

RESOLUTION NO. R-20-056

A SUPPLEMENTAL RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REAFFIRMING A STATE OF LOCAL EMERGENCY RELATED TO THE CORONAVIRUS DISEASE 2019 (“COVID-19”); AMENDING A LOCAL CURFEW; PROHIBITING GATHERINGS OF TEN OR MORE PEOPLE; PROVIDING FOR ENFORCEMENT ON PUBLIC PROPERTY AND IN PUBLIC SPACES; PROVIDING GUIDELINES WHEN DEALING WITH HOMELESS PERSONS; PROVIDING FOR PENALTIES AND ENFORCEMENT; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, a new strain of coronavirus has caused an infectious disease (COVID-19) that has not been previously identified in humans; and

WHEREAS, the World Health Organization (the WHO) raised its assessment of the COVID-19 threat from high to very high and declared a public health emergency of international concern related to COVID-19 on January 30, 2020; and

WHEREAS, the WHO declared COVID-19 a pandemic on March 11, 2020; 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, as of April 9, 2020, at 11:35 a.m., at least 175 people in Manatee County have tested positive for COVID-19, with at least 10 deaths, and additional confirmed cases have been reported in neighboring counties, including Sarasota, Hillsborough and Pinellas; and

WHEREAS, under the current circumstances, certain people will have an increased risk of infection, such as healthcare workers, first responders, and emergency medical services workers caring for patients with COVID-19 and others who have close contact with persons with COVID-19; and

WHEREAS, it is the duty of Manatee County to take protective measures including, but not limited to, development of incident action response plans, procurement of personal protective equipment, pandemic preventative training and exercise coordination, and similar activities to protect the public health and safety of the community; and

WHEREAS, on March 2, 2020, Manatee County began to take protective measures in response to the imminent threat to the public health, safety and welfare presented by COVID-19; and

WHEREAS, Section 252.38, Florida Statutes, prescribes the establishment of a local emergency management agency, the appointment of a director thereof, the power and authority thereof, and the power and authority of the Board of County Commissioners

in emergency situations; and

WHEREAS, Section 252.46, Florida Statutes, and Article II of Chapter 2-13 of the Manatee County Code, authorize the Board of County Commissioners of Manatee County, Florida to declare a state of local emergency and to exercise emergency powers and authority to carry out the provisions of Sections 252.31 through 252.90, Florida Statutes, including the authority to waive procedures and formalities otherwise required by law pertaining to:

1. Performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community;
2. Entering into contracts;
3. Incurring obligations;
4. Employment of permanent and temporary workers;
5. Utilization of volunteer workers;
6. Rental of equipment;
7. Acquisition and distribution of supplies, materials, and facilities with or without compensation; and
8. Appropriation and expenditure of public funds; and

WHEREAS, Manatee County initially declared a State of Local Emergency on March 16, 2020, pursuant to Resolution No. 20-041, and on March 24, 2020, pursuant to Resolution No. 20-045; and

WHEREAS, on March 20, 2020, Governor Ron DeSantis issued Executive Order 20-69, suspending any requirement for the physical presence of County Commissioners in order to obtain a meeting quorum; and

WHEREAS, on April 1, 2020, Governor Ron DeSantis issued Executive Order(s) 20-91 and 20-92, setting forth Essential Services and Essential Activities during the COVID-19 Emergency; and

WHEREAS, on April 3, 2020, the Board of County Commissioners adopted emergency Resolution R-20-053, establishing a local curfew; and

WHEREAS, COVID-19 continues to pose an immediate threat to the health, safety and welfare of the citizenry; and

WHEREAS, to further combat the spread of COVID-19, to protect the health, safety and welfare of the citizenry, Manatee County finds that it is necessary to amend the limited curfew for the duration of the Local Emergency, as provided herein.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, in emergency session, as follows.

1. Manatee County Resolution R-20-045, as it may be extended from time-to-time in seven-day increments, remains in full force and effect. This Resolution R-20-056 serves to supplement Resolution R-20-045 and to replace Resolution R-20-053.
2. A curfew is hereby established, effective immediately, for all of Manatee County. All pedestrian and vehicular movement, standing and parking, except for persons engaged in Essential Services or Essential Activities as those terms are defined in the Governor's Executive Order 20-91, are prohibited during curfew hours. Curfew hours during which such movement is prohibited shall be each day from 11:00 p.m. until 5:00 a.m.
3. Gatherings of ten or more people that do not constitute Essential Services or Essential Activities as those terms are defined in the Governor's Executive Order 20-91, are prohibited.
4. The prohibitions set forth herein shall embrace all publicly owned property and all public spaces within Manatee County, including all municipalities within the County, excepting the Town of Longboat Key.
5. The restrictions set forth herein shall remain in place until such time as terminated by the Board of County Commissioners or seven (7) days from the effective date of this Resolution, whichever is sooner. Notwithstanding the foregoing, the Chairperson (or in her absence, any vice-chairperson) of the Board of County Commissioners, after consultation with the Director of Public Safety (or in his absence, the Emergency Management Division Chief) is empowered to extend the period of the prohibitions declared herein, in seven (7) day increments, by memorandum, with ratifications in any event by the Board of County Commissioners as soon as is practicable at a regular or special meeting.
6. As to persons who are homeless, law enforcement officers are directed to comply, to the greatest extent practicable, with the Centers for Disease Control and Prevention Guidelines for People Experiencing Unsheltered Homelessness found at: <https://www.cdc.gov/coronaavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>.
7. Any person violating any provision of this Emergency Resolution is guilty of a misdemeanor of the second degree, punishable as provided in Section 252.50, Florida Statutes. Should law enforcement officers observe any person violating this Resolution, law enforcement should first seek to educate the person as to the requirements of this Resolution and seek the person's voluntary compliance. Other enforcement options are to be

utilized only as a last resort.

8. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED with a quorum present and voting this 10th day of April, 2020.



**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: [Signature]
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: [Signature]
Deputy Clerk