

RESOLUTION NO. 20-62
CONFIRMATION OF COVID-19 EMERGENCY PROCLAMATION – Dec. 3, 2020

A RESOLUTION OF THE CITY OF CLEARWATER,
FLORIDA, CONFIRMING DECLARATIONS OF A STATE OF
EMERGENCY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a state of emergency in the City of Clearwater was proclaimed by Mayor George N. Cretekos, upon recommendation by the Emergency Management Director (City Manager William B. Horne), after certification of emergency conditions by the Emergency Management Coordinator (Fire Division Chief of Emergency Management Jevon Graham), on March 18, 2020 due to the unmitigated spread of coronavirus disease (COVID-19); and

WHEREAS, the March 18, 2020 state of emergency was confirmed by City Council in Resolution 20-11 later that day, extended 7 days by Mayor George N. Cretekos on March 25, extended 7 days by Mayor Frank Hibbard on April 1, confirmed by City Council in Resolution 20-14 on April 2, extended 7 days by Mayor Frank Hibbard on April 8 and 15, confirmed by City Council in Resolution 20-16 on April 16, extended 7 days by Mayor Frank Hibbard on April 22, 29, and May 6, confirmed by City Council in Resolution 20-19 on May 7, extended 7 days by Mayor Frank Hibbard on May 13 and 20, confirmed by City Council in Resolution 20-22 on May 21, extended 7 days by Mayor Frank Hibbard on May 27 and June 3, confirmed by City Council in Resolution 20-28 on June 4, extended 7 days by Mayor Frank Hibbard on June 10 and 17, confirmed by City Council in Resolution 20-30 on June 18, extended 7 days by Mayor Frank Hibbard on June 24, July 1, 8, and 15, confirmed by City Council in Resolution 20-32 on July 16, extended 7 days by Mayor Frank Hibbard on July 22, 29, and August 5, confirmed by City Council in Resolution 20-36 on August 6, and extended 7 days by Mayor Frank Hibbard on August 12 and 19, confirmed by City Council in Resolution 20-44 on August 20, extended 7 days by Mayor Frank Hibbard on August 26 and September 2, confirmed by City Council in Resolution 20-47 on September 3, extended 7 days by Mayor Frank Hibbard on September 9 and 16, confirmed by City Council in Resolution 20-51 on September 17, extended 7 days by Mayor Frank Hibbard on September 23 and 30, confirmed by City Council in Resolution 20-53 on October 14, extended 7 days by Mayor Frank Hibbard on October 21, 28, and November 4, confirmed by City Council in Resolution 20-56 on November 5, extended 7 days by Mayor Frank Hibbard on November 11 and 18, confirmed by City Council in Resolution 20-60 on November 19, and extended 7 days by Mayor Frank Hibbard on November 25 and December 2, 2020; and

WHEREAS, COVID-19 is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza, with no available vaccine or cure; and

WHEREAS, on January 31, 2020 the United States Department of Health and Human Services declared that a public health emergency exists nationwide as a result of confirmed cases of COVID-19 in the United States; and

WHEREAS, on March 1, 2020 Governor Ron DeSantis issued Executive Order 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and therefore directed that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, on March 9, 2020 Governor Ron DeSantis issued Executive Order 20-52 declaring a State of Emergency for COVID-19; and

WHEREAS, the World Health Organization declared COVID-19 a pandemic on March 11, 2020, which is defined as "worldwide spread of a new disease," and is the first declared pandemic since the H1N1 "swine flu" in 2009; and

WHEREAS, on March 13, 2020 President Donald J. Trump declared a national state of emergency; and

WHEREAS, on March 16, 2020 President Trump and CDC issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing measures. such as working from home and avoiding gatherings of more than 10 people; and

WHEREAS, on March 17, 2020 Governor Ron DeSantis issued Executive Order 20-68 closing bars, pubs and nightclubs for 30 days, recommending that public beachgoers follow CDC guidelines limiting group sizes and social distancing, and ordering that restaurants limit occupancy to 50% of current building capacities and begin employee screening; and

WHEREAS, on March 18, 2020 the City of Clearwater passed Resolution 20-11, cancelling most City meetings and groups, prohibiting all in-person gatherings of 10 people or more, closed all beaches, closed all libraries, closed all recreation centers, required businesses open to the public to provide hand sanitizer, gave the Emergency Management Director authority to close parking as necessary, prohibited price gouging, and enabled emergency procurement procedures; and

WHEREAS, on March 19, 2020 Pinellas County passed Resolution 20-17, closing all public beaches within the county; and

WHEREAS, on March 20, 2020 Governor Ron DeSantis issued Executive Order 20-71, suspending all sales of food and alcohol in the State by establishments for on-site consumption and allowing for take-out or delivery service, and closing all gyms and fitness centers; and

WHEREAS, on March 20, 2020 Governor Ron DeSantis issued Executive Order 20-72, prohibiting elective and unnecessary medical procedures; and

WHEREAS, on March 24, 2020 Governor Ron DeSantis issued Executive Order 20-83, recommending an advisory to all persons over 65 and those with underlying serious medical conditions to stay home and limit risk of exposure; and

WHEREAS, on March 25, 2020 Pinellas County passed Resolution 20-20, "COVID-19 Safer at Home Order," directing individuals to limit non-essential activity and/or transportation, closing places of public assembly, and ordering the closure of non-essential businesses if they can not comply with current CDC social distancing guidelines; and

WHEREAS, on March 27, 2020 Governor Ron DeSantis issued Executive Order 20-86, retroactively ordering any person entering the State of Florida from "an area with substantial community spread" to self-quarantine for 14 days and inform anyone they have had direct physical contact with of their status; and

WHEREAS, on April 1, 2020 Governor Ron DeSantis issued Executive Orders 20-91 and 20-92, ordering all persons in Florida to limit their movements and personal interactions outside of their homes to only those necessary to obtain or provide essential services or conduct essential activities; and

WHEREAS, on April 16, 2020 the City Council extended for 30 days and modified those emergency measures enacted by Resolution 20-11; and

WHEREAS, on April 28, 2020 Pinellas County passed Resolution 20-34, "Order Relaxing Beach Restrictions With Conditions," allowing public beaches to reopen consistent with CDC social distancing guidelines effective May 4, 2020; and

WHEREAS, on April 29, 2020 Governor Ron DeSantis issued Executive Order 20-112, ordering all persons in Florida to continue to limit their movements and personal interactions outside of their homes, and allowing restaurants to resume on-premises service with restrictions; and

WHEREAS, on May 1, 2020 Pinellas County passed Resolution 20-39 "Order Clarifying Local Restrictions," which gives support to Governor DeSantis' EO 20-112, terminates Pinellas County Res. 20-20 and 20-23, but continues to restrict public playgrounds and pools, and requires social distancing; and

WHEREAS, on May 1, 2020 City of Clearwater Emergency Management Director William B. Horne announced that Clearwater beaches would reopen May 4 in conjunction with Pinellas County's Res. 20-34; and

WHEREAS, on May 14, 2020 Governor Ron DeSantis issued Executive Order 20-123, initiating the full Phase 1 of his "Safe. Smart. Step-by-Step. Plan for Florida's Recovery" relaxing social distancing requirements and allowed limited reopening of businesses, including gyms and fitness centers; and

WHEREAS, on May 21, 2020 the City Council adopted Resolution 20-22 terminating the emergency measures portions of Resolutions 20-11, 20-16, and 20-19, and granting the Emergency Management Director authority and flexibility to manage City facilities in response to Covid-19; and

WHEREAS, on June 3, 2020 Governor Ron DeSantis issued Executive Order 20-139, initiating Phase 2 of his "Safe. Smart. Step-by-Step. Plan for Florida's Recovery" which further relaxes social distancing guidelines, including avoiding congregating in groups larger than 50 persons, allows for restaurants, bars, and entertainment businesses to operate at 50% indoor capacity; and

WHEREAS, on June 23, 2020 Pinellas County passed Ordinance 20-14 mandating, with some exceptions, that individuals wear a face covering in public indoor places, and encouraged exempt government entities to enact their own similar procedures to protect employees and members of the public; and

WHEREAS, on June 25, 2020 City of Clearwater Emergency Management Director William B. Horne ordered that all persons, with some exceptions, wear a face covering in public indoor places within City of Clearwater buildings, facilities, and properties in conjunction with Pinellas County's Ord. 20-14; and

WHEREAS, on June 26, 2020 the Florida Department of Business and Professional Regulation issued Executive Order 2020-09 suspending on-premises consumption of alcoholic beverages by vendors who derive more than 50% of gross revenue from sales of alcoholic beverages; and

WHEREAS, on July 16, 2020 the City Council adopted Resolution 20-32 confirming extensions of the state of emergency and confirming the Emergency Management Director's face covering order; and

WHEREAS, on July 29, 2020 Governor Ron DeSantis issued Executive Order 20-179 extending prior executive orders allowing local governments to hold virtual meetings without a physical quorum, and Executive Order 20-180 extending prior executive orders suspending mortgage foreclosure and eviction final actions; and

WHEREAS, on August 7, 2020 Governor Ron DeSantis issued Executive Order 20-193 extending prior executive orders allowing local governments to hold virtual meetings without a physical quorum until October 1, 2020; and

WHEREAS, on August 31, 2020 Governor Ron DeSantis issued Executive Order 20-211 extending a prior executive order suspending final executions of mortgage foreclosure and eviction actions until October 1, 2020; and

WHEREAS, on September 4, 2020 Governor Ron DeSantis issued Executive Order 20-213 extending the statewide state of emergency an additional 60 days; and

WHEREAS, on September 10, 2020 the Florida Department of Business and Professional Regulation issued Emergency Order 2020-10 rescinding Emergency Order 2020-09, effective 12:01 a.m. Monday September 14, allowing bars to reopen at 50% capacity pursuant to the Governor's Executive Order 20-39; and

WHEREAS, on September 25, 2020 Governor Ron DeSantis issued Executive Order 20-244, titled "Phase 3; Right to Work; Business Certainty; Suspension of Fines." The order rescinds prior restrictions on business, prohibits emergency ordinances preventing individuals from working or from operating a business, and suspends the collections of fines and penalties associated with COVID-19 against individuals; and

WHEREAS, on September 30, 2020 Governor Ron DeSantis issued Executive Order 20-246 extending prior executive orders allowing local governments to hold virtual meetings without a physical quorum; and

WHEREAS, on November 3, 2020 Governor Ron DeSantis issued Executive Order 20-276 extending the statewide state of emergency an additional 60 days; and

WHEREAS, on November 24, 2020 Governor Ron DeSantis issued Executive Order 20-297 extending Executive Order 20-244 (Phase 3; Right to Work; Business Certainty; Suspension of Fines) for the duration of the state of emergency due to COVID-19, set to expire January 2, 2021 unless ratified and reaffirmed before then; and

WHEREAS, as of December 3, 2020 1,001,800 Florida residents (1,018,160 total cases in Florida including non-residents), including 59,270 in Hillsborough County (including 938 deaths), 17,164 in Manatee County (including 383 deaths), 15,248 in Pasco County (including 280 deaths), and 33,493 in Pinellas County (including 911 deaths) have tested positive for COVID-19; and

WHEREAS, the City of Clearwater continues to be threatened by COVID-19 because of the apparent ability of the virus to spread rapidly among humans, and COVID-19 thereby constitutes a clear and present threat to the health, safety, and welfare of the citizens and visitors of the City of Clearwater, and

WHEREAS, Section 252.38, Florida Statutes authorizes the establishment and amendment of emergency measures during a state of emergency; and

WHEREAS, Chapter 15, Code of Ordinances requires City Council to confirm any declaration of a state of emergency and all emergency regulations activated under the provisions of this chapter at their next regularly scheduled meeting; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
CLEARWATER, FLORIDA;

Section 1. The November 25, 2020 state of emergency proclamation is hereby confirmed.

Section 2. The December 2, 2020 state of emergency proclamation is hereby confirmed.

Section 3. This resolution shall take effect immediately. The state of emergency must be renewed in seven-day increments pursuant to § 15.07(5), Code of Ordinances.

PASSED AND ADOPTED this 3rd day of December, 2020.

Attest:

Rosemarie Call
City Clerk

Frank Hibbard
Mayor

Approved as to form:

Pamela K. Akin
City Attorney