

**EMERGENCY ORDER NO. 2
PERTAINING TO COVID-19**

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order Number 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of COVID-19 in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the state of Florida related to COVID-19 and enacting the powers of political subdivisions to exercise its powers under Section 252.38, Florida Statutes; and

WHEREAS, on March 16, 2020, a State of Local Emergency – Resolution #20-054R was declared under the provisions of the Florida Statutes and the Osceola County Code due to the serious threat to life and property within the County arising from COVID-19; and

WHEREAS, on March 23, 2020, the Declaration of the State of Local Emergency was extended pursuant to Resolution #20-055R due to the ongoing threat of COVID-19; and

WHEREAS, COVID-19 is spread amongst the population by various means of exposure, including the propensity to spread person to person and the propensity to attach to surfaces for prolonged periods of time, thereby spreading from surface to person and causing increased infections to persons; and

WHEREAS, public health experts have consistently recommended avoiding close physical interaction between people in order to slow the spread of COVID-19, and the Centers for Disease Control (“CDC”) has updated and further restricted its distancing guidelines; and

WHEREAS, despite measures previously taken, COVID-19 has rapidly spread in the State of Florida as well as in Osceola County, necessitating updated and more stringent distancing guidelines; and

WHEREAS, while it is important to update and revise the social distancing guidelines to protect the public, it is also important to preserve the public’s access to necessary services, such as food, prescriptions and health care, and to maintain the operation of critical infrastructure as identified by the federal government; and

WHEREAS, the emergency powers of this Office include establishing curfews, limiting public congregations and other powers necessary to secure the public health and safety; and

WHEREAS, this Emergency Executive Order is issued to protect the health and safety of the citizens, residents and visitors of Osceola County, to assist the healthcare delivery system in its ability to serve those persons infected by COVID-19, and to preserve the public’s access to essential services and maintain the operation of critical infrastructure.

NOW, THEREFORE, IT IS ORDERED:

Section 1. Non-Essential Travel and Safety Measures.

In the interest of preserving the public health and safety, individuals are ordered not to leave the premises of their primary residence or domicile except to conduct certain necessary activities, while practicing social distancing where practical, which include, but are not limited to the following:

(a) *Basic Needs.* Visiting a health or veterinary care professional, obtaining medical supplies or medication, obtaining financial or legal services, obtaining food, grocery items or other household consumer products and products necessary to maintain the safety and sanitation of residences or buildings (whether commercial, office or industrial), 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, for personal use or for use by others, including, without limitation, services related to providing food, groceries, household products, health services, shelter, care or assistance to minors, the elderly, dependents, persons with disabilities, other persons needing assistance, friends, family members, pets or animals; attendance at public meetings or other government purposes; and for other like or similar purposes related to any of the foregoing.

(b) *Physical Activity and Exercise.* Engaging in outdoor activities and recreation, including, without limitation, golfing, walking, hiking, running, cycling, using scooters, roller skates, skateboards, or other personal mobility devices.

(c) *Travel related to Basic Needs and Physical Activity.* Travel to and from an individual's principal residence or domicile related to any of the basic needs described in Section 1(a) above, or physical activity and exercise described in Section 1(b) above.

(d) *Travel related to the Provision or Receipt of Essential Services.* Travel necessary for the provision or receipt of essential services described in Section 2, including employees, volunteers, and service recipients of these services.

(e) *Other Travel.* Travel to and from transportation facilities or hubs, airports, bus and train stations, and travel to return home from outside jurisdictions.

Section 2. Non-Essential Businesses and Essential Businesses.

(a) All non-essential retail and commercial businesses are hereby ordered temporarily closed including but not limited to whether indoors or outdoors, -locations with amusement rides, carnivals, water parks, pools, zoos, except for drive through experience where visitors do not leave the vehicle, museums, arcades, fairs, children's play centers, playgrounds, theme parks, bowling alleys, pool halls, movie and other theaters, concert and music halls, country clubs, social clubs and fraternal organizations.

(b) The following retail and commercial businesses are deemed essential, and may remain open:

(1) Healthcare providers, including, but not limited to, hospitals, doctors' and dentists' offices, urgent care centers, clinics, rehabilitation facilities, physical therapists, mental health professionals, psychiatrists, therapists, pharmacies, veterinarians and animal care providers;

(2) Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This authorization includes stores that sell groceries and other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operations of residences;

(3) Food cultivation, including farming, livestock, and fishing;

(4) Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals. Hotels, motels and other housing providers;

(5) Newspapers, television, radio, and other media services;

(6) Gas stations;

(7) Auto-supply, auto-repair, related facilities, and towing services;

(8) Banks and related financial institutions, real estate and related inspectors, insurance and title companies;

(9) Hardware and home improvement stores;

(10) Licensed contractors and other tradesmen, appliance repair personnel, exterminators, and other service providers who provide services that are necessary to maintain the safety, sanitation, and essential operation of residences and other structures;

(11) Businesses providing mailing and shipping services, including post office boxes;

(12) Laundromats, dry cleaners, and laundry service providers;

(13) Restaurants and other facilities that prepare and serve food, but subject to the limitations and requirements under Federal, State or Local Emergency Orders. 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;

(14) Businesses that supply office products needed for people to work from home;

(15) Businesses that sell medical equipment and supply providers. Also, businesses that supply other essential businesses with support and supplies necessary to operate, and which do not interact with the general public;

(16) Businesses that ship or deliver groceries, food, goods, or services directly to residences;

(17) Airlines, taxis, and other private transportation providers providing transportation services via automobile, truck, bus, or train;

(18) Home-based care for seniors, adults, or children;

(19) Assisted living facilities, nursing homes, and adult day care centers, and senior residential facilities;

(20) Legal or accounting services and notaries public;

(21) Landscape and pool care businesses, including residential landscape and pool care services, and maintenance of property, equipment and grounds of businesses whether or not currently open to the public;

(22) Childcare facilities providing services that enable employees exempted in this Emergency Executive Order to work, as permitted. To the extent practical, childcare facilities shall operate under the following mandatory conditions:

- a. Childcare shall take place in stable groups of ten (10) or fewer people (inclusive of childcare providers for the group);
- b. Children and childcare providers shall not change from one group to another; and
- c. If more than one group of children is cared for at one facility, each group shall be in a separate room, and groups shall not mix or interact with each other;

(23) Businesses operating at an airport, government facility, or government office;

(24) Pet supply stores;

(25) Logistics providers, including warehouses, trucking, consolidators, fumigators, and handlers;

(26) Telecommunications providers, including sales of computer or telecommunications devices and the provision of home telecommunications, to include private security businesses;

(27) Providers of propane or natural gas;

(28) Construction sites and related inspection services, irrespective of the type of building;

(29) Architectural, engineering, and land surveying services;

(30) Factories, manufacturing facilities, bottling plants, or other industrial uses;

(31) Waste management services, including collection and disposal of waste;

(32) Businesses interacting with customers solely through electronic or telephonic means;

(33) Businesses delivering products via mailing, shipping, or delivery services;

(34) Office space and administrative support necessary to perform any of the above listed essential retail or commercial business activities;

(35) In addition to essential businesses listed above, any individuals that are employed in or working to maintain continuity of operations of the federal critical infrastructure sectors as more particularly described at <http://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. This link identifies a number of critical infrastructure sectors as vital to the United States including (1) healthcare and public benefits, (2) transportation systems and logistics, (3) communications, (4) water and wastewater, (5) food and agriculture, (6) nuclear reactors, hazardous materials and waste, (7) other governmental facilities, operations and essential functions, (8) energy, (9) financial services, (10) commercial facilities, (11) emergency services, (12) defense industrial base, (13) critical manufacturing, (14) chemical, and (15) information technology. This exception only applies to individuals working in one of these critical infrastructure sectors while or during the course of employment in and performing their work in that sector.

(36) Golf courses for the benefit of physical activity.

(c) This Order does not affect or limit the operations of Osceola County, any municipality, the Osceola County School District, any educational institution, whether public or private, or Federal office or facility, or any public utility, except that such entities shall endeavor to abide by the prohibitions or restrictions of any County, municipal, State or Federal Emergency Order, as applicable.

(d) This Order does not limit the number of persons who may be physically present performing services at any location where an essential business is being conducted or operated, except as expressly set forth herein or otherwise governed by a State or Federal Order or regulation. Employers and employees of such essential businesses are urged to practice social distancing, such as keeping at least six (6) feet apart and limiting group size to less than ten (10) people.

(e) This Order does not limit religious or funeral services at any location, but all persons leading, performing or attending religious or funeral services are urged to fully comply with all measures advised by the CDC, including limiting gatherings to not more than ten (10) people and practicing social distancing of at least six (6) feet between persons.

Section 3. Minimum Standards. The provisions of this Emergency Executive Order shall serve as minimum standards, and shall not modify any powers

possessed by municipalities to impose more stringent standards within their respective jurisdictions.

Section 4. Variances or Exceptions. Any variance or exception to any prohibitions set forth in Section 1 or Section 2 shall be valid only when stated in writing signed under the aforementioned authority.

Section 5. Penalties. Anyone who violates this Emergency Executive Order shall upon conviction be punished according to law and shall be subject to a fine not exceeding the sum of Five Hundred Dollars (\$500.00), or imprisonment in the County jail for a period not exceeding sixty (60) days, or by both such fine and imprisonment.

Section 6. Severability. Any provision of this Emergency Executive Order that conflicts with any Federal or State constitutional provision or law, including the State's preemption of the regulation of firearms and ammunition codified in Section 790.33, Florida Statutes, or conflicts with or is superseded by an Executive Order issued by the President of the United States or the Governor of Florida, shall be deemed inapplicable and deemed to be severed from this Emergency Executive Order, with the remainder of the Emergency Executive Order remaining intact and in full force and effect. Nothing in this Emergency Executive Order shall be interpreted as prohibiting retail or wholesale stores or vendors that currently sell sealed containers of alcoholic beverages for off-premises consumption from continuing such sales for off-premises consumption.

Section 7. Effective Date; Expiration Date.

(a) This Emergency Executive Order shall become effective on March 26, 2020, at 11:00 p.m.

(b) This Emergency Executive Order shall expire on April 9, 2020, at 11:00 p.m.

OSCEOLA COUNTY, FLORIDA

By: 

Chairman/Vice Chairman
Executive Policy Group