



CITY OF TAMPA

— OFFICE OF THE MAYOR —

Jane Castor, Mayor

EXECUTIVE ORDER 2020-38

WHEREAS, on March 13, 2020, **President Donald J. Trump** issued a Proclamation Declaring a National Emergency concerning COVID-19; and

WHEREAS, on March 1, 2020, **Governor Ron DeSantis** issued Executive Order Number 20-51 declaring a Public Health Emergency in the State of Florida due to the spread of Coronavirus Disease 2019 (“COVID-19”); and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52, declaring a State of Emergency for the State of Florida, extending to all sixty-seven (67) counties, including Hillsborough County and the City of Tampa, due to COVID-19, which Executive Order Number 20-52 was extended for an additional sixty (60) days on May 8, 2020, by Executive Order Number 20-114, and for another sixty (60) days on July 7, 2020, by Executive Order Number 20-166; and

WHEREAS, between March 17, 2020 and the date hereof, Governor Ron DeSantis issued several Executive Orders placing numerous restrictions on individuals and businesses in response to the state-wide threat of the spread of COVID-19 virus; and

WHEREAS, on April 29, 2020, Governor Ron DeSantis issued Executive Order Number 20-112, as modified by Executive Order Number 20-120 on May 9, 2020, and Executive Order Number 20-123 on May 14, 2020, in response to the recommendations set forth in Phase 1 of the plan issued by the Task Force to Re-Open Florida, and adopted a phased approach to remove or decrease certain restrictions imposed pursuant to the Executive Order Number 20-91, Safer-At-Home Order; and

WHEREAS, on June 3, 2020, Governor Ron DeSantis issued Executive Order Number 20-139, effective June 5, 2020, moving all Counties in Florida other than Miami-Dade, Broward and Palm Beach into Phase 2 of the phased approach to the Governor’s Plan for Florida’s Recovery; which order supersedes Executive Order Number 20-91, the Safer at Home Order; and supersedes in part, and extends and modifies other provisions of Executive Order Number 20-112; and directed the Florida Department of Business and Professional Regulation to enforce the restrictions set forth in Executive Order 20-139; and

WHEREAS, on June 26, 2020, **Halsey Beshears**, Secretary of the Florida Department of Business and Professional Regulation, issued Emergency Order 2020-09 suspending the sale of alcoholic beverages for consumption on premises for certain vendors due to noncompliance by bars and other vendors licensed to sell alcoholic beverages; and

WHEREAS, on March 12, 2020, the **Hillsborough County Emergency Policy Group** issued an Executive Order declaring a local state of emergency in response to a county-wide threat from COVID-19, which Order was extended on March 19, 2020, March 26, 2020, April 2, 2020, April 9, 2020, April 16, 2020, April 23, 2020, April 30, 2020, May 7, 2020, May 14, 2020, May 21, 2020, May 28, 2020, June 4, 2020, June 11, 2020, June 18, 2020, June 25, 2020, July 2, 2020, July 9, 2020, July 16, 2020, July 23, 2020, and July 30, 2020; and

WHEREAS, between March 12, 2020 and the date hereof, the Hillsborough County Emergency Policy Group issued several other Executive Orders in response to a county-wide threat of the spread of COVID-19 virus; and

WHEREAS, between March 16, 2020 and the date hereof, the **County Administrator of Hillsborough County** issued several Administrator Orders in response to a county-wide threat of the spread of COVID-19 virus; and

WHEREAS, on March 12, 2020, pursuant to Section 2-402 of the City of Tampa Code, as **Mayor of the City of Tampa**, I issued City of Tampa Executive Order 2020-01 declaring that a state of local emergency has occurred in the City of Tampa in response to a city-wide threat of the spread of COVID-19, which state of local emergency was re-declared by City of Tampa Executive Order 2020-02 on March 16, 2020, and which declaration of emergency was extended by City of Tampa Executive Order 2020-03 on March 23, 2020, City of Tampa Executive Order 2020-05 on March 30, 2020, City of Tampa Executive Order 2020-06 on April 6, 2020, City of Tampa Executive Order 2020-07 on April 13, 2020, City of Tampa Executive Order 2020-08 on April 20, 2020, City of Tampa Executive Order 2020-09 on April 27, 2020, City of Tampa Executive Order 2020-10 on May 4, 2020, City of Tampa Executive Order 2020-13 on May 11, 2020, City of Tampa Executive Order 2020-14 on May 18, 2020, City of Tampa Executive Order 2020-16 on May 25, 2020, City of Tampa Executive Order 2020-19 on June 1, 2020, City of Tampa Executive Order 2020-22 on June 8, 2020, City of Tampa Executive Order 2020-24 on June 15, 2020, City of Tampa Executive Order 2020-28 on June 22, 2020, City of Tampa Executive Order 2020-31 on June 29, 2020, City of Tampa Executive Order 2020-33 on July 6, 2020, City of Tampa Executive Order 2020-34 on July 13, 2020, City of Tampa Executive Order 2020-35 on July 20, 2020, and City of Tampa Executive Order 2020-36 on July 23, 2020, effective July 27, 2020; and

WHEREAS, between March 12, 2020, and the date hereof, as Mayor of the City of Tampa, I issued several other City of Tampa Executive Orders in response to the city-wide threat of the spread of COVID-19; and

WHEREAS, in Hillsborough County (including the City of Tampa) the number of confirmed cases of COVID-19 continue to increase significantly each day, resulting in many additional deaths; and

WHEREAS, it is therefore necessary to extend the City's declaration of a state of local emergency currently in effect; and

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Tampa by Article VII, Civil Emergencies, Sections 2-401, et. seq., of the City of Tampa Code, and the Charter of the City of Tampa, and the Laws of the State of Florida, and in coordination with the Hillsborough County Emergency Policy Group, I hereby issue this Executive Order declaring:

1. Extension of Mayor's Declaration of State of Local Emergency. The justifications set forth in previous City of Tampa Executive Orders for declaring a state of local emergency still exist, and based on the additional reasons set forth in the recital clauses above, the state of local emergency declared in Executive Order 2020-01 on March 12, 2020, as revised and readopted by Executive Order 2020-02 on March 16, 2020, and as extended by Executive Order 2020-03 on March 23, 2020, Executive Order 2020-05 on March 30, 2020, Executive Order 2020-06 on April 6, 2020, Executive Order 2020-07 on April 13, 2020, Executive Order 2020-08 on April 20, 2020, Executive Order 2020-09 on April 27, 2020, Executive Order 2020-10 on May 4, 2020, Executive Order 2020-13 on May 11, 2020, Executive Order 2020-14 on May 18, 2020, Executive Order 2020-16 on May 25, 2020, Executive Order 2020-19 on June 1, 2020, Executive Order 2020-22 on June 8, 2020, Executive Order 2020-24 on June 15, 2020, Executive Order 2020-28 on June 22, 2020, Executive Order 2020-31 on June 29, 2020, Executive Order 2020-33 on July 6, 2020, Executive Order 2020-34 on July 13, 2020, Executive Order 2020-35 on July 20, 2020, and Executive Order 2020-36 on July 23, 2020, effective July 27, 2020, is hereby extended within the City of Tampa for another seven (7) day period, effective as of the date hereof.
2. Governor's Executive Orders. The Executive Orders issued by the Governor of the State of Florida addressing the state-wide COVID-19 state of emergency, specifically, Executive Order Numbers 20-51, 20-52, 20-114, 20-166, and all subsequent Executive Orders of state-wide application based thereon (including Emergency Order 2020-09 issued by Halsey Beshears, Secretary of the Florida Department of Business and Professional Regulation) are incorporated herein by reference and made part of this Order and shall have force and effect in the City of Tampa as provided by Chapter 252, Florida Statutes.
3. Hillsborough County Emergency Policy Group Executive Orders. The Executive Orders adopted by the Hillsborough County Emergency Policy Group on March 12, 2020, declaring a local state of emergency, as amended and extended, and all subsequent Executive Orders based thereon, are incorporated herein by reference and made part of this Order and shall have force and effect in the City of Tampa as provided by Chapter 252, Florida Statutes.
4. Hillsborough County Administrator Orders. The Administrator's Orders issued by the County Administrator of Hillsborough County, as amended, and all subsequent Administrator Orders, are incorporated herein by reference and made part of this Order and shall have force and effect in the City of Tampa as provided by Chapter 252, Florida Statutes.

5. **Subsequent Orders.** Any Executive Order issued subsequent to the date of this Order by the Governor of the State of Florida, the Hillsborough County Emergency Policy Group, and/or or any Administrator Order issued by the Hillsborough County Administrator, shall have force and effect in the City of Tampa as provided by Chapter 252, Florida Statutes.

6. **Mayor's Continuity of Government Powers.** Pursuant to Section 2-403 of the City of Tampa Code of Ordinances, the procedures and formalities otherwise required of the City by law or ordinance are waived pertaining to the following: performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community; entering into contracts; incurring obligations; employment of permanent and temporary workers; utilization of volunteer workers; rental of equipment; acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and appropriation and expenditure of public funds.

7. **Additional Specific Restrictions Authorized.** Pursuant to Section 2-404(a) of the City of Tampa Code, the following additional specific restrictions previously imposed by City of Tampa Executive Orders are in effect for the duration of this Order unless suspended or extended by subsequent Executive Order:
 - (a) **Price-gouging restrictions.** All State and/or local business licensees, vendors, merchants, and any other person operating a retail business in the City of Tampa, are hereby prohibited from charging more than the normal average retail price, as defined in Section 2-404(7), for any goods, materials or services sold during the duration or extension of the state of emergency.

 - (b) **Closed City of Tampa Parks and Recreation Facilities.** Except as otherwise provided herein, the following City of Tampa Parks and Recreation facilities, which have been previously closed, shall remain **closed**, and all programs, tournaments and events scheduled for those facilities are canceled:
 - Youth/adult sports fields, except for practice (by reservation) for baseball and softball only;
 - The following Recreation centers and Fitness and Wellness centers shall remain closed: Benito, Kid Mason, Oak, Rey, Rowlett (RAC), Temple Crest and Williams, and all other Recreation Centers shall be open with limited capacity and social distancing;
 - Indoor Rental Facilities with active adult programming: Barksdale and Ragan;
 - Art Studios;
 - Splash Pads;
 - Lowry Park Boat Ramp (For Construction)

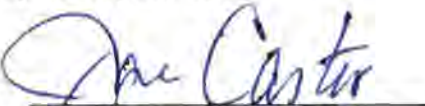
(c) **Open City of Tampa Parks and Recreation Facilities.** Except for those parks and recreation facilities identified in Section 7(b) above, which shall remain “closed”, all other City of Tampa Parks and Recreation facilities are hereby **open**; provided however, all persons within said Parks and Recreation facilities shall comply with all CDC requirements and applicable social distancing requirements set forth in the Governor’s Executive Orders.

8. **Exemptions from limitations for government, public safety and health personnel.** Pursuant to Section 2-404(b) of the City of Tampa Code, during the duration of this emergency and to the extent necessary, the following individuals are exempt from the restrictions contained in Section 2-404: physicians, nurses, ambulance operators performing medical services, on-duty employees in hospitals and other medical facilities, on-duty military personnel, personnel of public utilities maintaining essential public services, city authorized or requested firemen, law enforcement officers and personnel and such other classes of persons as may be essential to the preservation of public order or necessary to serve the safety, health and welfare of the citizens of the City of Tampa.

9. **Effective Date and Duration.** This Executive Order shall take effect immediately on the date set forth below and all provisions herein shall apply during the duration of this Executive Order, and pursuant to Section 2-402, of the City of Tampa Code, this Executive Order shall terminate seven (7) days after the date set forth below unless suspended or extended by subsequent executive order by the Mayor as necessary in seven (7) day increments.

10. **Enforcement.** Pursuant to Section 252.50, Fla. Stat., a violation of this Order, and/or any Executive Order of the Governor of the State of Florida, the Hillsborough County Emergency Policy Group, or the Hillsborough County Administrator, made pursuant to the emergency powers provided by Chapter 252, Fla. Stat., is a second degree misdemeanor which carries a penalty of up to 60 days imprisonment and/or a \$500 fine.

DONE and ORDERED this 3 day of August, 2020.



Jane Castor, Mayor

PREPARED AND APPROVED BY:



Gina K. Grimes, City Attorney