

2020 MAR 24 PM 6:44

SUNRISE, FLORIDA

# **DECLARATION OF EMERGENCY REGULATIONS 20-03**

(COVID-19 State of Emergency – March 24, 2020)

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

WHEREAS, in December 2019, a new and significant outbreak of COVID-19 emerged in China and has since spread rapidly to more than 100 countries and territories throughout the World, including the United States, Florida, and more specifically, Broward County; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a global pandemic; and

WHEREAS, in response to the recent COVID-19 outbreaks in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention (CDC) is predicting widespread transmission of COVID-19 in the United States; and

WHEREAS, on March 1, 2020, the Governor 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, the Governor 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, on March 9, 2020, the Governor issued Executive Order 20-52 declaring a State of Emergency for COVID-19 in the State of Florida, directed the Florida Division of Emergency Management to activate the Florida Emergency Operations Center (EOC) to coordinate the state's response to COVID-19, and authorized each political subdivision of the state to "waive the procedures and formalities otherwise required of the

political subdivision by law pertaining to the performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;" and

WHEREAS, on March 10, 2020, Broward County issued a Local Declaration of Emergency under the provisions of the Broward County Charter and Florida Statutes Chapter 252 due to the serious threat to the health, safety and life within Broward County. The City implemented its local emergency plan and the County activated its Emergency Operations Center, which allows the County to quickly initiate emergency response to municipalities like Sunrise if a need arises; and

WHEREAS, on March 12, 2020, the State Director of Emergency Management, Jared Moskowitz, advised that "municipalities cancel all major gatherings in their jurisdictions, until further notice;" and

WHEREAS on March 13, 2020, President Donald Trump declared a "National Emergency" and urged every state to set up emergency operations centers; and

WHEREAS, on March 14, 2020, the City of Sunrise declared an emergency for purposes of procurement under Section 5-173 of the City's Code; and

WHEREAS, as of March 16, 2020, Worldometer reports that 162 countries and territories have been affected, that 179,836 COVID-19 cases exist and that 7,096 people have died from COVID-19; and

WHEREAS, on March 16, 2020, President Trump stated that to prevent the spread of the pandemic disease, that no more than 10 people should gather in a location and President Trump has further stated that this pandemic may last through July or August 2020; and

WHEREAS, numerous counties in Florida, including Broward County, have positive cases for COVID-19, and COVID-19 poses a significant health risk to the entire state of Florida; and

WHEREAS, as of March 17, 2020, the State of Florida has 192 confirmed cases of COVID-19 of which 43 are located in Broward County; and

WHEREAS, experts say the worst is yet to come with some estimates calling for the pandemic to last two (2) months and the possibility of more than 800 cases in Broward County; and

WHEREAS, the City of Sunrise is threatened by the COVID-19 pandemic due to the virus' ability to spread rapidly and overwhelm the health system; and

WHEREAS, the CDC has issued guidelines for "community mitigation strategies" to limit the spread of COVID-19, including recommendations for social distancing, which has proven to be an effective method for containing COVID-19; and

WHEREAS, this emergency declaration allows City staff to proceed with all mitigation, prevention, and awareness efforts required to minimize impact from the COVID-19 outbreak in Broward County, and to take measures to protect the health, safety and public welfare of our Sunrise residents, employees, businesses and visitors; and

WHEREAS, on March 17, 2020, Governor DeSantis issued Executive Order 20-68 that provides that the licensee of a bar, pub or nightclub that derives more than 50% of its gross revenue from the sale of alcoholic beverages shall suspend all sale of alcoholic beverages for thirty (30) days from the date of his order; makes requirements for beaches; and provides that restaurants shall immediately limit occupancy to 50% of current building occupancy and ensure a 6-foot distance between any group of patrons and limit parties to no more than ten (10) individuals; and

WHEREAS, on March 18, 2020, the City issued a Declaration of Emergency Regulations and since that time, Governor DeSantis has issued numerous Executive Orders including Executive Order 20-68 (bars, beaches, and restaurants and gyms); 20-69 (public meetings); 20-70 (Broward and Palm Beach County Closures); 20-71 (alcohol sales, restaurants and gyms); and 20-72 (non-essential elective medical procedures); and

WHEREAS, on March 22, 2020, Broward County issued the Broward County Administrator's Emergency Order 20-01; and

WHEREAS, pursuant to Section 3.13 of the City's Charter, Florida Statutes Chapters 166, 252 and 870 and the Declaration of State of Emergency existing since March 9, 2020, Emergency Ordinances such as this Emergency Ordinance may be enacted by the City Commission to meet a public emergency affecting life, health, property, safety or the public peace.

**NOW THEREFORE**, the City Commission of the City of Sunrise pursuant to the City's Charter, Florida Statutes Chapters 166, 252, and 870, the Governor's Declaration of the State of Emergency existing since March 9, 2020, and the Broward County Administrator's Emergency Order 20-01:

Section 1. This Declaration of Emergency Regulations 20-03 is supplemental

and in addition to the Executive Orders issued by Governor DeSantis, including Executive Orders 20-70 and 20-71 and Broward County Administrator's Emergency Order 20-01.

Section 2. All nonessential retail and commercial business locations (meaning all that are not expressly deemed essential as stated in Section 3 below) are ordered closed except to the extent necessary to perform Minimum Basic Operations. "Minimum Basic Operations" means the minimum activities necessary to maintain the value of inventory, preserve plant and equipment condition, ensure security, process payroll and employee benefits, and facilitate employees working remotely, provided such businesses shall practice, and ensure persons interacting with and within such businesses practice, social distancing and all other measures as advised by the CDC.

Section 3. The following retail and commercial businesses are deemed essential and existing retail and commercial business locations of these businesses may remain open, but shall practice, and ensure persons interacting with and within such businesses practice, social distancing and all other measures as advised by the CDC:

- a. Except to the extent precluded by the Governor's Executive Order 20-72 or any subsequent Executive Order, healthcare providers and public health operations, including but not limited to: hospitals; doctors' and dentists' offices; urgent care centers, clinics, and rehabilitation facilities; physical therapists; mental health professionals; psychiatrists; therapists; research and laboratory services; blood banks, medical cannabis facilities; medical equipment, devices, and other healthcare manufacturers and suppliers; reproductive health care providers; eye care centers; home healthcare services providers; substance abuse providers; medical transport services; and pharmacies;
- b. Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, baby products, pet supply, liquor, fresh or frozen meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This authorization to remain open includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operations of residences and other structures;
- c. Businesses engaged in food cultivation, including farming, livestock, and fishing;
- d. Businesses that provide food, shelter, social services and other necessities of life for economically disadvantaged or otherwise needy individuals;
- e. Newspapers, television, radio, and other media services;

- f. Gas stations, new and used automobile dealerships, and auto-supply, auto-repair and related facilities;
- g. Banks and related financial institutions, including insurance firms, but excluding pawn shops;
- h. Hardware, gardening, and building material stores;
- i. Contractors and other tradesmen, building management and maintenance (including janitorial companies servicing commercial businesses), home security firms, fire and water damage restoration, public adjusters, appliance repair personnel, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and other structures;
- j. Businesses primarily providing mailing, logistics, pick-up, and shipping services, including post office boxes;
- k. Private colleges, trade schools, and technical colleges, but only as needed to facilitate online or distance learning, perform critical research, or perform essential functions, and university, college, or technical college residence halls, but only to the extent needed to accommodate students who cannot return to their homes;
- l. Laundromats, dry cleaners, and laundry service providers;
- m. Restaurants and other facilities that prepare and serve food, but subject to the limitations and requirements of the Governor's Executive Orders 20-68, 20-70, and 20-71. Schools and other entities that typically provide free food services to students or members of the public may continue to do so on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site under their control;
- n. Businesses that primarily supply office products needed for people to work from home (but not including businesses that primarily sell or lease furniture);
- o. Businesses that primarily supply other essential businesses, as stated in this Emergency Order, with the support or supplies necessary to operate, and which do not interact with the general public, including cybersecurity firms (but not including businesses that primarily sell or lease furniture);
- p. Businesses that primarily ship or deliver groceries, food, goods, or services directly to residents;

- q. Airlines, taxis, and other private transportation providers providing transportation services via automobile, truck, boat, bus, or train;
- r. Businesses engaged in providing home-based care for seniors, adults, or children;
- s. Assisted living facilities, nursing homes, adult day care centers, and homebased and residential settings for adults, seniors, children, and/or people with disabilities or mental illness;
- t. Businesses providing professional services, such as legal or accounting services, to the extent those services are necessary to respond to legally mandated activities and such services cannot be performed as permitted in Section 4 below;
- u. Landscape and pool care businesses, including residential landscape and pool care services;
- v. Childcare facilities providing services that enable employees exempted in this Emergency Order to work as permitted. To the extent possible, childcare facilities should operate under the following conditions: Childcare must be carried out in stable groups of 10 or fewer (inclusive of childcare providers for the group); children and child care providers shall not change from one group to another; if more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix or interact with each other. All play equipment used by one group of children must be cleaned and sanitized before use by another group of children. Any child exhibiting symptoms consistent with COVID-19 illness shall not be allowed to stay in the childcare facility;
- w. Businesses operating at any airport, seaport, or other government facility, except as provided in the Governor's Executive Order 20-71, which requires all restaurants and food establishments licensed under Chapters 500 and 509 to suspend on-premises food and alcohol consumption, and except as to businesses operating from Broward County facilities as to which separate directives have or will be issued;
- x. Logistics providers, including warehouses, trucking, consolidators, fumigators, and handlers;
- y. Telecommunications providers, including sales of computer or telecommunications devices and the provision of home telecommunications;
- z. Businesses engaged in the provision of propane or natural gas;
- aa. Businesses engaged in the provision of office space and administrative support necessary to perform any of the above-listed activities;
- bb. Open construction sites, irrespective of the type of building;

- cc. Business providing architectural, engineering, or land surveying services;
- dd. Factories, warehouses, manufacturing facilities, bottling plants, or other industrial distribution and supply chain facilities used for essential products and industries for the U.S. domestic market;
- ee. Waste management services, including business engaged primarily in the collection and disposal of waste;
- ff. Private and municipal marinas and boat launches, docking, fueling, marine supply, and other marina services;
- gg. Hotels, motels, other commercial lodging establishments, and temporary vacation rentals, subject to the limitations stated in the Governor's Executive Order 20-70. Hotels, motels, and other commercial lodging establishments shall not accept new reservations for persons other than Essential Lodgers. "Essential Lodgers" are defined as: (1) healthcare professionals; (2) first responders; (3) National Guard members; (4) law enforcement; (5) state or federal government employees; (6) airline crewmembers; (7) patients; (8) patients' families; (9) journalists; (10) others providing direct services in response to COVID-19; (11) displaced residents or visitors; (12) persons utilizing hotels as transitional living arrangements; (13) persons sheltering in hotels due to domestic violence; (14) hotel employees, service providers, and contractors; or (15) individuals who, for any reason, are temporarily unable to reside in their home due to exigent circumstances;
- hh. Veterinarians and pet boarding facilities;
- ii. Mortuaries, funeral homes, and cemeteries including funeral and cremation services;
- jj. Firearm and ammunition supply stores;
- kk. Businesses providing services to any local, state, or federal government, pursuant to a contract with such government and provided such services relate directly to a governmental response to the COVID-19 crisis;
- ll. Any business that employs five (5) or fewer persons, including management/ownership, where the employees do not come in regular contact with the general public in the regular course of business and the business can conduct its business in a manner that complies with the recommended social distancing

and other requirements of previous executive orders, except to the extent inconsistent with any Executive Order or regulation issued by the Governor of Florida, the state, or any federal authority;

mm. Electrical production and distribution services; and

nn. Moving, storage, and relocation services.

Section 4. Notwithstanding the foregoing and in addition to any permitted Minimum Basic Operations, all retail and commercial businesses may perform remote work so that a business's employees may interact with each other and/or with customers solely through electronic or telephonic means, and deliver services or products via only electronic means or mailing, shipping, or delivery services.

This Declaration of Emergency Regulations does not affect or limit the operations of the City of Sunrise, Broward County, any public utility, any municipality, the Broward County School District, the North Broward Hospital District, the South Broward Hospital District, any other local government entity in Broward County, or any State or Federal office or facility.

Section 5. This Declaration of Emergency Regulations does not limit the number of persons who may be physically present and performing services on-site related to the operations of an essential business except as expressly set forth herein or otherwise governed by any State or Federal order or regulation. All such persons are required to the full extent practicable to operate in full compliance with all measures advised by the CDC including practicing social distancing such as keeping six (6) feet between persons and limiting group size to less than ten (10) people.

Section 6. This Declaration of Emergency Regulations does not limit religious services at any location, but all persons performing or attending religious services are urged to fully comply with all measures advised by the CDC including limiting gatherings to no more than ten (10) people and practicing social distancing of at least six (6) feet between persons.

Section 7. This Declaration of Emergency Regulations shall apply to retail and commercial businesses based upon their regular course of their business as of March 21, 2020; any change to an entity's scope of business after March 21, 2020, shall not modify the characterization of the entity as essential or nonessential.

Section 8. Violations. Any violation of a provision of §§252.31 through 252.90, Florida Statutes, or any rule or order, including but not limited to this Declaration of Emergency Regulations, shall be a misdemeanor of the second degree, punishable as



provided in Sections 775.082 or 775.083, Florida Statutes.

Section 9. Severability. Any provision(s) within this Declaration of Emergency Regulations that conflict(s) with any state or federal law or constitutional provision, or conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Declaration of Emergency Regulations, with the remainder of the Declaration of Emergency Regulations remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Declaration of Emergency Regulations is prohibited on the sovereign land of a federally or state recognized sovereign Indian tribe, such application is expressly excluded from this Declaration of Emergency Regulations.

Section 10. The City of Sunrise's Declaration of Emergency Regulations 20-02 issued on March 22, 2020 regarding COVID-19 is hereby superseded.

Section 11. This Declaration of Emergency Regulations 20-03 shall be effective when passed and revises Section 11 of Declaration of Emergency Regulations 20-02 that was effective as of 12:01 a.m. on Monday, March 23, 2020. This Declaration of Emergency Regulations shall automatically be amended to implement stricter amendments to the Broward County Administrator's Emergency Order without further action of the City Commission. This Declaration of Emergency Regulations shall expire upon the expiration of the existing State of Local Emergency, unless earlier terminated by the City of Sunrise.

Dated, in the City of Sunrise, Florida, this 24<sup>th</sup> day of March, 2020.

Sunrise City Commission



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Mayor Michael J. Ryan  
City of Sunrise, Florida

Attest:

  
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Felicia M. Bravo, City Clerk

