

City of Opa-locka



Virtual Special Emergency Meeting Agenda

Friday, April 3, 2020

5:30 PM

City Commission

Mayor Matthew A. Pigatt

Vice Mayor Chris Davis

Commissioner Sherelean Bass

Commissioner Alvin Burke

Commissioner Joseph L. Kelley

Appointed Officials

City Manager John E. Pate

City Attorney Burnadette Norris-Weeks

City Clerk Joanna Flores, CMC

SPEAKING BEFORE THE CITY COMMISSION

NOTE: All persons speaking shall come forward and give your full name and address, and the name and address of the organization you are representing.

There is a three (3) minute time limit for speaker/citizens forum and participation at all city commission meetings and public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If your matter requires more than three (3) minutes, please arrange a meeting or an appointment with the City Clerk prior to the commission meeting. *City of Opa-locka Code of Ordinances Section 2-57*

DECORUM POLICY

Any person making impertinent or slanderous remarks or who become boisterous while addressing the commission, shall be declared to be out of order by the presiding officer, and shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission be granted by the majority vote of the commission members. *City of Opa-locka Code of Ordinances Section 2-58*

NOTICE TO ALL LOBBYISTS

Any person appearing in a paid or remunerated representative capacity before the city staff, boards, committees and the City Commission is required to register with the City Clerk before engaging in lobbying activities. *City of Opa-locka Code of Ordinances Section 2-18*

FLORIDA STATUTES, CHAPTER 285.0105:

“If a person decides to appeal any decision made by the Board, Agency or Commission with respect to the proceedings, and that, for such purpose, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

AMENDED

CITY OF OPA-LOCKA

“The Great City”

VIRTUAL SPECIAL EMERGENCY MEETING

Friday, April 3, 2020

5:30 p.m.

AGENDA

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **INVOCATION:**
4. **PLEDGE OF ALLEGIANCE:**
5. **PUBLIC INPUT:**
(Agenda Items Only)
6. **RESOLUTION:**
 1. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, IMPLEMENTING A CITY-WIDE CURFEW FOR THE CITY OF OPA-LOCKA, FLORIDA, DUE TO THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.** *Sponsored by City Manager*
 2. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, GRANTING THE CITY MANAGER CERTAIN POWERS TO ACT ON BEHALF OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, FOR EMERGENCY PURPOSES DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.** *Sponsored by City Manager*
 3. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE “LOCAL EMERGENCY MEASURES IMPLEMENTED BY THE CITY MANAGER OF THE CITY OF OPA-LOCKA, FLORIDA”, IMPOSED ON MARCH 26, 2020 DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.** *Sponsored by City Attorney*
7. **ADJOURNMENT:**



AMENDED

CITY OF OPA-LOCKA NOTICE OF VIRTUAL SPECIAL EMERGENCY MEETING Friday, April 3, 2020

NOTICE IS HEREBY GIVEN that pursuant to Section 2-30 of the Code of the City of Opa-locka, a **VIRTUAL Special Emergency Meeting of the Opa-locka City Commission will be held on Friday, April 3, 2020 at 5:30 p.m.** The purpose of this virtual special emergency meeting is to discuss and take any and all actions necessary to deal with authorizing the City Manager to have greater powers during the Covid-19 emergency without Commission approval; to implement a curfew for residents of the City of Opa-locka; and to ratify the Local Emergency Measures implemented by City Manager of the City of Opa-locka, Florida imposed on March 26, 2020.

The April 3, 2020 Special Emergency Meeting will be held as a VIRTUAL MEETING with elected officials and City staff participating through video conferencing.

This virtual meeting will be broadcasted live on City's YouTube channel: <https://www.youtube.com/user/CityofOpaLocka>

Members of the public can leave public comments by emailing the City Clerk at jflores@opalockafl.gov by 5:00 p.m. on April 3, 2020. Public comments received by the deadline will be read into the record during the meeting. Any submissions received after the deadline may not be read during the meeting but will be included as part of the record. Please contact the City Clerk's Office with any questions at (305) 953.2800 or (786) 877-4038.

Please note that Governor DeSantis' [Executive Order 20-69](#) suspended the requirement of a quorum to be present in person or requires a local government to meet at a specific public place. The Executive Order allows local government bodies to utilize communications media technology, such as telephonic and video conferencing for local government body meetings.

PURSUANT TO FS 286.0105: *Anyone who desires to appeal any decision made by any board, agency, or commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and for that reason, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.*

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 953-2800 (voice) for assistance prior to the proceeding. TTY users may call via 711 (Florida Relay Service) prior to the proceeding.

**Joanna Flores, CMC
City Clerk**

RESOLUTION NO. 20-XXXX

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, IMPLEMENTING A CITY-WIDE CURFEW FOR THE CITY OF OPA-LOCKA, FLORIDA" DUE TO THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on March 9, 2020, Florida Governor Ron Desantis promulgated Executive Order 20-52 and declared a State of Emergency in Florida in response to COVID-19; and

WHEREAS, Executive Order 20-52, Section (4) provides that each municipality in the State of Florida is authorized to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to the taking of whatever prudent action is necessary to ensure the public's health, safety, and welfare; and

WHEREAS, the effects of COVID-19 continue to require extraordinary and immediate actions by the City of Opa-Locka in order to protect the public's health, safety, and welfare; and

WHEREAS, on April 1, 2020, Governor Ron DeSantis issued Executive Order 20-91, requiring all persons in Florida to 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, the City Commission of the City of Opa-Locka, Florida hereby desires to implement a curfew within the jurisdictional limits of the City of Opa-Locka for all residents between the hours of 10:00 PM and 5:00 AM, unless engaged in "essential travel" as more specifically described in Exhibit "A" hereto; and

WHEREAS, in order to combat the widespread transmission of COVID-19 the City Commission of the City of Opa-Locka desires to implement a city-wide curfew as in the best interest of the City and its residents

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COMMISSION OF THE CITY OF OPA LOCKA, FLORIDA:

Section 1. Adoptions of Representations. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. Imposition of a City-wide Curfew. The City Commission of the City of Opa-Locka, Florida hereby implements a city-wide curfew for the City of Opa-Locka consistent with the terms and conditions set forth in Exhibit “A” attached hereto, and until such time as Executive Order Number 20-52, executed by Governor Ron Desantis on March 9, 2020, including any extensions of same is terminated.

Matthew A. Pigatt, Mayor

ATTEST:

Joanna Flores, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Bass	_____ (Yes)	_____ (No)
Commissioner Burke	_____ (Yes)	_____ (No)
Commissioner Kelley	_____ (Yes)	_____ (No)
Vice-Mayor Davis	_____ (Yes)	_____ (No)
Mayor Pigatt	_____ (Yes)	_____ (No)

EXHIBIT A

City of Opa-Locka Florida Emergency Order

By virtue of the powers and duties vested in us as the City Commission of the City of Opa-Locka, Miami Dade County, Florida and in accordance with Section 252.38, Florida Statutes and Executive Order Number 20-52 promulgated by Governor Ron Desantis on March 9, 2020, and by relevant sections of the Miami-Dade County Code of Ordinances, and having determined that because COVID-19 is a natural emergency whose effects are or will be significantly felt within the City of Opa-Locka, Florida and that on account thereof there is reason to believe that it is necessary to take whatever prudent action is necessary to ensure the health, safety, and welfare of the City of Opa-Locka residents, we do hereby proclaim and declare that a city-wide curfew shall be imposed.

Accordingly, we hereby issue this order establishing a curfew beginning Saturday, April 4, 2020 commencing at 12:00 am and continuing until Executive Order Number 20-52, executed by Governor Ron Desantis on March 9, 2020, is terminated, including extensions. The curfew shall be between the hours of 10:00 PM and 5:00 AM, within the jurisdictional limits of the City of Opa-locka. No person shall be outside in this area during the curfew hours either as a pedestrian or by means of a vehicle, unless such person is determined to be engaged in "essential travel." Essential travel is defined as travel necessary to obtain medication or health services; if the person is providing police, fire, or other governmental services; participating in, going to, or returning from a place of work or occupation; providing assistance expressly requested by police, fire, or governmental administrative personnel; participating in, going to, or returning from providing assistance to an individual with a disability or a medical need who is vulnerable to COVID-19. No person shall occupy any outside area during the curfew hours except upon express authorization of the City of Opa-Locka Police Department. This Order shall not prohibit a person from walking a pet animal in the vicinity of his or her residence at which the animal is being maintained.

This Order has been coordinated with Miami-Dade County pursuant to Section 252.38(2), Florida Statutes. Any person violating any provision this Emergency Order shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or s. 775.083, Florida Statutes.

IN WITNESS WHEREOF, we have hereunto set my hand and caused the seal of City of Opa-locka to be affixed this _____ day of April, 2020 at _____ p.m.

Mayor Matthew Pigatt _____

Vice-Mayor Chris Davis _____

Commissioner Sherelean Bass _____

Commissioner Alvin Burke _____

Commissioner Joseph L. Kelley _____

ATTEST:

Joanna Flores, City Clerk



City of Opa-Locka Agenda Cover Memo

Department Director:			Department Director Signature:		
City Manager:	John E. Pate, MS, CM		CM Signature:		
Commission Meeting Date:	4/8/2020		Item Type:	Resolution	Ordinance
			(Enter X in box)	X	
Fiscal Impact: (Enter X in box) N/A	Yes	No	Ordinance Reading: (Enter X in box)	1st Reading	
		X	Public Hearing: (Enter X in box)	Yes	No
Funding Source: Account# :	(Enter Fund & Dept) Ex:		Advertising Requirement: (Enter X in box)	Yes	No
					X
Contract/P.O. Required: (Enter X in box)	Yes	No	RFP/RFQ/Bid#:		
Strategic Plan Related (Enter X in box)	Yes	No	Strategic Plan Priority Area: Enhance Organizational ☐ Bus. & Economic Dev ☐ Public Safety ☒ Quality of Education ☐ Qual. of Life & City Image ☒ Communication ☐	Strategic Plan Obj./Strategy: (list the specific objective/strategy this item will address)	
Sponsor Name	City Manager		Department:	City Manager	

Short Title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, PROVIDING CERTAIN POWERS TO THE CITY MANAGER RELATED TO THE LOCAL EMERGENCY MEASURES DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19), INCLUDING BUT NOT LIMITED TO IMPOSING A MANDATORY CURFEW; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE

Staff Summary:

Requesting to to implement a curfew and enforce based on Chapter 15 of the City Code of Opa-locka. Yes, all with all emergency orders have been submitted to Miami-Dade County for inclusion in their Emergency Management plan. The City we are using for example is Miami Gardens and Hialeah for curfew. Miami Gardens is 10p-5a and Hialeah is 11p-5a. The curfew will be enforced using Chapter 15 of Opa-locka's Municipal Code. Also, provide the City Manager with certain powers to be able to act on the best interest of the City of Opa-locka related to the Public Safety and Wellness of residents.

Proposed Action:

Staff recommends approval.

Attachment:

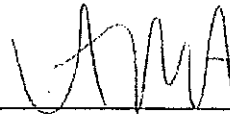
VILLAGE OF KEY BISCAYNE, FLORIDA
OFFICE OF THE VILLAGE MANAGER
EMERGENCY ORDER

Date: 3/16/2020

By virtue of the powers and duties vested in me as the Village Manager of the Village of Key Biscayne, Miami-Dade County, Florida, in accordance with Section 252.38 of the Florida Statutes, Chapter 9 of the Village Code, and Resolution No. 2019-55 of the Village of Key Biscayne Village Council adopting the Village's Comprehensive Emergency Management Plan, and pursuant to the Village's Declaration of a State of Emergency issued at 4:20 p.m. March 13, 2020, I hereby find that it would serve the health, safety and welfare of the residents of Key Biscayne to establish a curfew within the jurisdictional limits of the Village of Key Biscayne, which would help protect the public health by mitigating the spread of the COVID-19 virus.

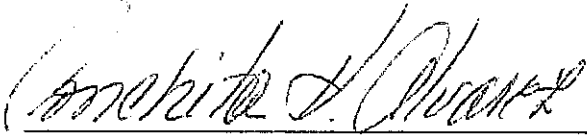
Accordingly, I hereby issue this order establishing a curfew beginning Monday, March 16, 2020 and continuing until further notice between the hours of 10:00 PM and 5:00 AM, within the jurisdictional limits of the Village of Key Biscayne. No person shall be outside in this area during the curfew hours either as a pedestrian or by means of a vehicle, unless such person is providing police, fire, or other governmental services, providing assistance expressly requested by police, fire, or governmental personnel, or participating in, going to, or returning from a place of work or occupation. No person shall occupy this area during the curfew hours except upon authorization of the Village of Key Biscayne Police Department.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Village of Key Biscayne to be affixed this 16th day of March, 2020 at 1:30 p.m. (EST).



ANDREA M. AGHA, VILLAGE MANAGER

ATTEST:



CONCHITA ALVAREZ, MMC, VILLAGE CLERK



Chapter 15 - OFFENSES—MISCELLANEOUS

ARTICLE I. - IN GENERAL

Sec. 15-1. - Adoption of state misdemeanors.

It shall be unlawful to commit within the corporate limits any act which is or shall be recognized by the laws of the State of Florida, as a misdemeanor, and the commission of such acts is hereby forbidden.

(Code 1955, § 16-62)

Annotations— Authority to adopt state misdemeanors as municipal ordinances, *MacFarland v. Roberts*, 74 So.2d 88 (Fla. 1954); *Jaramillo v. City of Homestead*, 322 So.2d 496 (Fla. 1975); adoption includes future enactments, *State v. Smith*, 189 So.2d 846 (Fla. 4th DCA 1966).

Sec. 15-2. - Adoption of County Code offenses chapter.

Chapter 21 of the Code of Metropolitan Dade County, as from time to time amended, is hereby adopted as an ordinance of the city. The commission within the city of any act declared to be unlawful by said chapter 21 shall constitute a violation of this Code of Ordinances, punishable as provided in section 1-7 hereof

Sec. 15-3. - Damaging public trees and shrubbery.

It shall be unlawful for any person to cut down, dig up, mutilate, despoil or destroy any flowers, shrubbery, trees or other plants in any street or other public highway, parkway, park or other public place within this city unless permission to do so shall have been first obtained in writing from the city engineer.

(Code 1955, § 16-69)

Cross reference— Damaging vegetation in parks, § 16-47.

State Law reference— Criminal mischief, F.S. § 806.13.

Sec. 15-4. - Obstructing drainage.

It shall be unlawful for any person to cast or throw or cause to be cast or thrown, into any of the gutters, drains or sewers within the city, any garbage, trash, tree or grass cuttings, or other substance calculated to cause any obstruction or nuisance to such gutters, drains or sewers.

(Code 1955, § 16-34)

Sec. 15-5. - Racing vehicles.

- (a) *Permitted.* The racing, testing or preparation for the purpose of racing of any vehicle propelled by an internal combustion engine shall be permitted within the city limits of the city as follows:
- (1) The city commission shall be ordinance authorize said activity for a specific location within the city limits for a period of one year only.
 - (2) The city commission may authorize the issuance of a permit for the specific location subject to such conditions as the city commission may deem necessary and proper to protect the citizens

of the city from excessive noise as defined by sections 15-73 and 15-82 of this Code, including the establishment of hours and dates wherein said activity may be permitted.

- (3) The permittee shall provide all necessary equipment, organization and guards for the safety of participants and spectators, and file with the city a surety bond in the amount of five thousand dollars (\$5,000.00) to indemnify the city from expense and damages resulting from acts or failure to furnish equipment required to protect the safety of participants and spectators from destruction of property or the violation of any of the terms and conditions aforementioned.
- (4) Permittee shall file a liability insurance policy with the city manager insuring spectators and participants in the minimum amount of one hundred thousand dollars (\$100,000.00).
- (b) *Permit issuance; revocation.* That upon compliance with the aforesaid conditions and the passage of an ordinance by the commission permitting said activities for the specific location, the city manager may issue a permit. All permits issued are subject to revocation as provided by chapter 13, article II of this Code.

(Code 1955, § 16-54.1)

State Law reference— Automobile race meets, F.S. Ch. 549.

County Code reference— Regulation of automobile and motorcycles races, § 21-33.

Sec. 15-6. - Weapons; discharge.

It shall be unlawful for any unauthorized person to discharge, fire or shoot, within the city, any firearms, or other weapons, including air-rifles, air-pistols, slingshots, or weapons of the kind usually called BB guns, from which weapon any bullet, shot or pellet of lead or other material is discharged or expelled; and it shall be unlawful for any person having the custody or control of any minor to knowingly permit or allow such minor to discharge, fire or shoot any weapon of the kind herein referred to, within the city.

(Code 1955, § 16-74)

Cross reference— Discharging weapons in parks, § 16-55.

State Law reference— Discharging weapons generally, F.S. § 790.15 et seq.; supervision of children using weapons, F.S. § 790.22.

County Code references— Discharging weapons over private property, § 21-18.1; supervision of children using weapons, § 21-7.1.

Sec. 15-7. - Obstructing, opposing an officer, agent or employee in the execution of his duty.

It shall be unlawful in this city for any person to knowingly or willfully resist, obstruct or oppose any deputy sheriff, officer of the highway patrol, constable, municipal code enforcement officer or any official, officer or employee, or other person designated as a police official by any federal, state or local law enforcement agency, in the lawful execution of legal process or in the lawful execution of any legal duty.

(Ord. No. 84-1, § 1, 1-11-84)

Editor's note— Ord. No. 84-1, § 1, adopted Jan. 11, 1984, amended Code 1955, § 16-7. At the discretion of the editor, said provisions have been included as § 15-7 of this Code.

Sec. 15-8. - Weapons, firearms, and destructive devices in city buildings, audible beepers, use of cellular telephones, and eating and drinking in city commission chambers.

(a) *Definitions.* The following definitions apply to this section:

Explosive: Any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to, dynamite, nitroglycerin, trinitrotoluene, or ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps and detonators.

Firearm: Any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.

Weapon: Any dirk, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife.

(b) All other devices as defined in section 790.001, Florida Statutes.

(b) *Prohibitions:*

(1) It shall be unlawful for anyone to carry weapons and firearms (openly or concealed) into city buildings. For the purposes of this section, "concealed weapons" or "concealed firearms" are defined as a handgun, electronic weapon or device, tear gas gun, knife or billie. Licenses or permits to carry a concealed weapon is not exempted. The only exception to this subsection is law enforcement officers when acting within the scope or course of their official duties.

(2) No audible beepers or using cellular phones during city commission meetings.

(3) No public eating and drinking in city commission chambers.

(c) *Enforceability.* Complaints must be submitted in writing to either a member of the city commission, or the city clerk, or the city manager. The city manager shall investigate all complaints involving violations of this section. The city manager may conduct a hearing, after notice, and issue an order determining probable cause, findings of fact of violation(s), and making a recommendation for penalties in accordance with subsection (d) herein. If the city manager fails to conduct a hearing on alleged violations of subsection (b)(1) herein, or at any time after the filing of a complaint on said section, any member of the city commission may direct the city attorney or the city manager to petition any court of competent jurisdiction to enforce the provisions of this section.

(d) *Penalties:*

(1) Upon a finding by the city manager that a violation of subsection (b)(1) has occurred, the city shall seize the property of the person who has violated said subsection and that person shall forfeit the dangerous or deadly weapon so concealed or displayed. Every person convicted of violating subsection (b)(1) in a court of competent jurisdiction shall be guilty of a misdemeanor of the second degree punishable as provided in sections 775.082 or 775.083, Florida Statutes.

(2) Upon a finding by the city manager that a violation of subsections (b)(2) and (3) has occurred, the city manager shall issue an order sanctioning the person(s) who committed the violation. Sanctions may include and is not limited to written or verbal reprimand or restrictions of attendance at city commission meetings.

(Ord. No. 96-12, §§ 1—4, 6-26-96)

Sec. 15-9. - Selling, serving or vending in public rights-of-way within 1,500 feet of a public park, school or library.

Vending, selling, serving any goods, wares or merchandise, including ice cream, peanuts, popcorn, soda water products, drinks, candy, and food products in public rights-of-way within one thousand five hundred (1,500) feet of a public park, public school serving children and/or public library, is prohibited; however, this prohibition shall not apply to vending, selling, serving of goods, or food products conducted by, or on behalf of, the park, the public school or the public library.

(Ord. No. 08-05, § 2, 4-23-08)

Secs. 15-10—15-25. - Reserved.

ARTICLE II. - CURFEW FOR MINORS

Sec. 15-26. - Imposed.

It shall be unlawful for any minor under the age of eighteen (18) years to loiter, wander, stroll, loaf or play in or upon the streets, roads, avenues, alleys, parks or other public places in the city, or to loaf on any bench or in any parked vehicle, between the hours of 11:00 p.m. and daylight each day except that the hours shall be from 12:00 midnight through daylight on Fridays and Saturdays, unless accompanied by the parent, guardian or other adult person having the care, custody or control of such minor.

(Ord. No. 79-12, § 1, 3-14-79)

Sec. 15-27. - Parental responsibility.

It shall be unlawful for the parent, guardian or any person having the care, custody or control of any minor to permit such minor to violate the provisions of this article.

(Code 1955, § 16-21)

Sec. 15-28. - Duty of police officers.

Whenever any police or other officer charged with the duty of enforcing the laws of the state or ordinances of the city discovers or has his attention called to the fact that any minor is in violation of this article, the officer shall cause such minor to be taken to his home or place of residence.

(Code 1955, § 16-22)

Secs. 15-29—15-40. - Reserved.

ARTICLE III. - LITTERING⁽¹⁾

Footnotes:

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Editor's note— Ord. No. 15-17, § 2, adopted July 8, 2015, amended article III in its entirety to read as herein set out. Former article III, §§ 15-41—15-46, pertained to similar material, and derived from Ord. No. 92-2, adopted March 11, 1992.

Sec. 15-41. - Declaration of intent.

It is the intent of the city commission to prevent, in whatever way possible, the abuse of the environment of the city through acts of any persons that are generally classified under the heading of "littering," which severely burden the taxpayers of the city, adversely affect property values and the attractiveness of the community for its citizens, residents and visitors.

(Ord. No. 15-17, § 2, 7-8-15)

Sec. 15-42. - Definitions.

As used in this article:

Aircraft means a motor vehicle or other vehicle that is used or designed to fly but does not include a parachute or any other device used primarily as safety equipment.

Commercial handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, product, commodity, services, thing; or
- (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination to information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state or county, or under any ordinance of this city; or
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Commercial purpose means for the purpose of economic gain.

Commercial vehicle means a vehicle that is owned or used by a business, corporation, association, partnership, or sole proprietorship or any other entity conducting business for a commercial purpose.

Dump means to dump, throw, sweep, discard, place, deposit, or dispose of.

Enforcement officer means any officer of the Florida Highway Patrol, a county sheriff's department, a municipal law enforcement department, a law enforcement department of any other political subdivision, or the fish and wildlife conservation commission. In addition and solely for the purposes of this section, "enforcement officer" means any employee or contractor designated by the city manager as a litter enforcement officer. Designation of such employees or contractors shall not provide the employees or contractors with the authority to bear arms or to make arrests.

Litter means any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood;

motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Motor vehicle means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor, or semitrailer combination or any other vehicle that is powered by a motor.

Newspaper means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, means and include any periodical or current magazine regularly published with not less than four (4) issues per year, and distributed.

Non-commercial handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper. This excludes legal documents such as tickets, summons, subpoenas, etc.

Person means any individual, firm, sole proprietorship, partnership, corporation, or unincorporated association.

Private premises means any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure within the city.

Public place means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

Refuse means all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish means non-putrescible solid wastes consisting of both combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, all horticulture debris, wood, glass, bedding, crockery and similar materials.

Vessel means a boat, barge, or airboat or any other vehicle used for transportation on water.

(Ord. No. 15-17, § 2, 7-8-15)

Sec. 15-43. - Responsibility of city.

The city manager shall determine the training and qualifications of any employee or any contractor designated to enforce the provisions of this section if the designated employee or contractor is not a regular law enforcement officer.

(Ord. No. 15-17, § 2, 7-8-15)

Sec. 15-44. - Dumping litter prohibited.

Unless otherwise authorized by law or permit, it is unlawful for any person to dump litter in any manner or amount:

- (1) In or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in public receptacles or authorized private receptacles provided therefor. When any litter is dumped from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this article;

- (2) In or on any freshwater lake or canal. When any litter is dumped from a boat, the operator or owner of the boat, or both, shall be deemed in violation of this section;
- (3) In or on any private property, unless prior consent of the owner has been given and unless the dumping of such litter by such person will not cause a public nuisance or otherwise be in violation of any other state, county or city law, rule, or regulation;
- (4) In a manner that, when placed in public receptacles or authorized private receptacles, allows the litter to be carried or deposited by the elements upon the street, sidewalk or other public place or upon private property;
- (5) Sweep into any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway;
- (6) To drive or move within the city any motor vehicle which is constructed or loaded in such a way as to allow the load, contents or litter to be blown or deposited upon any street, alley or other public place;
- (7) Throw, deposit or place any commercial or non-commercial handbill in or upon any motor vehicle without the expressed consent of the driver or occupant of a motor vehicle who is willing to accept it.

(Ord. No. 15-17, § 2, 7-8-15)

Sec. 15-45. - Dumping raw human waste prohibited.

Unless otherwise authorized by law or permit, it is unlawful for any person to dump raw human waste from any train, aircraft, motor vehicle, or vessel upon the public or private lands or waters of the city.

(Ord. No. 15-17, § 2, 7-8-15)

Sec. 15-46. - Distributing commercial and non-commercial handbills at inhabited private premises.

It is unlawful to throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. However, in case of inhabited private premises such person, unless requested by anyone upon such premises to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

- (1) *Exemption for mail and newspapers.* The provisions of this article shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein) except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Ord. No. 15-17, § 2, 7-8-15)

Sec. 15-47. - Enforcement.

A law enforcement officer is authorized to issue a citation to a person, based upon personal investigation, in which the officer has reasonable cause to believe that the person has committed a civil infraction in violation of this article.

(Ord. No. 15-17, § 2, 7-8-15)

Sec. 15-48. - Penalties.

- (a) Any person, who dumps litter in violation of section 15-44 in an amount not exceeding fifteen (15) pounds in weight, or twenty-seven (27) cubic feet in volume, is guilty of the following civil and criminal penalties:

Civil penalties — Shall be as follows:

- (1) A non-criminal infraction, punishable by a civil penalty of fifty dollars (\$50.00) for a first violation.
- (2) A non-criminal infraction, punishable by a civil penalty of two hundred fifty dollars (\$250.00) for a second violation.
- (3) A non-criminal infraction, punishable by a civil penalty of five hundred dollars (\$500.00) for a third violation.
- (4) All fines are encouraged to be converted to community service time.

Criminal penalties — The fourth and all subsequent violations of the provisions of this article shall be as follows:

- (1) Five hundred dollar (\$500.00) fine; and/or
 - (2) Imprisonment of up to ten (10) days; and/or
 - (3) Community service time as prescribed Florida Statutes.
 - (4) In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.
- (b) Any person who dumps litter in violation of section 15-44 in an amount exceeding fifteen (15) pounds in weight or twenty-seven (27) cubic feet in volume, but not exceeding one hundred (100) pounds in weight or one hundred eighty (180) cubic feet in volume is guilty of a misdemeanor of the first degree, punishable as provided in F.S. § 775.082 or 775.083. In addition, the court shall require the violator to pick up litter or perform other community service commensurate with the offense committed. Further, if the violation involves the use of a motor vehicle, upon a finding of guilt, whether or not adjudication is withheld or whether imposition of sentence is withheld, deferred, or suspended, the court shall forward a record of the finding to the department of highway safety and motor vehicles, which shall record a penalty of three points on the violator's driver license pursuant to the point system established by F.S. § 322.27.
- (c) Any person who dumps litter in violation of section 15-44 in an amount exceeding one hundred (100) pounds in weight or one hundred eighty (180) cubic feet in volume or dumps litter which is a hazardous waste as defined in F.S. § 403.703, is guilty of a felony of the third degree, punishable as provided in F.S. § 775.082 or 775.083. In addition, a motor vehicle, vessel, aircraft, container, crane, winch, or machine used to dump litter that exceeds one hundred (100) pounds in weight or one hundred eighty (180) cubic feet in volume is declared contraband and is subject to forfeiture in the same manner as provided in F.S. §§ 932.703 and 932.704.
- (d) Any person who violates the provisions of section 15-45 is guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083; provided, however, that any person who dumps more than one hundred (100) pounds or more than one hundred eighty (180) cubic feet of raw human waste, or who dumps any quantity of such waste for commercial purposes, is guilty of a felony of the third degree, punishable as provided by paragraph (c).

In addition to, and not in limitation of the provisions of this section, the provisions of F.S. § 403.413, also known as the "Florida Litter Law," as amended from time to time, is hereby added to this Code of Ordinances and incorporated by reference herein. The city commission would also respectfully suggest to the judges of those courts trying persons for violations of the "Florida Litter Law" that the provisions of

F.S. ch. 948, "Probation," be utilized liberally in order to require such persons to expend appropriate amounts of time and effort gathering up litter at places within the city designated by the court.

(Ord. No. 15-17, § 2, 7-8-15)

Sec. 15-49. - Presumption where motor vehicle is the source.

In any prosecution charging a violation of this article by the throwing, discarding, placing or depositing of litter in any manner or amount whatsoever in or on any public highway, road, street, alley, thoroughfare or any other public lands, by, through or from a motor vehicle, proof that the particular vehicle described in the complaint was the source of the litter so discarded, together with proof that the defendant named in the complaint was at the time of such violation the registered owner of such a vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who committed the violation of this article. Said presumption may be rebutted by substantial evidence on the part of said owner.

(Ord. No. 15-17, § 2, 7-8-15)

Sec. 15-50. - Nuisance declared.

In addition to, and not in limitation of any enforcement action for violation of this article, it is the intent of the city commission to declare the littering of the city, as hereinbefore described and prohibited, as a public nuisance and to subject violators of this section to the provisions of chapter 14 of this Code calling for removal of such a public nuisance through notice, hearing and a lien enforcement procedure if the city so chooses to remedy the prohibited condition. Any action taken pursuant to this section utilizing the provisions of chapter 14 shall be considered cumulative and in addition to penalties and other remedies provided elsewhere in this Code.

(Ord. No. 15-17, § 2, 7-8-15)

Secs. 15-51—15-56. - Reserved.

ARTICLE IV. - REGISTRATION AND IDENTIFICATION OF CERTAIN PERSONS

Sec. 15-57. - Mandatory.

Every person employed in any hospital, clinic, drugstore or doctor's office, or other place handling, dispensing, selling, purchasing or keeping narcotics or controlled substances as defined by the statutes of the state are required to register and be fingerprinted and photographed so as to permit the issuance of an identification card to be carried on their person while so employed within the city in accordance with the provisions of this article.

(Code 1955, § 16-75)

State Law reference— Controlled substances defined, F.S. § 893.02(3).

Sec. 15-58. - Optional.

Every person employed in any nightclub, any place handling liquor, beer or wine in any form, places of amusement, dancing schools or studios, hotels, rooming houses, apartment houses, delivery services, restaurants, filling stations, garages, places where food and vegetables are sold, sundry stores, shoemaker shops, shoeshine parlors or stands, parking lots, dry cleaning and laundry establishments,

jewelry stores, banks, savings and loan associations, window cleaners, beauty parlors, establishments for massage, employment and travel agencies, and all night watchmen, itinerant gardeners and tree trimmers, persons employed in the business of exterminating insects and vermin, photographers working in nightclubs, drivers of sightseeing buses, drivers of buses used for transportation to or from race tracks, solicitors for subscriptions to magazines, salesmen and saleswomen, whether working from door to door or in stores, department stores or similar establishments, caddies, newspaper delivery boys over the age of seventeen (17), special police officers and domestic servants, taxicab drivers, vending machine operators, garbage and trash collectors, city employees and city commissioners, installers and servicemen, manufacturing and warehousing employees, repair and maintenance employees, retail sales and wholesale establishments, mail order houses in the city, and all other persons associated with businesses similarly in contact with members of the public, whereby information of a personal and confidential nature may be acquired in the course of business activity, may, upon demonstrating the need and necessity for identification, request registration and identification, and are hereby permitted to register in a book of registration to be kept by the chief of police. They also may be fingerprinted and photographed, so as to permit the issuance of an identification card.

(Code 1955, § 16-75)

Sec. 15-59. - Required as condition of employment.

It shall be unlawful for any employer of a person who is required to be registered, fingerprinted and photographed hereunder to continue to employ such person who fails to so register and be photographed and fingerprinted within forty-eight (48) hours after his employment commences. An employer may require employees required or authorized to be registered, photographed and fingerprinted under this article to comply herewith as a condition to employment or the continuation of employment.

(Code 1955, § 16-75)

Sec. 15-60. - Specifications for card; nontransferable; fee.

Identification cards shall be produced and published in such manner as to prevent alteration or forgery. The registration card shall not be transferable and may be reproduced only under such terms and conditions as may be permitted by the chief of police of the city. Cost of preparation, plus a fee not to exceed one dollar (\$1.00) shall be paid by any person requiring a registration card.

(Code 1955, § 16-75)

Sec. 15-61. - Use of card; replacement.

All persons who carry on their persons, while employed within the city, the identification card issued by the chief of police containing the registration number and/or fingerprint of the employee and photograph may use said card for personal identification. In the event said card is destroyed or lost or the address changed or information contained therein inaccurate, the card may be replaced under such terms and conditions as may be required by the chief of police of the city.

(Code 1955, § 16-75)

Sec. 15-62. - Altering, forging card.

No person shall alter, forge or conspire to alter any identification card issued pursuant to this section.

(Code 1955, § 16-75)

Secs. 15-63—15-72. - Reserved.

ARTICLE V. - NOISE^[2]

Footnotes:

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Cross reference— Regulation of entertainment at establishments selling alcoholic beverages, § 4-10 et seq.; keeping howling or barking dogs, § 5-18; noise by peddlers, § 13-160; sound amplifiers, musical instruments in parks and recreational areas, § 16-58.

County Code reference— Noise generally, § 21-28.

Sec. 15-73. - Prohibited generally.

It shall be unlawful to make any loud, unnecessary, excessive or unusual noise within the city.

(Code 1955, § 16-43)

Sec. 15-74. - Near hospital or school.

It shall be unlawful for any person by himself or by the operation of any instrument, agency or vehicle, to make any unnecessary or unseemly noises within one hundred and fifty (150) feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, or any school during school hours. The chief of police shall place, or cause to be placed as many signs as he may deem proper within or near zones hereby created, calling attention to the prohibition against unnecessary noises within such zones.

(Code 1955, § 16-44)

County Code reference— Noise near school, court, church or hospital, § 21-28(g).

Sec. 15-75. - Loud or unusual noises on streets.

- (a) It shall be unlawful for any person to ring any hand bell, beat or strike any pan, pail or other like article, or sound any gong or blow any whistle or horn, or other than musical instrument when used as part of a band of music or orchestra, except to give necessary signals upon a motor vehicle, motorcycle, bicycle or similar vehicle or to cry out the sale of goods, wares or merchandise, or to make, aid, continue or encourage or assist in making any other loud or unusual noises on the streets of the city.
- (b) It shall be unlawful and a violation of this section for any person, firm, partnership or corporation to play, broadcast or transmit music in such manner as would reasonably be calculated to attract a crowd or cause numbers of persons to congregate in or on any space, lot, yard, sidewalk or street, or to permit the same to occur on or from any property owned, leased or occupied by said person, firm, partnership, or corporation in the city without first having obtained a temporary special permit to do so from the city manager and the police chief.
- (c) The use of any amplifier or loudspeaker to play, broadcast or transmit music shall constitute prima facie evidence that the music is being played, broadcasted or transmitted in such a manner as would reasonably be calculated to attract a crowd or cause numbers of persons to congregate.

- (d) Any person, firm, partnership or corporation who violates any provision of this section commits a misdemeanor of the second degree and shall upon conviction in a court of competent jurisdiction be punished by imprisonment in the county jail for not more than sixty (60) days, or a fine not more than five hundred (\$500.00) dollars.

(Code 1955, § 16-9; Ord. No. 96-04, § 1, 2-28-96)

Sec. 15-76. - At soft drink stands, restaurants.

It shall be unlawful to blow, ring or sound any automobile horn, chime or bell on or about premises used in conjunction with the operation of any barbecue or soft drink stand or restaurant where such barbecue or soft drink stand or restaurant premises shall be located within a distance of three hundred (300) feet from improved residential property, unless such blowing, ringing or sounding shall be necessary for the protection of life or property.

(Code 1955, § 16-10)

Sec. 15-77. - Music prohibited if audible three hundred feet from source.

It shall be unlawful for any person owning, occupying or having charge of any building or premises or any part thereof, in the city, at any time to cause or suffer or allow any loud, unnecessary, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound-making device, or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the music of any band, orchestra, musician or group of musicians, where the noise or music is plainly audible at a distance of three hundred (300) feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise or music is plainly audible at a distance of three hundred (300) feet from the vehicle or premises from which it originates constitutes prima facie evidence of a violation of this section.

(Code 1955, § 16-55)

County Code reference—Noise from sound amplifying devices, § 21-28(b).

Sec. 15-78. - Hours for jukeboxes.

It shall be unlawful to play or operate any juke organ or jukebox located in, on or about the premises of any barbecue or soft drink stand or restaurant between the hours of 11:00 p.m. and 7:00 a.m. of the following day, unless such barbecue or soft drink stand or restaurant premises shall be located more than three hundred (300) feet distant from improved residential property.

(Code 1955, § 16-40)

Cross reference—Regulation of coin-operated devices generally, § 13-92 et seq.

Note—See note preceding § 15-78.

Sec. 15-79. - Hours for use of noisy construction equipment.

It shall be unlawful for any person in conducting any building operations between the hours of 10:00 p.m. and 7:00 a.m., to the following day to operate or use any pile-driver, steam shovel, pneumatic

hammer, derrick, steam or electric hoist or other apparatus, the use of which is attended by loud or unusual noise, except by written permission of the city manager, and then only in case of emergency.

(Code 1955, § 16-13)

Sec. 15-80. - Discharging fireworks, combustibles.

It shall be unlawful to fire or discharge squibs, firecrackers, gunpowder or other combustible substances in the streets or elsewhere for the purpose of making noise or disturbance, except upon proclamation or by written permission of the mayor.

(Code 1955, § 16-45)

Cross reference—Discharging fireworks in parks, § 16-55.

State Law reference—Exploding fireworks, F.S. § 791.02.

County Code reference—Fireworks in or near county parks, § 26-1, Rule 17.

Sec. 15-81. - Noisy emission of steam, other gases.

It shall be unlawful to permit or cause the emission of steam or other gases if such emission cannot be done without the production of disturbing noises.

(Code 1955, § 16-46)

Sec. 15-82. - Noisy blower, power fan, internal combustion engine.

It shall be unlawful to operate or cause to be operated any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noises, so that the same shall not cause annoyance to the public or disturb the rest and quiet of persons residing or occupying property near enough thereto to be annoyed by the unmuffled blower, fan or exhaust of any such engine.

(Code 1955, § 16-47)

State Law reference—Exhaust systems for motor vehicles, F.S. § 316.272.

County Code references—Noisy exhausts, § 21-28(e); mufflers and prevention of vehicle noise, § 30-258.

Sec. 15-83. - Steam whistles.

It shall be unlawful to blow any steam whistles except as follows: For an alarm of fire; upon locomotive engines for the purpose only of giving necessary safety signals; upon stationary engines in factories or other industrial establishments at the time of beginning and quitting work in such establishments; upon vessels, crafts and floats for the purpose of giving only necessary marine signals. Air raid warning signals are hereby excepted.

(Code 1955, § 16-64)

County Code reference— Blowing of steam whistles, § 21-28(d).

Secs. 15-84—15-93. - Reserved.

ARTICLE VI. - USING PUBLIC PROPERTY FOR HABITATION^[3]

Footnotes:

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Cross reference— Sleeping in, using abandoned vehicle for habitation, § 15-12; sleeping, camping, overnight parking in parks, recreational areas, § 16-61; trailers regulated, Ch. 20.

Sec. 15-94. - Permit required; application; fee.

It shall be unlawful for any person within the city to sleep, camp or use for habitation any street, alley, easement, right-of-way, public building or other public property, unless prior thereto, the said person has, in writing, requested permission for such use and received from the city manager a permit authorizing said use subject to the following terms and conditions:

- (a) The request shall be made in writing ten (10) days prior to the contemplated use, unless otherwise permitted by the city commission at any special or regular meeting.
- (b) The applicant shall designate with particularity the area sought to be used, which shall not exceed an area of twenty-five (25) square feet and the method to be followed by the applicant for disposal of his personal waste, trash and garbage.
- (c) The applicant shall designate the type and license number of the vehicle to be used by him or to be parked in the said area.
- (d) The applicant shall designate the date of use and the time and date of termination of the said use which shall not exceed twelve (12) hours.
- (e) The applicant shall designate the method to be followed by him for cleaning and restoring the said property to its condition prior to his use.
- (f) The applicant shall pay to the city the sum of one dollar (\$1.00) with the application, in order to defray the cost of issuing the permit and providing for the extension of city services to the area designated.

(Code 1955, § 16-61)

Sec. 15-95. - Exceptions.

The use of public road rights-of-way, so as not to interfere with the flow of traffic, shall be permitted for the purpose of sleeping or resting by drivers of vehicles and their passengers who may have become temporarily ill, confused or who are under the influence of alcohol or drugs, for a period of time not to exceed four (4) hours. The use of any vehicle for sleeping or resting by a driver or passenger on any road right-of-way for more than four (4) hours is hereby declared to be a public nuisance and a violation of this Code.

(Code 1955, § 16-61)

Sec. 15-96. - Grounds for denying permit.

The city manager may grant a permit to the applicant to use public property for sleeping, camping or habitation for a period not to exceed twelve (12) hours, on public property which may, from time to time, be designated by the city commission, provided that the use thereof shall not create a hazardous or unsanitary condition affecting the health or safety of others within the city and that said use shall not create any one or more of the following:

- (a) Traffic hazard or congestion within the area used or on roads leading thereto.
- (b) Destruction or disfigurement of any trees, shrubs, wildlife, roads or other public property within the designated area or on roads leading thereto.
- (c) Hazards to health or safety of others within the city by virtue of unsanitary conditions, accumulation of personal waste, trash and garbage.
- (d) Interference with police, fire and other governmental services provided by the city to all persons located therein.

(Code 1955, § 16-61)

Sec. 15-97. - Permit issuance; bond; regulations.

In the event the area designated and the use thereof requested meet the above designated criteria, the manager shall issue a permit for the said use provided:

- (a) The applicant shall deposit with the city a cash bond in an amount not to exceed one hundred fifty dollars (\$150.00) conditioned on indemnifying the city for the cost and expense of restoring the said property and providing for police, fire and other city services.
- (b) Use of designated area shall be subject to reasonable regulations relating to the use thereof by the applicant and others who may be similarly granted permits for said use.

(Code 1955, § 16-61)

Sec. 15-98. - Permit to be personal.

Permits issued hereunder shall be granted only to persons making the application under oath and shall not inure to the benefit of any other person, nor shall the permit be assignable or transferable to any other person.

(Code 1955, § 16-61)

Sec. 15-99. - Violation of permit or regulations.

In the event any person holding a permit granted by the city manager, as provided herein, shall utilize the city property contrary to the terms and conditions of the permit or utilize the said property for a period of time longer than twelve (12) hours, or shall make any representation or provide any information in the application for permit which may be false, the said person shall be deemed to be an unlawful user of the said public property and in violation of this Code, and the said permit shall be deemed revoked and the cash bond forfeited to the city.

(Code 1955, § 16-61)

Sec. 15-100. - Return of bond.

In the event the use permitted shall be in compliance with the terms and conditions of this Code, the city manager shall, after inspection of the area, designated, return forthwith the said cash bond to the permittee.

(Code 1955, § 16-61)

Secs. 15-101—15-110. - Reserved.

ARTICLE VII. - GRAFFITI^[4]

Footnotes:

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Editor's note— Ord. No. 13-07, § 2, adopted April 10, 2013, in effect repealed the former Art. VII, §§ 15-111—15-116, and enacted a new Art. VII as set out herein. The former Art. VII pertained to similar subject matter and derived from Ord. No. 91-9, adopted June 26, 1991.

Cross reference— Police, Ch. 18.

Sec. 15-111. - Prohibited conduct.

- (a) *Graffiti prohibited.* No person shall write, paint, or draw any inscription, figure, or mark of any type on any public or private building or other real or personal property, owned, operated, or maintained by a governmental entity or any agency or instrumentality thereof or by any private person, firm, or corporation, unless the express permission of the owner or operator of the property has been obtained first.
- (b) *Possession of spray paint and markers by minors on public property prohibited.* No person under the age of eighteen (18) shall have in his or her possession any aerosol container of spray paint or broad-tipped indelible marker while on any public property, highway, street, alley or way except in the company of an adult.
- (c) *Possession of spray paint and markers by minors on private property prohibited without consent of owner.* No person under the age of eighteen (18) shall have in his or her possession any aerosol container of spray paint or broad-tipped indelible marker while on any private property unless the owner, agent or manager, or person in possession of the property knows of the minor's possession of the aerosol container or marker and has consented to the minor's possession while on his or her property.
- (d) *Sale to minors prohibited.* No person or business shall sell or cause to be sold to any person under the age of eighteen (18) years, and no person under the age of eighteen (18) years shall buy any aerosol container of spray paint or broad-tipped indelible markers. Evidence that a person, an employee, or agent of a business demanded and was shown bonafide evidence of majority and acted upon such evidence in a transaction or sale shall be a defense to any prosecution hereof.
- (e) *Display of signs.* Every person who owns, conducts, operates or manages a retail or wholesale commercial establishment which sells aerosol containers of spray paint or broad-tipped indelible markers shall place a sign provided by the city in clear public view at or near the display of such products stating that graffiti is a crime.

(Ord. No. 13-07, § 2, 4-10-13)

Sec. 15-112. - Definitions.

As used in this section, the following words shall have the following meanings:

Broad-tipped indelible marker shall mean any felt-tip marker, or similar implement, which contains a fluid which is not water soluble and which has a flat or angled writing surface one-half-inch or greater. Broad-tipped indelible markers shall not include the normal range of school or art supplies.

Graffiti shall mean an inscription or drawing on a wall or other surface visible from the public right-of-way or from another parcel of land.

(Ord. No. 13-07, § 2, 4-10-13)

Sec. 15-113. - Violation of section 15-111; penalties therefor.

Any person convicted of a violation of subsections 15-111(a), (b), and (c) shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) or more than five hundred dollars (\$500.00).

Violations of subsection 15-111(d), or (e), shall result in a civil penalty of not more than one hundred dollars (\$100.00) for a first offense and not more than two hundred dollars (\$200.00) for subsequent offenses. Once three (3) violations of subsection 15-111(e), occur within any calendar year at a commercial establishment, that establishment shall be subject to an injunction from a court of competent jurisdiction forbidding the sale of aerosol containers of spray paints and broad-tipped indelible markers for a period of two (2) years. Violation of said injunction shall be punishable by a fine of one hundred dollars (\$100.00) per day in addition to any other penalties levied by the court. Where a minor is found to have violated section 15-111, the fine imposed by this section shall be assessed against such minor's parents or legal guardian. Any aggrieved party may appeal any final order imposing a fine herein to the appropriate forum.

(Ord. No. 13-07, § 2, 4-10-13)

Sec. 15-114. - Order to remove graffiti.

When the city becomes aware of the existence of graffiti on any property, within the city, a code compliance officer or police officer is authorized to give or cause to be given to the owner of the property notice to remove the graffiti from the property.

(Ord. No. 13-07, § 2, 4-10-13)

Sec. 15-115. - Failure to remove or request city for assistance in removing graffiti.

It shall be unlawful for any person or firm owning property where graffiti has occurred to fail to remove or request the city for assistance to remove the graffiti from such property within fourteen (14) days from receipt of the notice described in section 15-114.

(Ord. No. 13-07, § 2, 4-10-13)

Sec. 15-116. - Anti-graffiti trust fund.

There is hereby created the City of Opa-locka Anti-Graffiti Trust Fund. Civil penalties assessed against violators of this article as set forth in section 15-113 ultimately received by the city shall be placed in the fund. The city commissioners of the City of Opa-locka shall direct the expenditure of monies in the fund. Such expenditures shall be limited to the payment of the cost of removal of graffiti, the costs of administering this article, and such other public purposes as may be approved by the City of Opa-locka City Commission by resolution.

(Ord. No. 13-07, § 2, 4-10-13)

Sec. 15-116.1. - Police office authorized to remove vehicle.

A police officer is authorized to remove a vehicle to the request garage or other place of safety, or to a garage designated or maintained by the county or by the municipality when a vehicle is used by a person engaging in the commission a violation of section 15-111, subsections (a), (b) and (c).

(Ord. No. 13-07, § 2, 4-10-13)

Editor's note— Ord. No. 13-07, § 2, adopted April 10, 2013, set out provisions intended for use as § 15-17. For purposes of classification, and at the editor's discretion, these provisions have been included as § 15-116.1.

ARTICLE VIII. - SEX OFFENDERS

Sec. 15-117. - Sex offender residency prohibition.

- (a) It is unlawful for any person who has been convicted of a violation of Section 794.011, 800.04, 827.071, or 847.0145, Florida Statutes, regardless of whether adjudication has been withheld, in which the victim of the offense was less than sixteen (16) years of age, to reside within two thousand five hundred (2,500) feet of any school, designated public school bus stop, day care center, park, playground, or other place where children regularly congregate.
- (b) A person who violates this section and whose conviction under section 794.011, 800.04, 827.071, or 847.0145, Florida Statutes, was classified as a felony of the third degree, second degree, first degree or higher, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment; for a second or subsequent conviction of a violation of this section, such person shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the county jail not more than twelve (12) months, or by both such fine and imprisonment.
- (c) This section applies to any person convicted of a violation of section 794.011, 800.04, 827.071, or 847.0145, Florida Statutes, for offenses that occur on or after October 1, 2004.

(Ord. No. 05-08, § 1, 6-8-05)

Secs. 15-118—15-130. - Reserved.

ARTICLE IX. - PROHIBITIONS ON THE USE OF MOTORIZED SCOOTERS, ALL TERRAIN VEHICLES, DIRT BIKES, AND GO-PEDS⁽⁵⁾

Footnotes:

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Editor's note— Ord. No. 05-13, adopted July 27, 2005, enacted new provisions designated as Art. VIII, §§ 15-117—15-119; however as there are already provisions in the Code so designated, the new provisions have been redesignated as Art. IX, §§ 15-131—15-133 at the discretion of the editor.

Sec. 15-131. - Definitions.

For the purposes hereof, the following terms shall have the meanings hereinafter set forth:

All terrain vehicles ("ATV") shall mean a vehicle having or not having a seat, designed to travel on three (3) or four (4) wheels that is designed to travel on various types of terrain.

Dirt bike shall mean a lightweight motorcycle designed for operation on unpaved surfaces.

Go-ped shall mean and include a variety of motorized scooters.

Motorized scooter shall mean and include any vehicle not having a seat or saddle for use of the rider, designed to travel on not more than three (3) wheels, and not capable of propelling the vehicle at a speed greater than thirty (30) miles per hour on level ground.

Vehicle shall mean and include every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

The provisions of this article shall not apply to the use of any self-propelled wheelchair, electric scooter, or other mobility device by an individual with mobility impairment.

(Ord. No. 05-13, § 2(15-117), 7-27-05)

Sec. 15-132. - Motor scooters, all terrain vehicles, dirt bikes and go-peds prohibited.

It shall be unlawful for any person to operate or allow to be operated a motorized scooter, all terrain vehicle, dirt bike or go-ped on any public property including, but not limited to, sidewalks, swales, roads, street, trails, parks, parking facilities or driveway aprons.

(Ord. No. 05-13, § 2(15-118), 7-27-05)

Sec. 15-133. - Penalties.

- (a) It shall be unlawful for any person to violate any regulation contained herein, and it shall be unlawful for the parent of any child or guardian of any ward to authorize or knowingly permit any such or guardian of any ward to authorize or knowingly permit any such child or ward to violate any regulation established hereby.
- (b) Every person not a juvenile, as such, is defined by the laws of the state, found guilty of a violation of this division shall be punished by a fine of not more than one hundred dollars (\$100.00) and/or by the impounding of such person's motorized scooter, all terrain vehicle, dirt bike or go-ped for a period not to exceed ninety (90) days. The penalties provided for in this division are in addition to any other penalties permitted by general law.

(Ord. No. 05-13, § 2(15-119), 7-27-05)

ARTICLE X. - SIGNALIZED INTERSECTION SAFETY⁽⁶⁾

Footnotes:

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Editor's note— Ord. No. 13-22, § 2, adopted July 10, 2013, repealed the former Art. X, §§ 15-134—15-136, and § 3 of Ord. No. 13-22 enacted a new Art. X as set out herein. The former Art. X pertained to similar subject matter and derived from Ord. No. 10-19, adopted July 14, 2010.

Sec. 15-134. - Purpose and intent.

The purpose of this article is to specifically authorize the use of traffic infraction detectors, as permitted by general law as of the effective date of the ordinance from which this article is derived or July 1, 2013, whichever occurs later, within the city's jurisdictional limits.

(Ord. No. 13-22, § 3, 7-10-13)

Sec. 15-135 - Use of traffic infraction detectors.

The city exercises its option under Sections 316.008 and 316.0083, Florida Statutes, as of the effective date of the ordinance from which this article or July 1, 2013, whichever occurs later, to use traffic infraction detectors within its jurisdiction to enforce Section 316.074(1) or Section 316.075(1)(C), Florida Statutes, when a driver fails to stop at a traffic signal on streets and highways in the city's jurisdiction. The city may utilize traffic infraction detectors as a supplemental means of monitoring and assisting law enforcement personnel in the enforcement of compliance with laws related to traffic control signals as permitted and provided for by state law, which are designed to protect and improve the public health, safety, and welfare of the community and thereby reduce accidents, injuries and disruption of traffic associated with such violations.

(Ord. No. 13-22, § 3, 7-10-13)

Sec. 15-136. - Implementation of general law and designation of local hearing officer.

In accordance with the provisions of the Mark Wandall Traffic Safety Act as of the effective date of the ordinance from which this article is derived or July 1, 2013, whichever occurs later, the city authorizes the implementation within the city of the provisions and requirements of Chapters 2010-80 and 2013-160, Laws of Florida. Effective July 1, 2013, the city may utilize its code enforcement special magistrate as its local hearing officer, as defined by Chapter 2013-160, Laws of Florida (CS/CS/HB 7125 (2013)), in accordance with the provisions of the Mark Wandall Traffic Safety Act.

(Ord. No. 13-22, § 3, 7-10-13; Ord. No. 17-20, § 2, 12-13-17)

Sec. 15-137. - Penalties.

All penalties and cost shall be collected in accordance with the Mark Wandall Traffic Safety Act. The administrative cost for a hearing held before the special magistrate hearing officer shall not exceed amount the set forth in the Mark Wandall Traffic Safety Act.

(Ord. No. 15-32, § 2, 11-12-15)

Secs. 15-138—15-140. - Reserved.

ARTICLE XI. - SYNTHETIC SUBSTANCES

Sec. 15-141. - Definition.

Granular incense shall mean incense that is packaged in a loose, leafy or granular manner or that is packaged in small blocks which can be easily crushed or placed into drug paraphernalia for purposes of ingestion through smoking or other methods.

(Ord. No. 12-14, § 2, 7-25-12)

Sec. 15-142. - Sale of substances.

The sale, offer for sale, purchase with intent to sell, and public display for sale of granular incense within the City of Opa-locka is hereby prohibited.

(Ord. No. 12-14, § 2, 7-25-12)

Sec. 15-143. - Enforcement.

This article may be enforced pursuant to the City Code of Ordinances and chapter F.S. Ch. 162 by any code enforcement officer or police officer of the city. All granular incense offered for sale in violation hereof is subject to seizure and impoundment as a public nuisance, or punishable by a fine not to exceed five hundred dollars (\$500.00).

(Ord. No. 12-14, § 2, 7-25-12)

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-91

(Essential Services and Activities During COVID-19 Emergency)

WHEREAS, on March 1, 2020, I issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; 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 in states with evidence of community spread, recommending restrictions to certain establishments conducive to mass gatherings and congregations; and

WHEREAS, on March 29, 2020, the President extended such guidance to be in effect until April 30, 2020; 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, the majority of individuals in Florida that have tested positive for COVID-19 have been concentrated in its southeastern counties and other urban cores; and

WHEREAS, positive cases of COVID-19 have continued to rise in other states in close proximity to Florida, resulting in increased risk to counties in northern Florida; and

WHEREAS, many thousands of people fled the New York City region to Florida following New York State issuing a “shelter-in-place” order, thereby jeopardizing the health and safety of Floridians; and

WHEREAS, on March 23, 2020, I issued Executive Order 20-80, requiring all individuals that fly into Florida from states with substantial community spread to self-isolate in Florida for 14 days or the duration of their trip, whichever is shorter; and

WHEREAS, on March 27, 2020, I issued Executive Order 20-86, requiring all individuals that drive into Florida from states with substantial community spread to self-isolate in Florida for 14 days or the duration of their trip, whichever is shorter; and

WHEREAS, persistent interstate travel continues to pose a risk to the entire state of Florida; and

WHEREAS, on March 24, 2020, I issued Executive Order 20-83, directing the State Surgeon General and State Health Officer to issue a public health advisory urging the public to avoid all social or recreational gatherings of 10 or more people and urging those who can work remotely to do so; and

WHEREAS, it is necessary and appropriate to take action to ensure that the spread of COVID-19 is slowed, and that residents and visitors in Florida remain safe and secure.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution Chapter

252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Safer At Home

A. Senior citizens and individuals with a significant underlying medical condition (such as chronic lung disease, moderate-to-severe asthma, serious heart conditions, immunocompromised status, cancer, diabetes, severe obesity, renal failure and liver disease) shall stay at home and take all measures to limit the risk of exposure to COVID-19.

B. In concert with the efforts of President Trump and the White House Coronavirus Task Force to fight COVID-19, and based on guidance provided by Florida Surgeon General and State Health Officer, Dr. Scott Rivkees, all persons in Florida 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.

Section 2. Essential Services

A. For purposes of this Order and the conduct it limits, “essential services” means and encompasses the list detailed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, v. 2 (March 28, 2020) (attached) and any subsequent lists published.

B. Essential services also include those businesses and activities designated by Executive Order 20-89 and its attachment which consists of a list propounded by Miami-Dade County in multiple orders.

C. Other essential services may be added under this Order with the approval of the State Coordinating Officer, in close coordination with the State Health Officer. The State Coordinating Officer shall maintain an online list of essential services, as specified in this Order along with any approved additions. The online list shall be available on the Division of

Emergency Management's website at www.floridadisaster.org and the Florida Department of Health's website at www.floridahealth.gov.

D. Nothing in this order prohibits individuals from working from home; indeed, this Order encourages individuals to work from home.

E. All businesses or organizations are encouraged to provide delivery, carry-out or curbside service outside of the business or organization, of orders placed online or via telephone, to the greatest extent practicable.

Section 3. Essential Activities

A. For purposes of this Order and the conduct it limits, "essential activities" means and encompasses the following:

- i. Attending religious services conducted in churches, synagogues and houses of worship; and
- ii. Participating in recreational activities (consistent with social distancing guidelines) such as walking, biking, hiking, fishing, hunting, running, or swimming; and
- iii. Taking care of pets; and
- iv. Caring for or otherwise assisting a loved one or friend.

B. Other essential activities may be added to this list with the approval of the State Coordinating Officer, in close coordination with the State Health Officer. The State Coordinating Officer shall maintain an online list of essential activities, as specified in this Order along with any approved additions.

C. A social gathering in a public space is not an essential activity. Local jurisdictions shall ensure that groups of people greater than ten are not permitted to congregate in any public space.

Section 4. Local Orders in Response to COVID-19

This Order shall supersede any conflicting official action or order issued by local officials in response to COVID-19 but only to the extent that such action or order allows essential services or essential activities prohibited by this Executive Order.

Section 5. Previous Executive Orders

This Executive Order does not supersede any Executive Order related to COVID-19.

Section 6. Effective Date and Expiration Date

This Order is effective 12:01 am on April 3, 2020. This Order shall expire on April 30, 2020 unless extended by subsequent order. Executive Order 20-68 (bars, restaurants) and Executive Order 20-71 (alcohol sales, restaurants) shall remain in effect through the duration of Executive Order 20-52, including any extensions.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 1st day of April, 2020


RON DESANTIS, GOVERNOR

ATTEST:


SECRETARY OF STATE



CISA
CYBER-INFRASTRUCTURE

March 28, 2020

ADVISORY MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE

FROM: Christopher C. Krebs
Director
Cybersecurity and Infrastructure Security Agency (CISA)

As the Nation comes together to slow the spread of COVID-19, on March 16th the President issued updated Coronavirus Guidance for America that highlighted the importance of the critical infrastructure workforce.

The Cybersecurity and Infrastructure Security Agency (CISA) executes the Secretary of Homeland Security's authorities to secure critical infrastructure. Consistent with these authorities, CISA has developed, in collaboration with other federal agencies, State and local governments, and the private sector, an "Essential Critical Infrastructure Workforce" advisory list. This list is intended to help State, local, tribal and territorial officials as they work to protect their communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security. Decisions informed by this list should also take into consideration additional public health considerations based on the specific COVID-19-related concerns of particular jurisdictions.

This list is advisory in nature. It is not, nor should it be considered, a federal directive or standard. Additionally, this advisory list is not intended to be the exclusive list of critical infrastructure sectors, workers, and functions that should continue during the COVID-19 response across all jurisdictions. Individual jurisdictions should add or subtract essential workforce categories based on their own requirements and discretion.

The advisory list identifies workers who conduct a range of operations and services that are typically essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, working construction, and performing operational functions, among others. It also includes workers who support crucial supply chains and enable functions for critical infrastructure. The industries they support represent, but are not limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement,

and public works.

State, local, tribal, and territorial governments are responsible for implementing and executing response activities, including decisions about access and reentry, in their communities, while the Federal Government is in a supporting role. Officials should use their own judgment in issuing implementation directives and guidance. Similarly, while adhering to relevant public health guidance, critical infrastructure owners and operators are expected to use their own judgement on issues of the prioritization of business processes and workforce allocation to best ensure continuity of the essential goods and services they support. All decisions should appropriately balance public safety, the health and safety of the workforce, and the continued delivery of essential critical infrastructure services and functions. While this advisory list is meant to help public officials and employers identify essential work functions, it allows for the reality that some workers engaged in activity determined to be essential may be unable to perform those functions because of health-related concerns.

CISA will continue to work with our partners in the critical infrastructure community to update this advisory list if necessary as the Nation's response to COVID-19 evolves.

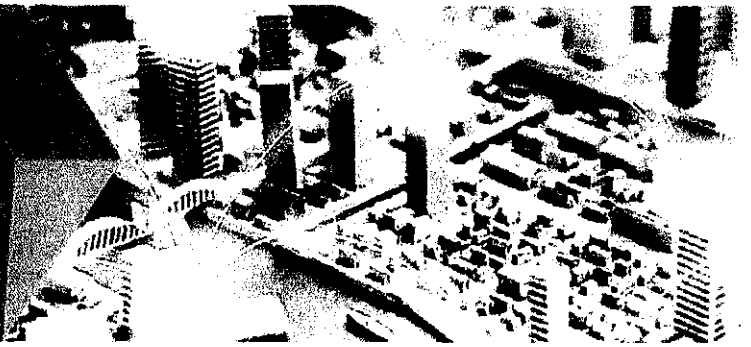
Should you have questions about this list, please contact CISA at CISA.CAT@cis.dhs.gov.

Attachment: "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response Version 2.0"



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CYBER+INFRASTRUCTURE

DEFEND TODAY, SECURE TOMORROW



Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience In COVID-19 Response

Version 2.0 (March 28, 2020)

THE IMPORTANCE OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

This advisory guidance and accompanying list are intended to support state, local, tribal, territorial and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response.

This document gives advisory guidance on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions.

CISA will continually solicit and accept feedback on the list and will evolve the list in response to stakeholder feedback. We will also use our various stakeholder engagement mechanisms to work with partners on how they are using this list and share those lessons learned and best practices broadly. Feedback can be sent to CISA.CAT@CISA.DHS.GOV.

CONSIDERATIONS FOR GOVERNMENT AND BUSINESS

This list was developed in consultation with federal agency partners, industry experts, and State and local officials, and is based on several key principles:

1. Response efforts to the COVID-19 pandemic are locally executed, state managed, and federally supported.
2. Everyone should follow guidance from the CDC, as well as State and local government officials, regarding strategies to limit disease spread.
3. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
4. When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not necessarily limited to, separating staff by off-setting shift hours or days and/or social distancing. These steps can preserve the workforce and allow operations to continue.
5. All organizations should implement their business continuity and pandemic plans or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the

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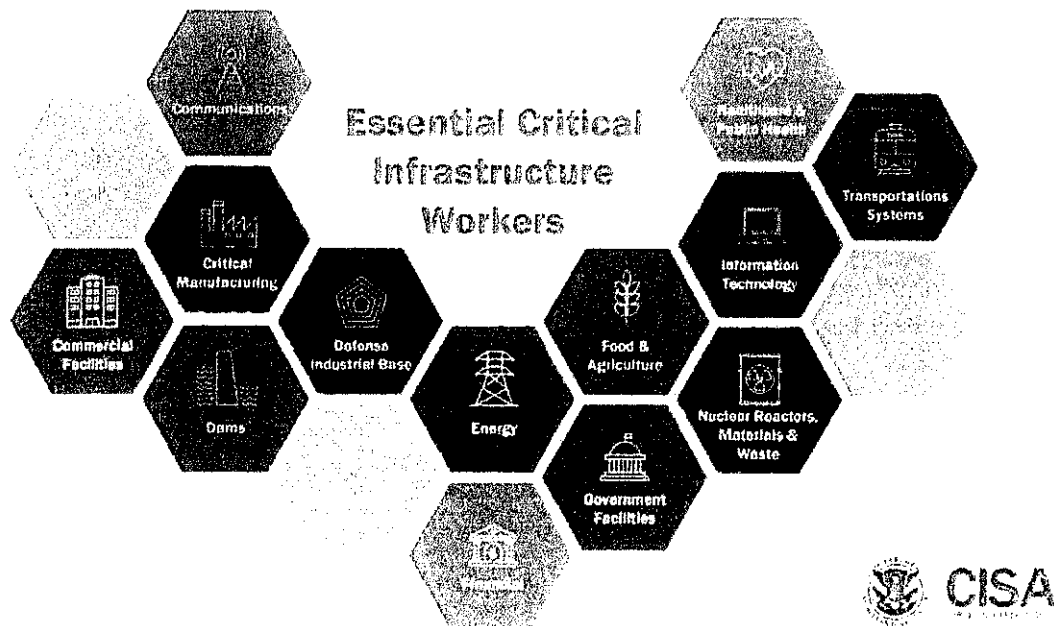
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health and safety of the employees.

6. Reliance on technology and just-in-time supply chains means that certain workers must be able to access certain sites, facilities, and assets to ensure continuity of functions.
7. Government employees, such as emergency managers, and the business community need to establish and maintain lines of communication.
8. When government and businesses engage in discussions about essential critical infrastructure workers, they need to consider the implications of business operations beyond the jurisdiction where the asset or facility is located. Businesses can have sizeable economic and societal impacts as well as supply chain dependencies that are geographically distributed.
9. Whenever possible, jurisdictions should align access and movement control policies related to critical infrastructure workers to lower the burden of workers crossing jurisdictional boundaries.

IDENTIFYING ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

The following list of identified essential critical infrastructure workers is intended to be overly inclusive reflecting the diversity of industries across the United States.



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HEALTHCARE / PUBLIC HEALTH

- Workers who perform critical clinical research, development, and testing needed for COVID-19 response.
- Healthcare providers and Caregivers including physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, optometrists, speech pathologists, chiropractors, and diagnostic and therapeutic technicians and technologists.
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.).
- Workers in other medical and biomedical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Nursing Care Facilities, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers, and retail facilities specializing in medical good and supplies).
- Manufacturer workers for health manufacturing (including biotechnology companies), materials and parts suppliers, logistics and warehouse operators, distributors of medical equipment (including those who test and repair), personal protective equipment (PPE), isolation barriers, medical gases, pharmaceuticals (including materials used in radioactive drugs), dietary supplements, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.
- Public health / community health workers, including those who compile, model, analyze and communicate public health information.
- Blood and plasma donors and the employees of the organizations that operate and manage related activities.
- Workers who manage health plans, billing, and health information, who cannot practically work remotely.
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely.
- Workers performing information technology and cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely.
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely.
- Pharmacy employees necessary to maintain uninterrupted prescription filling.
- Workers performing mortuary funeral, cremation, burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers, and coffin makers.
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident.

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LAW ENFORCEMENT, PUBLIC SAFETY, AND OTHER FIRST RESPONDERS

- Public, private, and voluntary personnel (front line and management) in emergency management, law enforcement, fire and rescue services, emergency medical services, and private security, to include public and private hazardous material responders, air medical service providers (pilots and supporting technicians), corrections, and search and rescue personnel.
- 911 call center employees and Public Safety Answering Points who can't perform their duties remotely.
- Fusion Center employees.
- Workers – including contracted vendors – who maintain, manufacture, or supply equipment and services supporting law enforcement emergency service and response operations (to include electronic security and life safety security personnel).
- Workers supporting the manufacturing of safety equipment and uniforms for law enforcement, public safety personnel, and first responder.
- Workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.
- Public agency workers responding to abuse and neglect of children, elders, and dependent adults.
- Workers who support weather disaster / natural hazard mitigation and prevention activities.
- Security staff to maintain building access control and physical security measures.

FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies, convenience stores, and other retail (including unattended and vending) that sells human food, animal/pet food and pet supply, and beverage products, including retail customer support service and information technology support staff necessary for online orders, pickup and delivery.
- Restaurant carry-out and quick serve food operations, including dark kitchen and food prep centers, and carry-out and delivery food employees.
- Food manufacturer employees and their supplier employees—to include those employed in food ingredient production and processing facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging.
- Farmers, farm workers, and agribusiness support services to include those employed in auction and sales; grain and oilseed handling, processing and distribution; animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically and for export.
- Farmers, farm workers, support service workers, and their supplier employees to include those engaged in producing and harvesting field crops; commodity inspection; fuel ethanol facilities; biodiesel and renewable diesel facilities; storage facilities; and other agricultural inputs.
- Employees and firms supporting the distribution of food, feed, and beverage and ingredients used in these products, including warehouse workers, vendor-managed inventory controllers and blockchain managers.
- Workers supporting the sanitation and pest control of all food manufacturing processes and operations from wholesale to retail.
- Employees in cafeterias used to feed employees, particularly employee populations sheltered against COVID-19.
- Workers in animal diagnostic and food testing laboratories in private industries and in institutions of higher education.

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- Government, private, and non-governmental organizations' workers essential for food assistance programs (including school lunch programs) and government payments.
- Employees of companies engaged in the production, storage, transport, and distribution of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including seeds, pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
- Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.
- Transportation supporting animal agricultural industries, including movement of animal medical and reproductive supplies and materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, live animals, animal by-products, and deceased animals for disposal.
- Workers who support sawmills and the manufacture and distribution of fiber and forest products, including, but not limited to timber, paper, and other wood and fiber products.
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary for agricultural production and distribution.

ENERGY

- Workers supporting the energy sector, regardless of the energy source (including but not limited to nuclear, fossil, hydroelectric, or renewable), segment of the system, or infrastructure the worker is involved in, or who are needed to monitor, operate, engineer, and maintain the reliability, safety, environmental health, and physical and cyber security of the energy system.
- Energy/commodity trading/scheduling/marketing functions, who can't perform their duties remotely.
- IT and OT technology for essential energy sector operations including support workers, customer service operations; energy management systems, control systems, and Supervisory Control and Data Acquisition SCADA systems, and energy sector entity data centers; cybersecurity engineers; and cybersecurity risk management.
- Workers supporting the energy sector through renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, ocean, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring, and logistics.
- Workers and security staff involved in nuclear re-fueling operations.
- Providing services related to energy sector fuels (including, but not limited, petroleum (crude oil), natural gas, propane, natural gas liquids, other liquid fuels, nuclear, and coal), supporting the mining, processing, manufacturing, construction, logistics, transportation, permitting, operation/maintenance, security, waste disposal and storage, and monitoring of support for resources.
- Environmental remediation/monitoring, limited to immediate critical needs technicians.
- Manufacturing and distribution of equipment, supplies, and parts necessary to maintain production, maintenance, restoration, and service at energy sector facilities (across all energy sector segments).

Electricity Industry:

- Workers who maintain, ensure, or restore, or are involved in the development, transportation, fuel procurement, expansion, or operation of the generation, transmission, and distribution of electric power, including call centers, utility workers, engineers, retail electricity, constraint maintenance, and fleet maintenance technicians who cannot perform their duties remotely.
- Workers at coal mines, production facilities, and those involved in manufacturing, transportation, permitting, operation/maintenance and monitoring at coal sites which is critical to ensuring the reliability of the electrical system.

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- Workers who produce, process, ship and handle coal used for power generation and manufacturing.
- Workers needed for safe and secure operations at nuclear generation to include but not limited to, the broader nuclear supply chain, parts to maintain nuclear equipment, fuel manufacturers and fuel components used in the manufacturing of fuel.
- Workers at renewable energy infrastructure (including, but not limited to wind, solar, biomass, hydrogen, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring, and logistics.
- Workers at generation, transmission, and electric black start facilities.
- Workers at Reliability Coordinator, Balancing Authorities, and primary and backup Control Centers, including but not limited to independent system operators, regional transmission organizations, and local distribution control centers.
- Mutual assistance personnel which may include workers from outside of the state or local jurisdiction.
- Vegetation management and traffic control for supporting those crews.
- Environmental remediation/monitoring workers limited to immediate critical need technicians.
- Instrumentation, protection, and control technicians.
- Essential support personnel for electricity operations.
- Generator set support workers such as diesel engineers used in power generation including those providing fuel.

Petroleum Industry:

- Workers for onshore and offshore petroleum drilling operations; platform and drilling construction and maintenance; transportation (including helicopter operations), maritime transportation, supply, and dredging operations; maritime navigation; well stimulation, intervention, monitoring, automation and control, extraction, production; processing; waste disposal, and maintenance, construction, and operations.
- Workers for crude oil, petroleum and petroleum product storage and transportation, including pipeline, marine transport, terminals, rail transport, storage facilities and racks and road transport for use as end-use fuels such as gasoline, diesel fuel, jet fuel, and heating fuels or feedstocks for chemical manufacturing.
- Petroleum and petroleum product security operations center employees and workers who support maintenance and emergency response services.
- Petroleum and petroleum product operations control rooms/centers and refinery facilities.
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.

Natural Gas, Natural Gas Liquids (NGL), Propane, and other liquid fuels

- Workers who support onshore and offshore drilling operations, platform and drilling construction and maintenance; transportation (including helicopter operations); maritime transportation, supply, and dredging operations; maritime navigation; natural gas and natural gas liquid production, processing, extraction, storage and transportation; well intervention, monitoring, automation and control; waste disposal, and maintenance, construction, and operations.
- Transmission and distribution pipeline workers, including compressor stations and any other required, operations maintenance, construction, and support for natural gas, natural gas liquid, propane, and other liquid fuels.
- Natural gas, propane, natural gas liquids, and other liquid fuel processing plants, including construction, maintenance, and support operations.
- Natural gas processing plants workers, and those that deal with natural gas liquids.
- Workers who staff natural gas, propane, natural gas liquids, and other liquid fuel security operations centers, operations dispatch and control rooms/centers, and emergency response and customer emergencies (including leak calls) operations.
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for

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chemical manufacturing, or use in electricity generation.

- Dispatch and control rooms and emergency response and customer emergencies, including propane leak calls.
- Propane gas service maintenance and restoration, including call centers.
- Propane, natural gas liquids, and other liquid fuel distribution centers.
- Propane gas storage, transmission, and distribution centers.
- Supporting new and existing construction projects, including, but not limited to, pipeline construction.
- Ethanol and biofuel production, refining, and distribution.
- Workers in fuel sectors (including, but not limited to nuclear, coal, and gas types and liquid fuels) supporting the mining, manufacturing, logistics, transportation, permitting, operation/maintenance, and monitoring of support for resources.

WATER AND WASTEWATER

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities.
- Operational staff at community water systems.
- Operational staff at wastewater treatment facilities.
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring, including field staff.
- Operational staff for water distribution and testing.
- Operational staff at wastewater collection facilities.
- Operational staff and technical support for SCADA Control systems.
- Chemical and equipment suppliers to water and wastewater systems and personnel protection.
- Workers who maintain digital systems infrastructure supporting water and wastewater operations.

TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including truck drivers, bus drivers, dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, Department of Motor Vehicle (DMV) employees, towing/recovery services, roadside assistance workers, intermodal transportation personnel, and workers who maintain and inspect infrastructure (including those that require cross-jurisdiction travel).
- Workers supporting the distribution of food, pharmaceuticals (including materials used in radioactive drugs) and other medical materials, fuels, chemicals needed for water or water treatment and energy Maintenance and operation of essential highway infrastructure, including roads, bridges, and tunnels (e.g., traffic operations centers and moveable bridge operators).
- Employees of firms providing services, supplies, and equipment that enable warehouse and operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use. Includes cold- and frozen-chain logistics for food and critical biologic products.
- Mass transit workers and providing critical transit services and/or performing critical or routine maintenance to mass transit infrastructure or equipment.
- Employees supporting personal and commercial transportation services – including taxis, delivery services, vehicle rental services, bicycle maintenance and car-sharing services, and transportation network providers.
- Workers responsible for operating and dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment.
- Maritime transportation workers, including dredgers, port workers, mariners, ship crewmembers, ship pilots and tug boat operators, equipment operators (to include maintenance and repair, and maritime-specific medical

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providers), ship supply, chandler, and repair companies.

- Workers including truck drivers, railroad employees and contractors, maintenance crew, and cleaners supporting transportation of chemicals, hazardous, medical, and waste materials to support critical infrastructure, capabilities, functions, and services, including specialized carriers, crane and rigging industry workers.
- Bus drivers and workers who provide or support intercity, commuter and charter bus service in support of other essential services or functions.
- Automotive repair, maintenance, and transportation equipment manufacturing and distribution facilities (including those who repair and maintain electric vehicle charging stations).
- Transportation safety inspectors, including hazardous material inspectors and accident investigator inspectors.
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations.
- Postal, parcel, courier, last-mile delivery, and shipping and related workers, to include private companies.
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, bicycles, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers.
- Air transportation employees, including air traffic controllers and maintenance personnel, ramp workers, aviation and aerospace safety, security, and operations personnel and accident investigations.
- Workers who support the operation, distribution, maintenance, and sanitation, of air transportation for cargo and passengers, including flight crews, maintenance, airport operations, those responsible for cleaning and disinfection, and other on- and off- airport facilities workers.
- Workers supporting transportation via inland waterways such as barge crew, dredging, river port workers for essential goods.
- Workers critical to rental and leasing of vehicles and equipment that facilitate continuity of operations for essential workforces and other essential travel.
- Warehouse operators, including vendors and support personnel critical for business continuity (including HVAC & electrical engineers; security personnel; and janitorial staff) and customer service for essential functions.

PUBLIC WORKS AND INFRASTRUCTURE SUPPORT SERVICES

- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.
- Workers such as plumbers, electricians, exterminators, builders, contractors, HVAC Technicians, landscapers, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses and buildings such as hospitals, senior living facilities, any temporary construction required to support COVID-19 response.
- Workers who support, such as road and line clearing, to ensure the availability of and access to needed facilities, transportation, energy and communications.
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste, including landfill operations.
- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees.
- Workers who support the inspection and maintenance of aids to navigation, and other government provided services that ensure continued maritime commerce.

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COMMUNICATIONS AND INFORMATION TECHNOLOGY

Communications:

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call -centers, wireline and wireless providers, cable service providers, satellite operations, Internet Exchange Points, Points of Presence, Network Access Points, back haul and front haul facilities, and manufacturers and distributors of communications equipment.
- Government and private sector employees (including government contractors) with work related to undersea cable infrastructure and support facilities, including cable landing sites, beach manhole vaults and covers, submarine cable depots and submarine cable ship facilities.
- Government and private sector employees (including government contractors) supporting Department of Defense internet and communications facilities.
- Workers who support radio, television, and media service, including, but not limited to front-line news reporters, studio, and technicians for newsgathering, and reporting, and publishing news.
- Network Operations staff, engineers and/or technicians to include IT managers and staff, HVAC & electrical engineers, security personnel, software and hardware engineers, and database administrators that manage the network or operate facilities.
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities, and other communications sector-related infrastructure. This includes construction of new facilities and deployment of new technology as these are required to address congestion or customer usage due to unprecedented use of remote services.
- Installation, maintenance and repair technicians that establish, support or repair service as needed.
- Central office personnel to maintain and operate central office, data centers, and other network office facilities, critical support personnel assisting front line employees.
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, logistics, and troubleshooting.
- Workers providing electronic security, fire, monitoring and life safety services, and to ensure physical security, cleanliness and safety of facilities and personnel, including temporary licensing waivers for security personnel to work in other States of Municipalities.
- Dispatchers involved with service repair and restoration.
- Retail customer service personnel at critical service center locations for onboarding customers, distributing and repairing equipment and addressing customer issues in order to support individuals' remote emergency communications needs, supply chain and logistics personnel to ensure goods and products are on-boarded to provision these front-line employees.
- External Affairs personnel to assist in coordinating with local, state and federal officials to address communications needs supporting COVID-19 response, public safety, and national security.

Information Technology:

- Workers who support command centers, including, but not limited to Network Operations Command Centers, Broadcast Operations Control Centers and Security Operations Command Centers.
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers and purchasers, data transfer solutions engineers, software and hardware engineers, and database administrators, for all industries (including financial services).

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- Workers who support client service centers, field engineers, and other technicians and workers supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, support services, research and development, and information technology equipment (to include microelectronics and semiconductors), and HVAC and electrical equipment for critical infrastructure, and test labs and certification agencies that qualify such equipment (to include microelectronics, optoelectronics, and semiconductors) for critical infrastructure, including data centers.
- Workers needed to preempt and respond to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, securities/other exchanges, other entities that support the functioning of capital markets, public works, critical manufacturing, food & agricultural production, transportation, and other critical infrastructure categories and personnel, in addition to all cyber defense workers (who can't perform their duties remotely).
- Suppliers, designers, transporters and other workers supporting the manufacture, distribution and provision and construction of essential global, national and local infrastructure for computing services (including cloud computing services and telework capabilities), business infrastructure, financial transactions/services, web-based services, and critical manufacturing.
- Workers supporting communications systems and information technology- and work from home solutions- used by law enforcement, public safety, medical, energy, public works, critical manufacturing, food & agricultural production, financial services, education, and other critical industries and businesses.
- Employees required in person to support Software as a Service businesses that enable remote working, performance of business operations, distance learning, media services, and digital health offerings, or required for technical support crucial for business continuity and connectivity.

OTHER COMMUNITY- OR GOVERNMENT-BASED OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions, including but not limited to security and environmental controls (e.g., HVAC), the manufacturing and distribution of the products required for these functions, and the permits and inspections for construction supporting essential infrastructure.
- Elections personnel to include both public and private sector elections support.
- Workers supporting the operations of the judicial system.
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks.
- Trade Officials (FTA negotiators; international data flow administrators).
- Employees necessary to maintain news and media operations across various media.
- Employees supporting Census 2020.
- Weather forecasters.
- Clergy for essential support.
- Workers who maintain digital systems infrastructure supporting other critical government operations.
- Workers who support necessary credentialing, vetting and licensing operations for critical infrastructure workers.
- Customs and immigration workers who are critical to facilitating trade in support of the national emergency response supply chain.
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions.
- Staff at government offices who perform title search, notary, and recording services in support of mortgage and real estate services and transactions.

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- Residential and commercial real estate services, including settlement services.
- Workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and construction for essential products, services, and supply chain and COVID 19 relief efforts.

CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of metals (including steel and aluminum), industrial minerals, semiconductors, materials and products needed for medical supply chains, and for supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base. Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby.
- Workers necessary for the manufacturing of materials and products needed to manufacture medical equipment and personal protective equipment (PPE).
- Workers necessary for mining and production of critical minerals, materials and associated essential supply chains, and workers engaged in the manufacture and maintenance of equipment and other infrastructure necessary for mining production and distribution.
- Workers who produce or manufacture parts or equipment that supports continued operations for any essential services and increase in remote workforce (including computing and communication devices, semiconductors, and equipment such as security tools for Security Operations Centers (SOCs) or data centers).

HAZARDOUS MATERIALS

- Workers who manage hazardous materials associated with any other essential activity, including but not limited to healthcare waste (medical, pharmaceuticals, medical material production), testing operations (laboratories processing test kits), and energy (nuclear facilities) Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing tests Workers who support hazardous materials response and cleanup.
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations.

FINANCIAL SERVICES

- Workers who are needed to provide, process and maintain systems for processing, verification, and recording of financial transactions and services, including payment, clearing, and settlement; wholesale funding; insurance services; consumer and commercial lending; and capital markets activities).
- Workers who are needed to maintain orderly market operations to ensure the continuity of financial transactions and services.
- Workers who are needed to provide business, commercial, and consumer access to bank and non-bank financial services and lending services, including ATMs, lending and money transmission, and to move currency, checks, securities, and payments (e.g., armored cash carriers).
- Workers who support financial operations and those staffing call centers, such as those staffing data and security operations centers, managing physical security, or providing accounting services.
- Workers supporting production and distribution of debit and credit cards.
- Workers providing electronic point of sale support personnel for essential businesses and workers.

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CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, paintings and coatings, textiles, building materials, plumbing, electrical, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items.
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, disinfectants, fragrances, and packaging that prevents the contamination of food, water, medicine, among others essential.
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections.
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing.

DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals include, but are not limited to, space and aerospace; mechanical and software engineers (various disciplines), manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers; and sanitary workers who maintain the hygienic viability of necessary facilities.
- Personnel working for companies, and their subcontractors, who perform under contract or sub-contract to the Department of Defense, as well as personnel at government-owned/contractor-operated and government-owned/government-operated facilities, and who provide materials and services to the Department of Defense, including support for weapon systems, software systems and cybersecurity, defense and intelligence communications and surveillance, space systems and other activities in support of our military, intelligence and space forces.

COMMERCIAL FACILITIES

- Workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions.
- Workers supporting ecommerce through distribution, warehouse, call center facilities, and other essential operational support functions.
- Workers in hardware and building materials stores, consumer electronics, technology and appliances retail, and related merchant wholesalers and distributors - with reduced staff to ensure continued operations.
- Workers distributing, servicing, repairing, installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.

RESIDENTIAL/SHELTER FACILITIES AND SERVICES

- Workers in dependent care services, in support of workers in other essential products and services.

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- Workers who support food, shelter, and social services, and other necessities of life for needy groups and individuals, including in-need populations and COVID-19 responders (including travelling medical staff).
- Workers in animal shelters.
- Workers responsible for the leasing of residential properties to provide individuals and families with ready access to available housing.
- Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
- Workers performing housing construction related activities to ensure additional units can be made available to combat the nation’s existing housing supply shortage.
- Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.
- Workers supporting the construction of housing, including those supporting government functions related to the building and development process, such as inspections, permitting and plan review services that can be modified to protect the public health, but fundamentally should continue and serve the construction of housing (e.g., allow qualified private third-party inspections in case of government shutdown).

HYGIENE PRODUCTS AND SERVICES

- Workers who produce hygiene products.
- Workers in laundromats, laundry services, and dry cleaners.
- Workers providing personal and household goods repair and maintenance.
- Workers providing disinfection services, for all essential facilities and modes of transportation, and supporting the sanitation of all food manufacturing processes and operations from wholesale to retail.
- Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.
- Support required for continuity of services, including commercial disinfectant services, janitorial/cleaning personnel, and support personnel functions that need freedom of movement to access facilities in support of front-line employees.

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STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-89

(Emergency Management - COVID-19 - Miami-Dade County, Broward County, Palm Beach County, Monroe County Public Access Restrictions)

WHEREAS, on March 1, 2020, I issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; 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 in states with evidence of community spread, recommending restrictions to certain establishments conducive to mass gatherings and congregations; and

WHEREAS, on March 29, 2020, the President extended such guidance to be in effect until April 30, 2020; and

WHEREAS, Miami-Dade County, Broward County, and Palm Beach County have already implemented orders restricting certain public access to non-essential retail and commercial establishments; and

WHEREAS, over sixty (60) percent of Florida's identified COVID-19 cases are in these neighboring southern counties, which make up a large percentage of Florida's population; and

WHEREAS, my Administration has consulted with the authorities from Miami-Dade County, Broward County, Palm Beach County and Monroe County who seek to harmonize restricted public access mandates in order to establish uniformity and consistency throughout their counties of close proximity; and

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in Florida remain safe and secure,

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. I hereby order Miami-Dade County, Broward County, Palm Beach County and Monroe County to restrict public access to businesses and facilities deemed non-essential pursuant to the guidelines established by Miami-Dade County pursuant to its March 19, 2020 Emergency Order 07-20, and as modified by subsequent amendments and orders prior to the date of this order.

Section 2. At their discretion, such county administrators may determine additional “essential” retail and commercial establishments—or other institutions providing essential services—that shall not be subject to complete closure. No county or local authority may restrict or prohibit any “essential” service from performing a function allowed under this order.

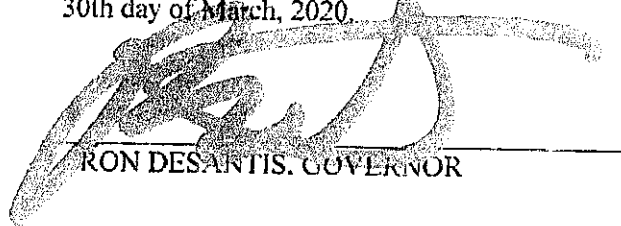
Section 3. Essential service establishments not subject to closure shall continue to determine, adopt and maintain reasonable measures to ensure sanitation and cleanliness of premises and items that may come into contact with employees and the public, and such establishments shall take reasonable action to ensure that people adhere to the CDC’s social distancing guidelines.

Section 4. The above-named counties shall not institute curfews pertaining to transit to or from the essential service establishments.

Section 5. This order shall remain in effect until April 15, 2020 unless renewed or otherwise modified by subsequent order.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 30th day of March, 2020.

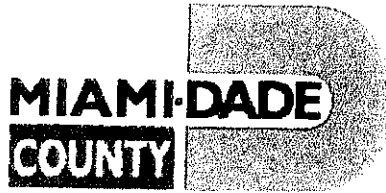


RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE



MIAMI-DADE COUNTY EMERGENCY ORDER 07-20

WHEREAS, Section 252.38(3)(a), Florida Statutes, gives political subdivisions the authority to declare and enact a State of Local Emergency for a period of up to seven days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law; and

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/novel Coronavirus 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/novel Coronavirus; and

WHEREAS, on March 12, 2020, the County Mayor declared a State of Emergency for all of Miami-Dade County; and

WHEREAS, COVID-19/novel Coronavirus poses a health risk to Miami-Dade County residents, particularly elderly residents and those who are immunosuppressed or otherwise have high-risk medical conditions; and

WHEREAS, minimization of contact is necessary to avoid risk of COVID-19 infection for the residents of the County; and

WHEREAS, the Centers for Disease Control (CDC) has issued guidance entitled "15 Days to Slow the Spread," encouraging social distancing and maintaining a 6 foot separation between residents to slow the spread of infection and that events with more than ten attendees either be cancelled or held virtually; and

WHEREAS, the CDC guidelines are based upon the amount of community spread within a community and become more stringent where there is minimal to moderate or substantial community spread; and

WHEREAS, section 8B-7(2)(f) of the Code authorizes the County Mayor to order the closure of any commercial establishment; and

Miami-Dade County Declaration of Local State of Emergency

WHEREAS, sections 8B-7(2)(c) and (e) of the Code authorize the County Mayor to limit the movement of persons inside Miami-Dade County in order to safeguard life and health,

THEREFORE, as County Mayor of Miami-Dade County, I hereby order:

1. All non-essential retail and commercial establishments are ordered closed.
2. Essential retail and commercial businesses, which may remain open, are:
 - a. 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, and pharmacies;
 - b. 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, pet supply, 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 also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operations of residences;
 - c. 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 and auto-supply, auto-repair, and related facilities;
 - g. Banks and related financial institutions;
 - h. Hardware stores;
 - i. Contractors and other tradesmen, appliance repair personnel, 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 providing mailing 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;
 - 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 Emergency Order 3-20. Schools and other entities that typically

Miami-Dade County Declaration of Local State of Emergency

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;

- n. Businesses that supply office products needed for people to work from home;
- o. Businesses that supply other essential businesses with the support or supplies necessary to operate, and which do not interact with the general public;
- p. Businesses that ship or deliver groceries, food, goods, or services directly to residences;
- q. Airlines, taxis, and other private transportation providers providing transportation services via automobile, truck, bus, or train;
- r. Home-based care for seniors, adults, or children;
- s. Assisted living facilities, nursing homes, and adult day care centers, and senior residential facilities;
- t. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- u. Landscape and pool care businesses, including residential landscape and pool care services;
- v. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities should operate under the following mandatory conditions:
 - 1. Childcare must be carried out in stable groups of 10 or fewer (inclusive of childcare providers for the group).
 - 2. Children and child care providers shall not change from one group to another.
 - 3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix or interact with each other.
- w. Businesses operating at any airport, seaport, or other government facility, including parks and government offices;
- x. Pet supply stores;
- y. Logistics providers, including warehouses, trucking, consolidators, fumigators, and handlers;
- z. Telecommunications providers, including sales of computer or telecommunications devices and the provision of home telecommunications;

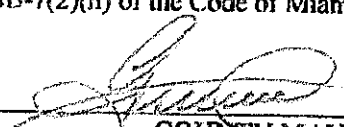
Miami-Dade County Declaration of Local State of Emergency

- aa. Provision of propane or natural gas;
 - bb. Office space and administrative support necessary to perform any of the above-listed activities;
 - cc. Open construction sites, irrespective of the type of building;
 - dd. Architectural, engineering, or land surveying services;
 - ee. Factories, manufacturing facilities, bottling plants, or other industrial uses;
 - ff. Waste management services, including collection and disposal of waste; and
 - gg. Any business that is interacting with customers solely through electronic or telephonic means, and delivering products via mailing, shipping, or delivery services
3. This order does not affect or limit the operations of Miami-Dade County, any public utility, any municipality, the Miami-Dade County School District, or any State or Federal office or facility, except that such entities shall abide by the restrictions of any County, Municipal, State or Federal emergency order, as applicable.
4. 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 except as expressly set forth herein or otherwise governed by any State or Federal order or regulation. Employers and employees are urged, but are not required, to practice social distancing, such as keeping six feet between persons and limiting group size to less than ten people.
5. This order does not limit the number of persons who may be physically present at any religious service. Persons attending religious services are urged, but are not required, to practice social distancing, such as keeping six feet between persons and limiting group size to less than ten people.
6. The County Mayor may amend the provisions of paragraph 2, 3, and 4 by written notice to the County Clerk.
7. The provisions of this order shall serve as minimum standards. Municipalities may impose more stringent standards within their jurisdictions.
8. This order shall expire upon the expiration of the existing Miami-Dade County State of Local Emergency, except that if such State of Local Emergency is extended, this order shall also be deemed to extend for the duration of such extension. This order may be cancelled earlier by action of the County Mayor.
9. This order shall be effective as of 9:00 p.m., March 19, 2020.

Miami-Dade County Declaration of Local State of Emergency

9. This order shall be effective as of 9:00 p.m., March 19, 2020.
10. This order shall be provided to all appropriate media consistent with the requirements of section 8B-7(2)(n) of the Code of Miami-Dade County.

Enacted:

Signed: 

COUNTY MAYOR

Date: 3/19/2020

Time: 08:30

Witness: 

Cancelled:

Signed: _____

COUNTY MAYOR

Date: _____

Time: ____:____

Witness: _____



AMENDMENT NO. 1 TO MIAMI-DADE COUNTY EMERGENCY ORDER 07-20

WHEREAS, on March 19, 2020, the County Mayor issued Emergency Order 07-20; and

WHEREAS, Emergency Order 07-20 directed the closure of all non-essential retail and commercial establishments and included a list of essential businesses that may still operate; and

WHEREAS, Emergency Order 07-20 provided for amendment by filing written notice with the clerk; and

WHEREAS, hotels, motels, other commercial lodging establishments, and temporary vacation rentals provide essential business services during emergencies; and

WHEREAS, marinas and boat launches, docking, fueling, marine supply and other marina services provide essential business services during emergencies, including access to living space, repair services, and other vital needs; and

WHEREAS, additional retail and commercial establishments listed below provide essential business services during emergencies,

THEREFORE, as County Mayor of Miami-Dade County, I hereby order:

1. Paragraph 2 of Emergency Order 07-20 is hereby amended and restated to clarify that additional following essential businesses may remain open:

2. Essential retail and commercial businesses, which may remain open, are:

* * *

f. Gas stations>>; new and used automobile dealerships<< and auto-supply, auto-repair, and related facilities>>, provided however that such businesses should ensure that customers practice the social distancing as advised by the CDC<<;

* * *

k. Private colleges, trade schools, and technical colleges, but only as needed to facilitate online or distance learning >>and university, college, or technical college residence halls, to the extent needed to accommodate students who cannot return to their homes<<;

Miami-Dade County Declaration of Local State of Emergency

* * *

ff. Waste management services, including collection and disposal of waste; [[and]]

gg. Any business that is interacting with customers solely through electronic or telephonic means, and delivering products via mailing, shipping, or delivery services>>:<<

>>hh. Private and municipal marinas and boat launches, docking, fueling, marine supply and other marina services;

ii. Hotels, motels, other commercial lodging establishments and temporary vacation rentals. Notwithstanding the foregoing, restaurants, bars, and fitness center restrictions within these establishments remain as stated in Emergency Order 03-20;

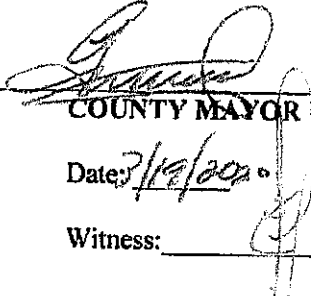
jj. Veterinarians and pet boarding facilities; and

kk. Mortuaries, funeral homes, and cemeteries.<<

2. The balance of Emergency Order 07-20 remains in full force and effect and is subject to further amendment as set forth in Emergency Order 07-20.

Enacted:

Signed: _____


COUNTY MAYOR

Date: 3/18/2020

Time: 8:45 PM

Witness: _____

Cancelled:

Signed: _____

COUNTY MAYOR

Date: _____

Time: ____:____

Witness: _____



AMENDMENT NO. 2 TO MIAMI-DADE COUNTY EMERGENCY ORDER 07-20

WHEREAS, on March 19, 2020, the County Mayor issued Emergency Order 07-20; and

WHEREAS, Emergency Order 07-20 directed the closure of all non-essential retail and commercial establishments and included a list of essential businesses that may still operate; and

WHEREAS, Emergency Order 07-20 provided for amendment by filing written notice with the clerk; and

WHEREAS, Governor DeSantis issued Executive Order 20-71 which promulgated standards for the sale of alcohol; and

WHEREAS, additional retail and commercial establishments listed below provide essential business services during emergencies,

THEREFORE, as County Mayor of Miami-Dade County, I hereby order:

1. Paragraph 2 of Emergency Order 07-20 is hereby amended and restated to clarify that additional following essential businesses may remain open:

2. Essential retail and commercial businesses, which may remain open, are:

* * *

hh. Private and municipal marinas and boat launches, docking, fueling, marine supply and other marina services;

ii. Hotels, motels, other commercial lodging establishments and temporary vacation rentals. Notwithstanding the foregoing, restaurants, bars, and fitness center restrictions within these establishments remain as stated in Emergency Order 03-20;

jj. Veterinarians and pet boarding facilities; and

kk. Mortuaries, funeral homes, and cemeteries.

>>ll. The sale of alcoholic beverages is authorized consistent with Executive Order 20-71.

mm. Firearm and ammunition supply stores.

Miami-Dade County Declaration of Local State of Emergency

2

nn. Businesses providing services to any local, state, or Federal government, including municipalities, pursuant to a contract with such government.<<

2. The balance of Emergency Order 07-20 remains in full force and effect and is subject to further amendment as set forth in Emergency Order 07-20.

Enacted:

Signed: _____


COUNTY MAYOR

Date: 3/21/2020

Time: 09:15

Witness: _____

Cancelled:

Signed: _____

COUNTY MAYOR

Date: _____

Time: ____:____

Witness: _____

RESOLUTION NO. 20-9742

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE "DECLARATION OF A LOCAL STATE OF EMERGENCY" IMPOSED BY THE CITY MANAGER ON MARCH 13, 2020 DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Center for Disease Control ("CDC") is predicting that it is "likely" that "widespread transmission" of COVID-19 will occur in the United States; and

WHEREAS, the City of Opa-Locka ("City") faces dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby; and

WHEREAS, Governor Ron DeSantis declared a State of Emergency for all of Florida due to the threat of Novel Coronavirus Disease 2019 (COVID-19), and

WHEREAS, Miami-Dade County Mayor Carlos A. Gimenez declared a State of Emergency for South Florida due to the threat of COVID-19; and

WHEREAS, on March 13, 2020, City Manager John E. Pate, declared a Local State of Emergency for the City of Opa-Locka due to the threat of COVID-19; and

WHEREAS, the City Commission hereby ratifies the declaration of a local state of emergency as a necessary act taken for the benefit of expressing the seriousness of the local public health and safety matters facing the City and the immediate need for such matters to be addressed.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COMMISSION OF THE CITY OF OPA LOCKA, FLORIDA:

Section 1. Adoptions of Representations. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. Ratification of Declaration of Local State of Emergency. The City Commission of the City of Opa-locka, Florida hereby ratifies the declaration of a local state of emergency within the City.

Section 3. Direction to City Manager. The City Manager is hereby directed to a) make all attempts to work with and seek available emergency funding from FEMA, South Florida Water Management District, State of Florida Department of Environmental Protection; United States Department of Environmental Protection; Miami-Dade County; and any other agency or entity with the ability to provide funding resources or technical support to the City of Opa-Locka; b) within thirty (30) days after the passage of this resolution, the City Manager shall submit a plan detailing specific actions that the City will be take to pursue funding related to this declaration of emergency; c) the City Manager shall distribute to the Mayor and each City Commissioner a comprehensive emergency management plan.

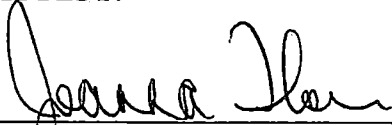
Section 4. Effective Date. This Resolution shall take effect immediately upon adoption, and is subject to the approval of the Governor of the State of Florida or his designee.

PASSED AND ADOPTED this 13th day of March, 2020.



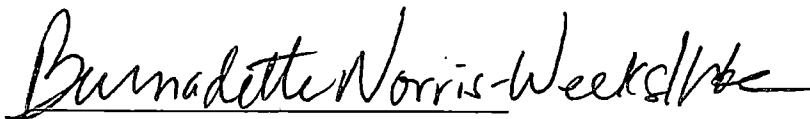
Matthew A. Pigatt, Mayor

ATTEST:



Joanna Flores, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Burnadette Norris-Weeks, P.A.
City Attorney

Resolution No. 20-9742

Moved by: COMMISSIONER BURKE

Seconded by: VICE MAYOR DAVIS

VOTE: 5-0

Commissioner Bass	YES
Commissioner Burke	YES
Commissioner Kelley	YES
Vice-Mayor Davis	YES
Mayor Pigatt	YES



CITY OF OPA-LOCKA DECLARATION OF EMERGENCY

WHEREAS, Chapter 252.38.(3)(a) Florida Statutes, gives authority to political subdivisions to declare and enact a State of Local Emergency for a period of up to seven (7) days, thereby waiving the procedures and formalities otherwise required of a political subdivision by law; and

WHEARES, Coronavirus (COVID-19) may require extraordinary and immediate actions by the City of Opa-locka in order to protect the public health, safety, and welfare; and

THEREFORE, as the City Manager of the City of Opa-locka, I hereby declare an Emergency for the City of Opa-locka; and

Pursuant to this Declaration, further orders may be issued to protect the health, and welfare of the community. The City of Opa-locka is hereby ordered to take whatever prudent actions necessary to effectuate such orders and to otherwise protect the health, safety, and welfare of the community.

Signed: _____

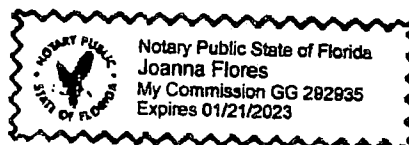
John E. Pate, MS, CM
City Manager

Date: _____

03/13/2020

Joanna Flores

Joanna Flores
City Clerk – State of Florida – Notary Public



City of Opa-Locka, Florida

Agenda Cover Memo

Meeting: Special City Commission Meeting - Mar 13, 2020

Department

City Manager

Sponsored By

City Manager

Agenda Item Title

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE "DECLARATION OF A LOCAL STATE OF EMERGENCY" IMPOSED BY THE CITY MANAGER ON MARCH 13, 2020 DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE;

Staff Summary

On March 9, 2020, Governor Ron DeSantis declared a State of Emergency due to the significant outbreak of Novel Coronavirus Disease 2019 (COVID-19).

The City of Opa-Locka faces dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby. Therefore on March 13, 2020 the City Manager John Pate declared a Local Emergency for the City of Opa-Locka due to the threat of COVID-19.

Fiscal Impact

N/A

Recommended Action

The City Commission approves a Resolution ratifying the Declaration of Local Emergency due to COVID-19.

Attachments

Resolution 20-____

By Reference Miami Dade County Comprehensive Emergency Management Plan



Miami-Dade County,
Florida Comprehensive

Sponsored by: City Manager

RESOLUTION 2020 -

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, GRANTING THE CITY MANAGER CERTAIN POWERS TO ACT ON BEHALF OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA FOR EMERGENCY PURPOSES DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 9, 2020 Governor Ron DeSantis declared a State of Emergency for all of Florida due to the threat of Novel Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the Center for Disease Control ("CDC") is predicting that it is "likely" that "widespread transmission" of COVID-19 will occur in the United States; 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; and

WHEREAS, in accordance with Section 252.38, Florida Statutes and Executive Order Number 20-52 promulgated by Governor Ron Desantis on March 9, 2020, and by relevant sections of the Miami-Dade County Code of Ordinances, the City Commission is empowered to issue Emergency Orders while working in conjunction with Miami-Dade County and to take whatever prudent action is necessary to ensure the health, safety, and welfare of the City of Opa-Locka and its residents and hereby desires to grant the City Manager certain powers to act on behalf of the City Commission for emergency purposes due to COVID-19; and

WHEREAS, Executive Order 20-52, Section(4)(D) provides that each municipality in the State of Florida is authorized to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to the taking of whatever prudent action is necessary to ensure the public's health, safety, and welfare; and

WHEREAS, the City Commission of the City of Opa-Locka, Florida desires to grant the City Manager certain authority to act under the state of emergency within the City of Opa-Locka and do whatever is necessary without the consent of the City Commission.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA:

Section 1. Recitals. The recitals to the preamble herein are incorporated by reference.

Section 2. Grant of Authority to City Manager. The City Commission of the City of Opa-Locka, Florida hereby grants the City Manager certain powers to act on behalf of the City Commission of the City of Opa-Locka, Florida for emergency purposes due to Novel Corona Virus Disease 2019 (COVID-19) and without further consent of the City Commission.

Section 3. Authorization and Coordination Responsibilities. The City Commission authorizes the City Manager to execute the local government emergency planning capabilities referenced in §252.38(3), Florida Statutes in coordination with Miami-Dade County, and to take any and all action of a temporary nature deemed necessary during this State of Emergency and in connection with COVID-19. The State of Emergency authority shall extend for the same period of time as Executive Order Number 20-52, executed by Governor Ron Desantis on March 9, 2020, including any extensions of same.

Section 4. Effective Date. This Resolution shall be effective immediately upon its passage and adoption.

PASSED and ADOPTED this ____ day of March 2020

Matthew A. Pigatt, Mayor

ATTEST:

Joanna Flores, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Weeks, P.A.

City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Bass	_____ (Yes)	_____ (No)
Commissioner Burke	_____ (Yes)	_____ (No)
Commissioner Kelley	_____ (Yes)	_____ (No)
Vice-Mayor Davis	_____ (Yes)	_____ (No)
Mayor Pigatt	_____ (Yes)	_____ (No)



City of Opa-Locka Agenda Cover Memo

Department Director:			Department Director Signature:		
City Manager:	John E. Pate, MS, CM		CM Signature:		
Commission Meeting Date:	4/8/2020		Item Type:	Resolution	Ordinance
			(Enter X in box)	X	
Fiscal Impact: (Enter X in box) N/A	Yes	No	Ordinance Reading: (Enter X in box)	1st Reading	
		X	Public Hearing: (Enter X in box)	Yes	No
Funding Source: Account# :	(Enter Fund & Dept) Ex:		Advertising Requirement: (Enter X in box)	Yes	No
					X
Contract/P.O. Required: (Enter X in box)	Yes	No	RFP/RFQ/Bid#:		
Strategic Plan Related (Enter X in box)	Yes	No	Strategic Plan Priority Area: Enhance Organizational ☒ Bus. & Economic Dev ☐ Public Safety ☒ Quality of Education ☐ Qual. of Life & City Image ☒ Communication ☐	Strategic Plan Obj./Strategy: (list the specific objective/strategy this item will address)	
Sponsor Name	City Manager		Department:	City Manager	

Short Title:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, PROVIDING CERTAIN POWERS TO THE CITY MANAGER RELATED TO THE LOCAL EMERGENCY MEASURES DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19), INCLUDING BUT NOT LIMITED TO IMPOSING A MANDATORY CURFEW; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE

Staff Summary:

Requesting to to implement a curfew and enforce based on Chapter 15 of the City Code of Opa-locka. Yes, all with all emergency orders have been submitted to Miami-Dade County for inclusion in their Emergency Management plan. The City we are using for example is Miami Gardens and Hialeah for curfew. Miami Gardens is 10p-5a and Hialeah is 11p-5a. The curfew will be enforced using Chapter 15 of Opa-locka's Municipal Code. Also, provide the City Manager with certain powers to be able to act on the best interest of the City of Opa-locka related to the Public Safety and Wellness of residents.

Proposed Action:

Staff recommends approval.

Attachment:

RESOLUTION NO. 20-9742

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE "DECLARATION OF A LOCAL STATE OF EMERGENCY" IMPOSED BY THE CITY MANAGER ON MARCH 13, 2020 DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Center for Disease Control ("CDC") is predicting that it is "likely" that "widespread transmission" of COVID-19 will occur in the United States; and

WHEREAS, the City of Opa-Locka ("City") faces dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby; and

WHEREAS, Governor Ron DeSantis declared a State of Emergency for all of Florida due to the threat of Novel Coronavirus Disease 2019 (COVID-19), and

WHEREAS, Miami-Dade County Mayor Carlos A. Gimenez declared a State of Emergency for South Florida due to the threat of COVID-19; and

WHEREAS, on March 13, 2020, City Manager John E. Pate, declared a Local State of Emergency for the City of Opa-Locka due to the threat of COVID-19; and

WHEREAS, the City Commission hereby ratifies the declaration of a local state of emergency as a necessary act taken for the benefit of expressing the seriousness of the local public health and safety matters facing the City and the immediate need for such matters to be addressed.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COMMISSION OF THE CITY OF OPA LOCKA, FLORIDA:

Section 1. Adoptions of Representations. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. Ratification of Declaration of Local State of Emergency. The City Commission of the City of Opa-locka, Florida hereby ratifies the declaration of a local state of emergency within the City.

Section 3. Direction to City Manager. The City Manager is hereby directed to a) make all attempts to work with and seek available emergency funding from FEMA, South Florida Water Management District, State of Florida Department of Environmental Protection; United States Department of Environmental Protection; Miami-Dade County; and any other agency or entity with the ability to provide funding resources or technical support to the City of Opa-Locka; b) within thirty (30) days after the passage of this resolution, the City Manager shall submit a plan detailing specific actions that the City will be take to pursue funding related to this declaration of emergency; c) the City Manager shall distribute to the Mayor and each City Commissioner a comprehensive emergency management plan.

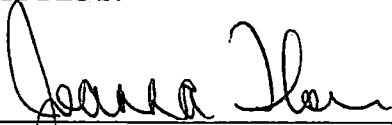
Section 4. Effective Date. This Resolution shall take effect immediately upon adoption, and is subject to the approval of the Governor of the State of Florida or his designee.

PASSED AND ADOPTED this 13th day of March, 2020.



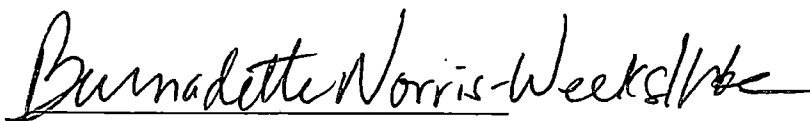
Matthew A. Pigatt, Mayor

ATTEST:



Joanna Flores, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Burnadette Norris-Weeks, P.A.
City Attorney

Resolution No. 20-9742

Moved by: COMMISSIONER BURKE

Seconded by: VICE MAYOR DAVIS

VOTE: 5-0

Commissioner Bass	YES
Commissioner Burke	YES
Commissioner Kelley	YES
Vice-Mayor Davis	YES
Mayor Pigatt	YES



CITY OF OPA-LOCKA DECLARATION OF EMERGENCY

WHEREAS, Chapter 252.38.(3)(a) Florida Statutes, gives authority to political subdivisions to declare and enact a State of Local Emergency for a period of up to seven (7) days, thereby waiving the procedures and formalities otherwise required of a political subdivision by law; and

WHEARES, Coronavirus (COVID-19) may require extraordinary and immediate actions by the City of Opa-locka in order to protect the public health, safety, and welfare; and

THEREFORE, as the City Manager of the City of Opa-locka, I hereby declare an Emergency for the City of Opa-locka; and

Pursuant to this Declaration, further orders may be issued to protect the health, and welfare of the community. The City of Opa-locka is hereby ordered to take whatever prudent actions necessary to effectuate such orders and to otherwise protect the health, safety, and welfare of the community.

Signed: _____

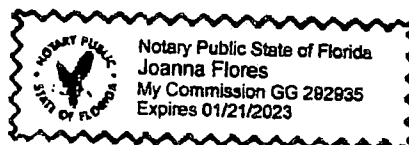
John E. Pate, MS, CM
City Manager

Date: _____

03/13/2020

Joanna Flores

Joanna Flores
City Clerk – State of Florida – Notary Public



City of Opa-Locka, Florida

Agenda Cover Memo

Meeting: Special City Commission Meeting - Mar 13, 2020

Department

City Manager

Sponsored By

City Manager

Agenda Item Title

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE "DECLARATION OF A LOCAL STATE OF EMERGENCY" IMPOSED BY THE CITY MANAGER ON MARCH 13, 2020 DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE;

Staff Summary

On March 9, 2020, Governor Ron DeSantis declared a State of Emergency due to the significant outbreak of Novel Coronavirus Disease 2019 (COVID-19).

The City of Opa-Locka faces dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby. Therefore on March 13, 2020 the City Manager John Pate declared a Local Emergency for the City of Opa-Locka due to the threat of COVID-19.

Fiscal Impact

N/A

Recommended Action

The City Commission approves a Resolution ratifying the Declaration of Local Emergency due to COVID-19.

Attachments

Resolution 20-____

By Reference Miami Dade County Comprehensive Emergency Management Plan



Miami-Dade County,
Florida Comprehensive

RESOLUTION NO. 20-XXXX

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE “LOCAL EMERGENCY MEASURES IMPLEMENTED BY THE CITY MANAGER OF THE CITY OF OPA-LOCKA, FLORIDA” IMPOSED ON MARCH 26, 2020 DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on March 9, 2020, Florida Governor Ron Desantis promulgated Executive Order 20-52 and declared a State of Emergency in Florida in response to COVID-19; and

WHEREAS, Executive Order 20-52, Section (4)(0)(1) provides that each municipality in the State of Florida is authorized to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to the taking of whatever prudent action is necessary to ensure the public 's health, safety, and welfare; and

WHEREAS, on March 26, 2020, City Manager John E. Pate, issued Order No. 20-02 (See Attached Exhibit “A”) which urged the residents of the City of Opa-Locka, Florida to Shelter-in-Place in order to combat the widespread transmission of COVID-19 now occurring throughout the United States; and

WHEREAS, the City Commission of Opa-Locka (“City”) desires to ratify the City Managers action in issuing his Order No. 20-02.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COMMISSION OF THE CITY OF OPA LOCKA, FLORIDA:

Section 1. Adoptions of Representations. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. Ratification of Declaration of City Manager Order 20-52. The City Commission of the City of Opa-Locka, Florida hereby ratifies Order No. 20-02 issued by the City Manager, John Pate, on March 26, 2020.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption, and is subject to the approval of the Governor of the State of Florida or his designee.

PASSED AND ADOPTED this _____ day of March, 2020.

Matthew A. Pigatt, Mayor

ATTEST:

Joanna Flores, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

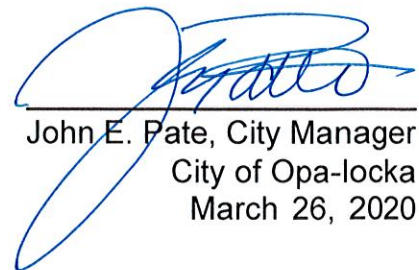
Commissioner Bass	_____ (Yes)	_____ (No)
Commissioner Burke	_____ (Yes)	_____ (No)
Commissioner Kelley	_____ (Yes)	_____ (No)
Vice-Mayor Davis	_____ (Yes)	_____ (No)
Mayor Pigatt	_____ (Yes)	_____ (N



ORDER No. 20-02

**DECLARATION OF LOCAL EMERGENCY
MEASURES IMPLEMENTED BY THE CITY
MANAGER OF
THE CITY OF OPA-LOCKA, OF MIAMI-DADE
COUNTY, FLORIDA**

I, John E. Pate, City Manager of the City of Opa-locka, County of Miami-Dade, State of Florida, acting under the authority granted to municipalities by Florida Statutes Sections 252.38, et seq., and 501.160, and Executive Order Number 20-52 promulgated by Governor Ron Desantis on March 9, 2020, by the authority granted to me by Resolution No. 20-9742 passed by the City of Opa-locka City Commission on March 13, 2020 and by my authority under the City of Opa-locka Code of Ordinance 18-2, and by relevant sections of the Miami-Dade County Code of Ordinances, and having determined that because COVID-19 is a natural emergency whose effects are or will be significantly felt within the City of Opa-locka and that on account thereof there is reason to believe that it is necessary to take whatever prudent action is necessary to ensure the health, safety, and welfare of the City of Opa-locka do hereby proclaim and declare that a state of local emergency exists within the City of Opa-locka, County of Miami-Dade, State of Florida and the attached and elected emergency measures are necessary and are hereby instituted urging Opa-locka residents to be SAFER AT HOME.



John E. Pate, City Manager
City of Opa-locka
March 26, 2020

ORDER No. 20-02
LOCAL EMERGENCY MEASURES IMPLEMENTED BY THE
CITY MANAGER OF THE CITY OF OPA-LOCKA, FLORIDA

WHEREAS, on March 9, 2020, Florida Governor Ron Desantis promulgated Executive Order 20-52 and declared a State of Emergency in Florida in response to COVID-19; and

WHEREAS, Executive Order 20-52, Section (4)(0)(1) provides that each municipality in the State of Florida is authorized to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to the taking of whatever prudent action is necessary to ensure the public's health, safety, and welfare; and

WHEREAS, COVID-19 is a natural emergency whose increasing effects are being felt within the City of Opa-locka and that on account thereof, there is reason to believe that the virus will continue to spread; and

WHEREAS, Miami-Dade County Mayor Carlos A. Gimenez declared a State of Emergency for South Florida due to the threat of COVID-19; and

WHEREAS, on March 13, 2020, City Manager John E. Pate, declared a Local State of Emergency for the City of Opa-locka due to the threat of COVID-19; and

WHEREAS, the Center for Disease Control ("CDC") is predicting that it is "likely" that "widespread transmission" of COVID-19 will continue to occur within the United States; and

WHEREAS, on March 13, 2020, the City Commission of the City of Opa-locka ratified the declaration of the City Manager pursuant to Resolution No. 20-9742 for the benefit of expressing the seriousness of the local public health and safety matters facing the City and the immediate need for such matters to be addressed; and

WHEREAS, the effects of COVID-19 continue to require extraordinary and immediate actions by the City of Opa-locka in order to protect the public's health, safety, and welfare; and

NOW, THEREFORE, I, John E. Pate, City Manager of the City of Opa Locka, County of Miami-Dade, State of Florida, acting under the authority granted to municipalities by Florida Statutes Sections 252.38, et seq., 501.160, and Executive Order Number 20-52 promulgated by Governor Ron Desantis on March 9, 2020, and by City of Opa-locka Code of Ordinances 18-2 and by relevant sections of the Miami-Dade County Code of Ordinances, by City of Opa-locka Resolution No. 20-9742, in addition to the Local Emergency Measures

I have previously ordered, hereby **ORDER** and promulgate the following additional Local Emergency Measures for the City of Opa-locka, **effective March 27, 2020 at 11:59 p.m.:**

I. SAFER AT HOME

1. All residents living within the City of Opa-locka are hereby ordered to remain in their residence subject only to the exceptions permitted herein.

2. All non-essential travel, including, without limitation, travel on scooter, motorcycle, automobile, or use of public transit is prohibited subject only to the exceptions permitted in Section III below.

3. All residents may leave their residence and persons may travel into the City of Opa-locka to seek goods and services from essential retail establishments and/or to perform work in support of essential activities specifically permitted in this Local Emergency Measure or any emergency order issued by a local municipality, by Miami-Dade County, by the State of Florida, or by the federal government. Travel by personnel of essential retail and commercial activity shall be permitted, including personnel providing essential services to residents within their homes, such as repair landscaping and pool services, home care, or other essential services as provided in Miami Dade County Emergency Orders, as amended, provided persons engaging in these essential activities shall maintain reasonable social distancing practices at all times.

4. Residents may engage in outdoor recreational activity and/or visit recreational areas not otherwise closed to the public pursuant to existing Emergency Orders issued by Miami-Dade County, as amended by Miami-Dade County, or subsequent Emergency Measures by the City of Opa-locka, provided that the individuals maintain a distance of at least six (6) feet between each other.

11. CLOSING OF PLACES OF ASSEMBLAGE IN THE CITY

1. As City Manager, I hereby authorize the closure of places of public

assemblage with designated exceptions.

2. Assemblage by any person or persons in such closed place is hereby prohibited.

III. CLOSURE OF CERTAIN BUSINESSES AND ESTABLISHMENTS IN THE CITY

1. All alcohol service establishments in the City of Opa-locka that do not serve food shall be closed to the public.

2. All restaurants and retail food facilities in the City of Opa-locka shall be prohibited from serving food for consumption in dining areas on premises, including outdoor seating areas. Restaurants and retail food facilities may continue to operate for the sole purpose of preparing and offering food to customers via delivery, third-party delivery service, carry-out, or drive-thru amenities at any hour. For those establishments offering food carry out options, proprietors are directed to establish safe social distancing practices for those patrons in the queue for pick-up.

3. All movie theaters, live performance venues, bowling alleys, and arcades located in the City of Opa-locka shall be closed to the public.

4. All gyms and fitness centers shall be closed to the public.

5. All casinos, card rooms, frontons, racetracks, and pari-mutuel facilities shall be closed to the public.

6. Exceptions: Notwithstanding the SAFER AT HOME order provided herein, all visitors or residents of the City of Opa-locka may leave their residence to seek goods and services from "essential retail and commercial establishments" as defined in Miami-Dade County Emergency Order 07-20, as amended by Miami-Dade County, or subsequent amended Local Emergency Measures for the City of Opa-

locka, which are exempt from mandatory closure. These essential retail and commercial establishments generally include, but are not limited to, grocery stores; convenience stores; food distribution centers; restaurants subject to the limitations provided in this Section and subject to social distance separation of at least six (6) feet between patrons; hospitals, pharmacies, and health care providers; gas stations and auto-repair facilities; banks and financial institutions; hardware stores; businesses that provide postal/shipping services and other *office* products; laundry service providers; childcare facilities providing services to groups of 10 or fewer and subject to limitations in County Emergency Orders; exempt professional services; home- based care for seniors, adults or children; pet supply stores, veterinarian and pet boarding facilities; and offices in support of essential retail and commercial activities. See Miami- Dade County Emergency Order 07-20 and Amendments thereto.

IV. LIMITATION OF OCCUPANCY LOAD AT CERTAIN PLACES

1. No essential retail businesses or commercial establishments of any kind in the City of Opa-locka shall be permitted to operate and shall immediately cease all business activities and operations, if, at any time, the total occupancy load of any essential business or establishment meets or exceeds fifty percent (50%) of the business' or establishment's authorized total occupancy load. Notwithstanding the foregoing, all businesses or establishments may avoid the prohibition set forth herein if such business or establishment immediately reduces its occupancy load to fifty percent (50%) of the business' or establishment's authorized total occupancy load.

2. Notwithstanding the above, no essential businesses or establishments of any kind with an occupancy load of five-hundred (500) or more shall be permitted to operate, if, at any time, the total occupancy load of

any business or establishment meets or exceeds two-hundred fifty (250) persons.

V. NON-ESSENTIAL RETAIL AND COMMERCIAL ESTABLISHMENTS

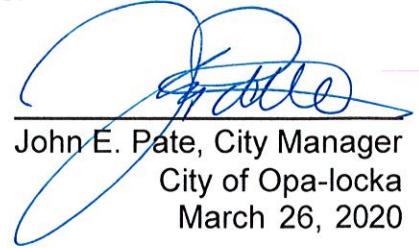
1. All business and establishments not deemed "essential retail and commercial establishments "as provided in Miami-Dade County Emergency Order 07-20, as amended by Miami-Dade County, are hereby deemed to be non-essential and, therefore, such businesses and establishments within the territorial limits of the City of Opa-locka shall continue to remain CLOSED and may resume operations upon termination of these Local Emergency Measures.

VI. BAN ON UNCONSCIONABLE PRICING (PRICE GOUGING)

1. No person shall during a declared state of local emergency impose unconscionable prices for any essential commodity, including but not limited to goods, supplies, services, provisions, materials, resources, equipment, or any article of commerce and includes, without limitation water, food, ice, chemicals, petroleum products, sanitizers, cleaning products, and lumber necessary for consumption and/or use as a direct result of the emergency.

2. No person shall during a declared state of local emergency impose unconscionable prices for the rental or lease of any dwelling unit or storage facility.

All requirements and directives contained in this Local Emergency Measure, as well as all active Miami-Dade County Emergency Orders and all Executive Orders issued by Florida Governor Ron Desantis shall be strictly adhered to at all times and enforceable pursuant to the Code of the City of Opa-locka and Section 252.50, Florida Statutes.



John E. Pate, City Manager
City of Opa-locka
March 26, 2020

NOTICE OF ORDER No. 20-02 DECLARATION OF LOCAL EMERGENCY MEASURES

Under the provisions of law and §§ 252.31 - 252.60, Florida Statutes, the City Manager declared on March 13, 2020, that a State of Local Emergency continues to exist and it is the intent that the declared emergency will extend for the same period of time as Miami-Dade County, Florida state of emergency and in accordance with the authority granted to municipalities pursuant to Executive Order Number 20-52 promulgated by Governor Ron Desantis on March 9, 2020, there is reason to believe that there continues to exist a clear and present danger of substantial injury to the health, safety, and welfare of persons or to property, all of which constitute an imminent threat to public peace and order and to the general welfare of this City and, therefore, the *attached* Local Emergency Measures are necessary and are hereby necessary and being promulgated pursuant with Section 252.38, Florida Statutes, after coordination with Miami-Dade County.

All persons within the City of Opa-locka are advised to become informed as to the contents of the attached Order No. 20-02 Declaration of Local Emergency Measures and to keep informed as to the issuance of further Local Supplementary Emergency Orders. Any violations of Order No. 20-02 Declaration of Local Emergency Measures and previously promulgated Local Emergency Measures may be subject persons to arrest and conviction thereof to the penalties as provided by law.

Joanna Flores

From: Burnadette Norris-Weeks <bnorris@apnwplaw.com>
Sent: Friday, April 03, 2020 2:32 PM
To: Joanna Flores
Subject: FW: Shelter-In-Place Order
Attachments: CITY-DECL-OF-EMRG-MSRS.pdf; ATT00001.htm

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected emails. If if this is a suspicious message please contact itsupport@opalockafl.gov

From: City Attorney [<mailto:cityattorney@Opalockafl.gov>]
Sent: Thursday, March 26, 2020 5:23 PM
To: Burnadette Norris-Weeks <bnorris@apnwplaw.com>
Subject: FW: Shelter-In-Place Order

From: John E. Pate
Sent: Thursday, March 26, 2020 5:15 PM
To: Burnadette Norris-Weeks; City Attorney
Subject: Shelter-In-Place Order

Madam City Attorney,

Please draft the shelter in place declaration similar to the example attached to this e-mail.

Thank you,

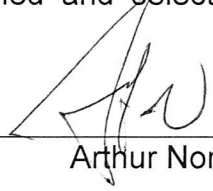
Public Records Notice: Under Florida Law, email addresses and electronic communications are public records. If you do not want your email address or the content of your electronic communication released in response to a public records request, do not send electronic mail to this entity.



ORDER No. 20-04

**DECLARATION OF LOCAL EMERGENCY MEASURES
IMPLEMENTED BY THE CITY MANAGER OF
THE CITY OF MIAMI, OF MIAMI-DADE COUNTY, FLORIDA**

I, Arthur Noriega V, City Manager of the City of Miami, County of Miami-Dade, State of Florida, acting under the authority granted to municipalities by Florida Statutes Sections 252.38, et seq., and 501.160, and Executive Order Number 20-52 promulgated by Governor Ron DeSantis on March 9, 2020, by the authority granted to me by Section 4(g)(3) of the Charter of the City of Miami, Florida, as amended, by Chapter 45 of the Code of the City of Miami, Florida, as amended, and by Chapter 8A-5 of the Miami Dade County Code, and having determined that because COVID-19 is a natural emergency whose effects are or will be significantly felt within the City of Miami and that on account thereof there is reason to believe that it is necessary to take whatever prudent action is necessary to ensure the health, safety, and welfare of the City of Miami do hereby proclaim and declare that a state of local emergency exists within the City of Miami, County of Miami-Dade, State of Florida and the attached and selected emergency measures are necessary and are hereby instituted.



Arthur Noriega V, City Manager
City of Miami, Florida

Date: March 24, 2020

Time: 6:00 p.m.



ORDER No. 20-04

LOCAL EMERGENCY MEASURES IMPLEMENTED BY THE CITY MANAGER OF THE CITY OF MIAMI, FLORIDA

WHEREAS, under the provisions of law and Sections 252.31 - 252.60, Florida Statutes, Mayor Francis X. Suarez of the City of Miami declared on March 12, 2020 that a State of Local Emergency exists within the City of Miami, Miami-Dade County, Florida in response to the Novel Coronavirus ("COVID-19"); and

WHEREAS, on March 17, 2020, in accordance with the provisions of Section 252.38(3)(a), Florida Statutes, Mayor Francis X. Suarez extended the State of Local Emergency for an additional seven (7) day period; and

WHEREAS, the effects of COVID-19 continue to require extraordinary and immediate actions by the City of Miami in order to protect the public's health, safety, and welfare; and

WHEREAS, on March 9, 2020, Florida Governor Ron DeSantis promulgated Executive Order 20-52 and declared a State of Emergency in Florida in response to COVID-19; and

WHEREAS, Executive Order 20-52, Section (4)(D)(1) provides that each municipality in the State of Florida is authorized to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to the taking of whatever prudent action is necessary to ensure the public's health, safety, and welfare; and

WHEREAS, COVID-19 is a natural emergency whose increasing effects are being felt within the City of Miami and that on account thereof, there is reason to believe that it

is necessary to take whatever prudent action is necessary to ensure the health, safety, and welfare of the City of Miami;

NOW, THEREFORE, I, Arthur Noriega V, City Manager of the City of Miami, County of Miami-Dade, State of Florida, acting under the authority granted to municipalities by Florida Statutes Sections 252.38, et seq., 501.160, and Executive Order Number 20-52 promulgated by Governor Ron DeSantis on March 9, 2020, the authority granted to me by Section 4(g)(3) of the Charter of the City of Miami, Florida, as amended, by Chapter 45 of the Code of the City of Miami, Florida, as amended, and by Chapter 8A-5 of the Miami Dade County Code, and in addition to the Local Emergency Measures I have previously ordered, hereby **ORDER** and promulgate the following additional Local Emergency Measures for the City of Miami **effective March 24, 2020 at 11:59 p.m.:**

I. SHELTER IN PLACE

1. All residents living within the City of Miami are hereby ordered to remain in their residence subject only to the exceptions permitted herein.

2. All non-essential travel, including, without limitation, travel on scooter, motorcycle, automobile, or use of public transit is prohibited subject only to the exceptions permitted in Section III below.

3. All residents may leave their residence and persons may travel into the City of Miami to seek goods and services from essential retail establishments and/or to perform work in support of essential activities specifically permitted in this Local Emergency Measure or any emergency order issued by a local municipality, Miami-Dade County, the State of Florida, or the federal government. Travel by personnel of essential retail and commercial activity shall be permitted, including personnel providing essential services to residents within their homes, such as repair landscaping and pool services, home care, or other essential services as provided in Miami Dade County Emergency Orders, as amended, provided persons engaging in these essential activities shall maintain reasonable social distancing practices at all times.

4. Residents may engage in outdoor recreational activity and/or visit recreational areas not otherwise closed to the public pursuant to existing Emergency Orders issued by Miami-Dade County, as amended by Miami-Dade County, or

subsequent Emergency Measures by the City of Miami, provided that the individuals maintain a distance of at least six (6) feet between each other.

II. CLOSING OF PLACES OF ASSEMBLAGE IN THE CITY

1. As City Manager, I hereby authorize the closure of places of public assemblage with designated exceptions.

2. Assemblage by any person or persons in such closed place is hereby prohibited.

III. CLOSURE OF CERTAIN BUSINESSES AND ESTABLISHMENTS IN THE CITY

1. All alcohol service establishments in the City of Miami that do not serve food shall be closed to the public.

2. All restaurants and retail food facilities in the City of Miami shall be prohibited from serving food for consumption in dining areas on premises, including outdoor seating areas. Restaurants and retail food facilities may continue to operate for the sole purpose of preparing and offering food to customers via delivery, third-party delivery service, carry-out, or drive-thru amenities at any hour. For those establishments offering food carry out options, proprietors are directed to establish safe social distancing practices for those patrons in the queue for pick-up.

3. All movie theaters, live performance venues, bowling alleys, and arcades located in the City of Miami shall be closed to the public.

4. All gyms and fitness centers shall be closed to the public.

5. All casinos, cardrooms, frontons, racetracks, and pari-mutuel facilities shall be closed to the public.

6. Exceptions: Notwithstanding the Shelter in Place order provided herein, all visitors or residents of the City of Miami may leave their residence to seek goods and services from "essential retail and commercial establishments" as defined in Miami-Dade County Emergency Order 07-20, as amended by Miami-Dade County, or subsequent amended Local Emergency Measures for the City of Miami, which are exempt from mandatory

closure. These essential retail and commercial establishments generally include, but are not limited to, grocery stores; convenience stores; food distribution centers; restaurants subject to the limitations provided in this Section and subject to social distance separation of at least six (6) feet between patrons; hospitals, pharmacies, and health care providers; gas stations and auto-repair facilities; banks and financial institutions; hardware stores; businesses that provide postal/shipping services and other office products; laundry service providers; childcare facilities providing services to groups of 10 or fewer and subject to limitations in County Emergency Orders; exempt professional services; home-based care for seniors, adults or children; pet supply stores, veterinarian and pet boarding facilities; and offices in support of essential retail and commercial activities. See Miami-Dade County Emergency Order 07-20 and Amendments thereto.

IV. LIMITATION OF OCCUPANCY LOAD AT CERTAIN PLACES

1. No essential retail businesses or commercial establishments of any kind in the City of Miami shall be permitted to operate and shall immediately cease all business activities and operations, if, at any time, the total occupancy load of any essential business or establishment meets or exceeds fifty percent (50%) of the business' or establishment's authorized total occupancy load. Notwithstanding the foregoing, all businesses or establishments may avoid the prohibition set forth herein if such business or establishment immediately reduces its occupancy load to fifty percent (50%) of the business' or establishment's authorized total occupancy load.

2. Notwithstanding the above, no essential businesses or establishments of any kind with an occupancy load of five-hundred (500) or more shall be permitted to operate, if, at any time, the total occupancy load of any business or establishment meets or exceeds two-hundred fifty (250) persons.

V. NON-ESSENTIAL RETAIL AND COMMERCIAL ESTABLISHMENTS

1. All business and establishments not deemed "essential retail and commercial establishments" as provided in Miami-Dade County Emergency Order 07-20, as amended by Miami-Dade County, are hereby deemed to be non-essential and, therefore, such businesses and establishments within the territorial limits of the City of Miami shall continue to remain CLOSED and may resume operations upon termination of these Local Emergency Measures.

VI. BAN ON UNCONSCIONABLE PRICING (PRICE GOUGING)

1. No person shall during a declared state of local emergency impose unconscionable prices for any essential commodity, including but not limited to goods, supplies, services, provisions, materials, resources, equipment, or any article of commerce and includes, without limitation water, food, ice, chemicals, petroleum products, sanitizers, cleaning products, and lumber necessary for consumption and/or use as a direct result of the emergency.

2. No person shall during a declared state of local emergency impose unconscionable prices for the rental or lease of any dwelling unit or storage facility.

All requirements and directives contained in this Local Emergency Measure, as well as all active Miami-Dade County Emergency Orders and all Executive Orders issued by Florida Governor Ron DeSantis shall be strictly adhered to at all times and enforceable pursuant to the Code of the City of Miami and Section 252.50, Florida Statutes.



Arthur Noriega V, City Manager
City of Miami, Florida

Date: March 24, 2020

Time: 6:00 p.m.

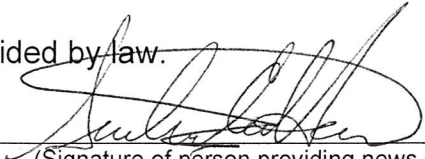


NOTICE OF ORDER No. 20-04

DECLARATION OF LOCAL EMERGENCY MEASURES

Under the provisions of law and §§ 252.31 - 252.60, Florida Statutes, the Mayor of the City of Miami declared on March 12, 2020, that a State of Local Emergency continues to exist and declared an extension to the State of Local Emergency within the City of Miami, Miami-Dade County, Florida for an additional period of seven (7) days and in accordance with the authority granted to municipalities pursuant to Executive Order Number 20-52 promulgated by Governor Ron DeSantis on March 9, 2020, there is reason to believe that there continues to exist a clear and present danger of substantial injury to the health, safety, and welfare of persons or to property, all of which constitute an imminent threat to public peace and order and to the general welfare of this City and, therefore, the *attached* Local Emergency Measures are necessary and are hereby promulgated.

All persons within the City of Miami are advised to become informed as to the contents of the attached Order No. 20-04 Declaration of Local Emergency Measures and to keep informed as to the issuance of further Local Supplementary Emergency Orders. Any violations of Order No. 20-04 Declaration of Local Emergency Measures and previously promulgated Local Emergency Measures will subject persons to arrest and conviction thereof to the penalties as provided by law.


(Signature of person providing news media with copy)

Print Name: Stephanie Severino

RESOLUTION NO. 20-9742

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE "DECLARATION OF A LOCAL STATE OF EMERGENCY" IMPOSED BY THE CITY MANAGER ON MARCH 13, 2020 DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Center for Disease Control ("CDC") is predicting that it is "likely" that "widespread transmission" of COVID-19 will occur in the United States; and

WHEREAS, the City of Opa-Locka ("City") faces dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby; and

WHEREAS, Governor Ron DeSantis declared a State of Emergency for all of Florida due to the threat of Novel Coronavirus Disease 2019 (COVID-19), and

WHEREAS, Miami-Dade County Mayor Carlos A. Gimenez declared a State of Emergency for South Florida due to the threat of COVID-19; and

WHEREAS, on March 13, 2020, City Manager John E. Pate, declared a Local State of Emergency for the City of Opa-Locka due to the threat of COVID-19; and

WHEREAS, the City Commission hereby ratifies the declaration of a local state of emergency as a necessary act taken for the benefit of expressing the seriousness of the local public health and safety matters facing the City and the immediate need for such matters to be addressed.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COMMISSION OF THE CITY OF OPA LOCKA, FLORIDA:

Section 1. Adoptions of Representations. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. Ratification of Declaration of Local State of Emergency. The City Commission of the City of Opa-locka, Florida hereby ratifies the declaration of a local state of emergency within the City.

Section 3. Direction to City Manager. The City Manager is hereby directed to a) make all attempts to work with and seek available emergency funding from FEMA, South Florida Water Management District, State of Florida Department of Environmental Protection; United States Department of Environmental Protection; Miami-Dade County; and any other agency or entity with the ability to provide funding resources or technical support to the City of Opa-Locka; b) within thirty (30) days after the passage of this resolution, the City Manager shall submit a plan detailing specific actions that the City will be take to pursue funding related to this declaration of emergency; c) the City Manager shall distribute to the Mayor and each City Commissioner a comprehensive emergency management plan.

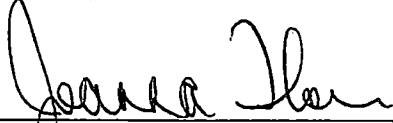
Section 4. Effective Date. This Resolution shall take effect immediately upon adoption, and is subject to the approval of the Governor of the State of Florida or his designee.

PASSED AND ADOPTED this 13th day of March, 2020.



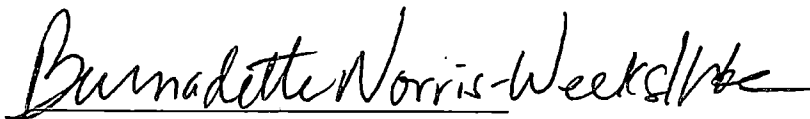
Matthew A. Pigatt, Mayor

ATTEST:



Joanna Flores, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Burnadette Norris-Weeks, P.A.
City Attorney

Resolution No. 20-9742

Moved by: COMMISSIONER BURKE

Seconded by: VICE MAYOR DAVIS

VOTE: 5-0

Commissioner Bass	YES
Commissioner Burke	YES
Commissioner Kelley	YES
Vice-Mayor Davis	YES
Mayor Pigatt	YES



CITY OF OPA-LOCKA DECLARATION OF EMERGENCY

WHEREAS, Chapter 252.38.(3)(a) Florida Statutes, gives authority to political subdivisions to declare and enact a State of Local Emergency for a period of up to seven (7) days, thereby waiving the procedures and formalities otherwise required of a political subdivision by law; and

WHEARES, Coronavirus (COVID-19) may require extraordinary and immediate actions by the City of Opa-locka in order to protect the public health, safety, and welfare; and

THEREFORE, as the City Manager of the City of Opa-locka, I hereby declare an Emergency for the City of Opa-locka; and

Pursuant to this Declaration, further orders may be issued to protect the health, and welfare of the community. The City of Opa-locka is hereby ordered to take whatever prudent actions necessary to effectuate such orders and to otherwise protect the health, safety, and welfare of the community.

Signed: _____

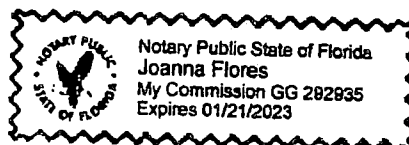
John E. Pate, MS, CM
City Manager

Date: _____

03/13/2020

Joanna Flores

Joanna Flores
City Clerk – State of Florida – Notary Public



City of Opa-Locka, Florida

Agenda Cover Memo

Meeting: Special City Commission Meeting - Mar 13, 2020

Department

City Manager

Sponsored By

City Manager

Agenda Item Title

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE "DECLARATION OF A LOCAL STATE OF EMERGENCY" IMPOSED BY THE CITY MANAGER ON MARCH 13, 2020 DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE;

Staff Summary

On March 9, 2020, Governor Ron DeSantis declared a State of Emergency due to the significant outbreak of Novel Coronavirus Disease 2019 (COVID-19).

The City of Opa-Locka faces dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby. Therefore on March 13, 2020 the City Manager John Pate declared a Local Emergency for the City of Opa-Locka due to the threat of COVID-19.

Fiscal Impact

N/A

Recommended Action

The City Commission approves a Resolution ratifying the Declaration of Local Emergency due to COVID-19.

Attachments

Resolution 20-____

By Reference Miami Dade County Comprehensive Emergency Management Plan



Miami-Dade County,
Florida Comprehensive
