

EMERGENCY ORDER NO. 2020 - ____

AN EMERGENCY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, SUPPLEMENTING RESOLUTION NO. 2020-50, COLLIER COUNTY'S DECLARATION OF LOCAL STATE OF EMERGENCY, TO INCLUDE A MANDATORY STAY-AT-HOME DIRECTIVE FOR RESIDENTS, AND CLOSINGS OF ALL NON-ESSENTIAL BUSINESSES DUE TO THE CORONAVIRUS DISEASE (COVID-19).

WHEREAS, COVID-19 is a respiratory illness caused by a virus that spreads rapidly from person to person, which may result in serious illness or death, and which constitutes a clear and present danger to the health, welfare and safety of the citizens of Collier County; and

WHEREAS, on March 1, 2020, Governor DeSantis declared a Public Health Emergency as a result of COVID-19, and on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency as a result of COVID-19, which has been supplemented by subsequent Executive Orders all relating to the threat of COVID-19; and

WHEREAS, on March 16, 2020, the Board of County Commissioners of Collier County, Florida adopted Proclamation/Resolution No. 2020-50 declaring a state of emergency due to COVID-19 for all territory within the legal boundaries of Collier County; and

WHEREAS, on March 24, 2020, Florida Governor DeSantis issued Executive Order 20-83, directing the State Surgeon General and State Health Officer issue public health advisories to (1) all persons over 65 years of age; and (2) all persons that have a serious underlying medical condition consistent with CDC guidance; urging them to stay home to limit their risk of exposure to COVID-19; and further directing the issuance of public health advisories against all social or recreational gatherings of 10 or more people; urging those who can work remotely to do so; and

WHEREAS, an ever growing number of counties, municipalities, and several states have adopted versions of "stay at home" or "safer at home" orders designed to protect the health and well-being of residents to create social distancing, and minimize contact in an effort to limit community spread of COVID-19; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention ("CDC") and the Florida State Department of Health recommend implementation of community mitigation strategies to increase containment of the virus; and

WHEREAS, it is the duty of Collier County to take protective measures to support the public health, safety and welfare of the community; and

WHEREAS, COVID-19, which has already adversely impacted businesses throughout Collier County, presents an immediate and ever-growing threat to the health, safety and welfare of the citizens of Collier County.

NOW THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA:

1. Safer at Home. Subject to the exceptions set forth below, all persons living within Collier County are hereby ordered to stay in their homes.

2. Non-essential business and operations must cease. All businesses and operations in the County, except Essential Businesses and Operations as defined below, are required to cease all activities within the County except for Minimum Basic Operations, as defined below. Businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). "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.

3. Prohibited activities. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as provided for below.

4. People shall remain in their homes except for leaving the home for essential activities. For purposes of this Order, individuals may leave their residence only for any of the following essential activities:

a. For health and safety. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.

- b. For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, and products necessary to maintain the safety sanitation, and essential operation of residences.
- c. For outdoor activity.** To engage in outdoor activity, provided the individuals comply with social distancing, and all other measures as advised by the CDC, such as, by way of example and without limitation, walking, hiking, running, or biking.
- d. For certain types of work.** To perform work providing essential products and services at Essential Businesses or Operations.
- e. To take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets for activities as allowed by this Emergency Order.

5. All Essential Businesses and Operations are encouraged to remain open. To the greatest extent feasible, Essential Businesses and Operations shall comply with Social Distancing Requirements as defined in this Emergency Order, including by maintaining at least a six-foot distance between both employees and members of the public at all times, including when any customers are standing in line.

6. Essential Governmental Functions. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support Essential Businesses and Operations are categorically exempt from this Order.

7. Collier County is closing to all tourists and leisure visitors. Effective immediately, no commercial lodging establishment or short-term vacation rental (as defined by less than 30 days) shall accept reservations until further notice. Existing guests may shelter in place. Commercial lodging establishments and short-term vacation rentals are encouraged to give priority to "Essential Lodgers" which are defined as: (1) healthcare professionals; (2) first responders; (3) National Guard members; (4) law enforcement; (5) government

employees; (6) airline crewmembers; (7) patients; (8) patients' families; (9) journalists; (10) others providing direct services in response to COVID-19; (11) persons sheltering in hotels due to domestic violence; (12) hotel employees, service providers, and contractors; or (13) individuals who, for any reason, are temporarily unable to reside in their home due to exigent circumstances.

8. The following retail and commercial businesses are deemed Essential Businesses and Operations. Existing retail and commercial business locations of the following businesses may remain open, but shall practice social distancing and all other measures as advised by the CDC:

- a. Healthcare providers and public health operations, including but not limited to: hospitals; doctors' and dentists' offices; urgent care centers, clinics, and rehabilitation facilities; chiropractors; physical therapists; mental health professionals; psychiatrists; therapists; blood banks, 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 except to the extent precluded by the Governor's Executive Order 20-72 or any subsequent Executive Order;
- b. Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments primarily engaged in the retail sale of food. 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, auto-supply, and automotive sales and repair facilities;
- g. Banks and related financial institutions, but excluding pawn shops;
- h. Hardware, gardening, and building material stores;
- i. Construction sites, as well as Contractors and other tradesmen, building and apartment management and maintenance, janitorial companies servicing commercial businesses, home security firms, fire and water damage restoration appliance repair personnel, pest control, 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 and any subsequent Executive Orders;
- 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 and operations as stated in this 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, buses and other private transportation providers.
- 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;
- u. Childcare facilities providing services that enable employees employed by employers exempted in this Order to work as permitted;
- v. Logistics providers, including warehouses, trucking, consolidators, fumigators, and handlers;
- w. Telecommunications providers, including sales of computer or telecommunications devices and the provision of home telecommunications;
- x. Businesses engaged in the provision of propane or natural gas;
- y. Businesses engaged in the provision of office space and administrative support necessary to perform any of the above-listed activities;
- z. Businesses providing architectural, engineering, or land surveying services, but only with regard to ongoing construction projects in which construction has already commenced and provided that such businesses operate in full compliance with all measures advised by the CDC regarding social distancing;
- aa. Factories, warehouses, manufacturing facilities, bottling plants, or other

- industrial distribution and supply chain facilities used for essential products and industries;
- bb. Waste management services, including business engaged primarily in the collection and disposal of waste;
 - cc. Hotels, motels, other commercial lodging establishments, and short-term rentals, subject to the limitations stated in the Governor's Executive Order 20-70.
 - dd. Veterinarians, pet stores and pet boarding facilities;
 - ee. Mortuaries, funeral homes, and cemeteries including funeral and cremation services;
 - ff. 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;
 - gg. Any business that employs five 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;
 - hh. Electrical production and distribution services; and
 - ii. Marinas.

9. 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;

10. Appeal of non-essential business designations may be requested by businesses not included under this order. Such review will be done by the County Manager or his designee.

11. This Order does not affect or limit the operations of Collier County, any public utility, any municipality, the Collier County School District, any other local government entity in Collier County, or any State or Federal office or facility.

12. This Order 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 or Operation except as expressly set forth herein or otherwise governed by any County, 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 at least six feet between persons and limiting group size to less than ten people.

13. This Order does not limit religious services at any location, but all persons performing or attending religious services are recommended to comply with all measures advised by the CDC, including limiting gatherings to no more than ten people and practicing social distancing of at least six feet between persons.

14. Groups of ten or more gathering are discouraged and may be ordered to disperse.

15. Applicability. The provisions of this Order shall serve as minimum standards, and in no way modify any power possessed by municipalities within Collier County to impose more stringent standards within their jurisdictions. This Order shall apply to retail and commercial businesses based upon their regular business.

16. Severability. Any provision(s) within this Order 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 Order, with the remainder of the Emergency Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the

