Florida Statutes, may serve patrons at indoor seating so long as they limit indoor occupancy up to fifty (50) percent of their seating capacity, excluding employees. The requirement for a minimum of 6 feet between parties is superseded to the extent appropriate partitioning is in place. Bar counters are to remain closed to seating, and

outdoor seating remains available with social distancing. The Department of Business and Professional Regulation (DBPR) will post and update appropriate safety measures on its website.

- B. In-store retail sales establishments may operate up to fifty (50) percent of their building occupancy and abide by the safety guidelines issued by the CDC and OSHA.
- C. Museums and libraries may operate up to fifty (50) percent of their building occupancy, provided, however, that local public museums and local public libraries may operate only if permitted by local government.
- D. Gyms and fitness centers may operate up to fifty (50) percent of their building occupancy so long as they adopt safety measures including appropriate social distancing for classes and sufficient cleaning supplies to ensure, at a minimum, patrons' individual self-cleaning of surfaces and machines using sanitation wipes following each use. DBPR will post and update best practices on its website.

Section 2. Professional Sports Venues

Professional sports may operate in the State of Florida and venues may host training, competitions, events and games. This provision shall preempt any local rule prohibiting a professional sports team conducting, or the operations of the venue from hosting, those sports activities at facilities in the State.

Section 3. Amusement Parks

Amusement parks may submit a re-opening plan to the State of Florida that includes a proposed date for resumption of operations and proposed guidelines to ensure guest and staff safety. Requests to re-open must include an endorsement letter from the County Mayor or in absence of a county mayor from the City Mayor and County Administrator. This request shall

identify a future date certain for re-opening and verify that the official has approved a re-open plan to ensure patron and staff safety.

Section 4. Vacation Rentals

Counties may seek approval to operate vacation rentals with a written request from the County Administrator and the county's safety plan for vacation rental operations submitted to the DBPR Secretary. DBPR will post and update guidance on its website.

Section 5. Local Government Public Meetings Order Extended

The Executive Order 20-69 is extended for the duration of this order.

Section 6. Enforcement

This order shall be enforced under section 252.47, Florida Statutes. Violation of this order is a second-degree misdemeanor pursuant to section 252.50; Florida Statutes, and is punishable by imprisonment not to exceed 60 days, a fine not to exceed \$500, or both.

Section 7. Effective Date

This order is effective at 12:01 a.m. on Monday, May 18, 2020.



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 14th day of May, 2020.

A large, stylized handwritten signature in black ink, which appears to be "Ron DeSantis".

RON DESANTIS, GOVERNOR

ATTEST:

A handwritten signature in black ink, which appears to be "Laurel M. Lee".
SECRETARY OF STATE

FILED
2020 MAY 15 AM 10:56
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA