

**EMERGENCY ORDER OF THE CITY MANAGER EXTENDING
THE DECLARATION OF A CITY-WIDE PUBLIC HEALTH EMERGENCY**

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and causes symptoms similar to those of influenza and, in some cases, death; and

WHEREAS, on March 9, 2020 the Governor of the State of Florida issued Executive Order No. 20-52 in which the Governor declared a State of Emergency exists in the State of Florida and the Governor issued Executive Orders No. 20-114 on May 8, 2020, 20-166 on July 7, 2020, 20-213 on September 4, 2020, 20-276 on November 3, 2020, 20-316 on December 29, 2020, as well as 21-45 on February 26, 2021, and 21-94 on April 27, 2021, each of which further extended the declaration of a State of Emergency for an additional period of sixty (60) days, which declaration remains in effect through June 26, 2021; and

WHEREAS, on March 13, 2020 the City of Sarasota declared a City-wide Public Health Emergency pursuant to Chapter 13 of the Sarasota City Code with said declaration being extended weekly thereafter by the City Manager for additional periods of seven (7) days each with the most recent extension of the declaration of City-wide Public Health Emergency effective May 21, 2021; 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 avoiding gatherings of more than 10 people and recommending restrictions to certain establishments conducive to mass gatherings and congregations; and

WHEREAS, on March 31, 2020, the President updated the guidance, renaming it “30 Days to Slow the Spread”, and along with the White House Coronavirus Task Force urged Americans to continue to adhere to the guidelines and expand community mitigation efforts; and

WHEREAS, mitigating the effects of COVID-19 and protecting the health of its citizens and visitors is a high priority of the City of Sarasota; and

WHEREAS, the COVID-19 virus has the propensity to attach to surfaces for prolonged periods of time, thus causing property damage and continuing the spread of the virus; and

WHEREAS, on April 1, 2020 the Governor of the State of Florida issued Executive Orders 20-91 and 20-92 which remained in effect through May 4, 2020 and which provided that senior citizens and individuals with significant underlying medical conditions shall stay at home and all other persons shall limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities; and

WHEREAS, in Executive Order 20-91, the Governor found that positive tests for COVID-19 have been concentrated in urban cores; and

WHEREAS, on April 29, 2020, subsequent to receipt of the Re-Open Florida Task Force Report, the Governor issued Executive Order 20-112 which became effective on May 4, 2020; and

WHEREAS, Executive Order 20-112 provided that senior citizens and individuals with significant underlying medical conditions are strongly encouraged to stay at home, and all persons in Florida shall continue to limit their personal interactions outside the home, and all persons in Florida should avoid congregating in groups of more than 10, and all persons in Florida should avoid nonessential travel; and

WHEREAS, Executive Order 20-112 began Phase 1 of the safe, smart, step-by-step approach to reopen Florida while continuing the social distancing CDC guidance of limiting gatherings to no more than 10 persons and distancing from other parties by six feet; and

WHEREAS, on May 9, 2020, the Governor of the State of Florida issued Executive Order 20-120 and on May 14, 2020 issued Executive Order 20-123, each of which extended and modified Executive Order 20-112 to partially "re-open" Florida; and

WHEREAS, on June 3, 2020 the Governor issued Executive Order 20-139 which also extended and further modified Executive Order 20-112 by commencing Phase 2 of the "Plan for Florida's Recovery" as part of the safe, smart, step-by-step approach to reopen Florida; and

WHEREAS, Executive Order 20-139 provided that all persons in Florida are encouraged to follow appropriate social distancing and safety protocols issued by the CDC and Occupational Safety and Health Administration (OSHA) and that senior citizens and individuals with a significant underlying medical condition are strongly encouraged to avoid crowds and that all persons in Florida are encouraged to avoid congregating in groups larger than 50 persons and that in store retail businesses should maintain appropriate social distancing and sanitation protocols; and

WHEREAS, on September 25, 2020 the Governor issued Executive Order 20-244 initiating Phase 3 which superseded and eliminated the restrictions of Executive Orders 20-112 and 20-139; and

WHEREAS, on November 24, 2020 the Governor issued Executive Order 20-297 which extended Executive Order 20-244 to remain in effect through the duration of the declaration of a State of Emergency, (i.e. June 26, 2021) unless otherwise modified or rescinded; and

WHEREAS, on May 3, 2021 the Governor issued Executive Order 21-102 which suspended, superseded, and eliminated all local government restrictions and mandates on individuals and businesses due to the COVID-19 emergency, and provided that for the remaining duration of the state of emergency declared by Executive Order 20-52 (i.e. June 26, 2021), no county or municipality may renew or enact an emergency order or ordinance that imposes restrictions or mandates upon businesses or individuals due to the COVID-19 emergency; and

WHEREAS, as a result of Executive Order 21-102 this emergency order, as well as any future emergency order which I may issue as a result of the COVID-19 emergency will not impose

restrictions or mandates upon businesses or individuals but, rather, will facilitate the ability to provide additional city services or benefits which are intended to assist businesses or individuals to fully recover from the effects of the COVID-19 pandemic; and

WHEREAS, on March 20, 2020, the Governor issued Executive Order 20-69, which, as extended, allowed City Commission and board meetings to be conducted using communications media technology and the Governor allowed this order to expire on October 31, 2020; and

WHEREAS, on June 29, 2020, the City Commission of the City of Sarasota adopted Emergency Ordinance 20-5329 which required face coverings be worn in indoor and outdoor public locations in the City of Sarasota, with certain identified exceptions, in order to help slow the spread of COVID-19; and

WHEREAS, Emergency Ordinance 20-5329 became effective on July 1, 2020 and was originally scheduled to remain in effect through August 30, 2020 subject to further action of the City Commission to extend, modify or terminate same; and

WHEREAS, on July 20, 2020 the City Commission of the City of Sarasota adopted certain amendments to Emergency Ordinance 20-5329 with said ordinance remaining in effect through August 30, 2020 subject to further action of the City Commission to extend, modify or terminate same; and

WHEREAS, on August 19, October 19, and December 7, 2020 the City Commission of the City of Sarasota extended Emergency Ordinance 20-5329 for additional periods of sixty (60) days so as to remain in effect through February 25, 2021 subject to further action of the City Commission to extend, modify or terminate same; and

WHEREAS, on February 17, 2021, and again on March 15, 2021, the City Commission of the City of Sarasota voted to allow Emergency Ordinance 20-5329 to expire as of February 25, 2021; and

WHEREAS, as a result of Executive Order 21-102, the City Commission can no longer consider requiring face coverings be worn in indoor and outdoor public locations in order to help slow the spread of COVID-19; and

WHEREAS, pursuant to the authority set forth in Chapter 13 Sarasota City Code, and consistent with the City-wide declaration of a Public Health Emergency, the City Manager, on May 28, 2021 extended the City-wide declaration of a Public Health Emergency for an additional period of seven (7) days; and

WHEREAS, this Emergency Order is issued pursuant to the home rule powers and police powers of the City of Sarasota and pursuant to the emergency powers of the City of Sarasota set forth in Chapter 13, Sarasota City Code as well as Chapter 252, Florida Statutes; and

WHEREAS, Section 13-3, Sarasota City Code, provides that Emergency Orders issued by the City Manager shall become effective immediately upon issuance and shall be reduced to writing as soon as practical thereafter; and

WHEREAS, this Emergency Order is hereby reduced to writing and will be filed with the City Auditor and Clerk.

NOW, THEREFORE, I, MARLON BROWN, CITY MANAGER OF THE CITY OF SARASOTA, FLORIDA, BASED UPON THE FOREGOING RECITATIONS, HEREBY ISSUE THIS EMERGENCY ORDER AS FOLLOWS:

Section 1. In light of the foregoing conditions, I hereby extend the declaration of City-wide Public Health Emergency for an additional period of seven (7) days through June 4, 2021.

Section 2. As soon as feasible after issuance and filing with the City Auditor and Clerk, this Emergency Order shall be published on the web site of the City of Sarasota.

DONE AND ORDERED this 28th day of May 2021.

CITY OF SARASOTA, FLORIDA

By: 

Marlon Brown, City Manager