



CITY OF
Boca Raton


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FROM: Leif J. Ahnell, C.P.A., C.G.F.O.
City Manager 

DATE: March 24, 2020

SUBJECT: Closing of Nonessential Retail and Commercial Businesses

A State of Emergency was declared for the City on March 16, 2020 as a result of the COVID-19 pandemic, and the State of Emergency was extended on March 23, 2020. Following the guidelines developed by the United States Centers for Disease Control and Prevention ("CDC") and the Florida Department of Health, it is necessary and appropriate for the City to implement community mitigation strategies to mitigate the spread of the virus through interpersonal contact, including restrictions on non-essential businesses and services. On March 19, 2020 Miami-Dade County enacted and Emergency Order imposing restrictions on all nonessential businesses and services, and Broward County enacted similar restrictions effective at 12:01 a.m. on March 23, 2020. Boca Raton is a contiguous community with both commercial and cultural continuities, the public health emergency created by COVID-19 is not limited to one county or municipality in South Florida.

Accordingly, I hereby direct that:

1. All nonessential retail and commercial business locations (meaning all that are not expressly deemed essential as stated in 2 below) are ordered closed except to the extent necessary to perform Minimum Basic Operations. "Minimum Basic Operations" means the minimum activities necessary to maintain the value of inventory, preserve plant and equipment condition, ensure security, process payroll and employee benefits, and facilitate employees working remotely, provided such businesses shall practice, and ensure persons interacting with and within such businesses practice, social distancing and all other measures as advised by the CDC.
2. The following retail and commercial businesses are deemed essential and existing retail and commercial business locations of these businesses may remain open, but shall practice, and ensure persons interacting with and within such businesses practice, social distancing and all other measures as advised by the CDC:
 - a. Except to the extent precluded by the Governor's Executive Order 20-72 or any subsequent Executive Order, healthcare providers and public health operations, including but not limited to: hospitals; doctors' and dentists' offices; urgent care centers, clinics, and rehabilitation facilities; physical therapists; mental health professionals; psychiatrists; therapists; research and laboratory services; blood banks, medical cannabis facilities; medical equipment, devices, and other healthcare manufacturers and suppliers; reproductive health care providers; eye care centers; home healthcare services providers; substance abuse providers; medical transport services; and pharmacies;

- b. Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, baby products, pet supply, liquor, fresh or frozen meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This authorization to remain open 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 and other structures;
- c. Businesses engaged in food cultivation;
- 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, new and used automobile dealerships, and auto-supply, auto-repair, and related facilities;
- g. Banks and related financial institutions, including insurance firms and businesses supporting the financial services industry, but excluding pawn shops;
- h. Hardware, gardening, and building material stores;
- i. Contractors and other tradesmen, building management and maintenance (including janitorial companies servicing commercial businesses), home security firms, fire and water damage restoration, public adjusters, 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 primarily providing mailing, logistics, pick-up, 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, perform critical research, or perform essential functions, and university, college, or technical college residence halls, but only to the extent needed to accommodate students who cannot return to their homes;
- 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 the Governor's Executive Orders 20-68, 20-70, and 20-71. Schools and other entities that typically 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 under their control;
- n. Businesses that primarily supply office products needed for people to work from home (but not including businesses that primarily sell or lease furniture);
- o. Businesses that primarily supply other essential businesses, as defined in this memorandum, with the support or supplies necessary to operate, and which do not interact with the general public, including cybersecurity firms (but not including businesses that primarily sell or lease furniture);
- p. Businesses that primarily ship or deliver groceries, food, goods, or services directly to residents;
- q. Airlines, taxis, and other private transportation providers providing transportation services via automobile, truck, boat, bus, or train;
- r. Businesses engaged in providing home-based care for seniors, adults, or children;
- s. Assisted living facilities, nursing homes, adult day care centers, and home-based and residential settings for adults, seniors, children, and/or people with disabilities or mental illness;
- t. Businesses providing professional services, such as legal or accounting services, to the extent those services are necessary to respond to legally mandated activities and such services cannot be performed as permitted in Section 3 below;
- u. Landscape and pool care businesses, including residential landscape and pool care services;
- v. Childcare facilities providing services that enable employees exempted in this Emergency Order to work as permitted. To the extent possible, childcare facilities should operate under the following conditions: Childcare must be carried out in stable groups of 10 or fewer (inclusive of childcare providers for the group); children and child care providers shall not change from one group to another; 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. All play equipment used by one group of children must be cleaned and sanitized before use by another group of children. Any child exhibiting symptoms consistent with COVID-19 illness shall not be allowed to stay in the childcare facility;

- w. Businesses operating at the Boca Raton Airport, or any other governmental facility in the City of Boca Raton, except as provided in the Governor's Executive Order 20-71, which requires all restaurants and food establishments licensed under Chapters 500 and 509 to suspend on-premises food and alcohol consumption;
- x. Logistics providers, including warehouses, trucking, consolidators, fumigators, and handlers;
- y. Telecommunications providers, including sales of computer or telecommunications devices and the provision of home telecommunications;
- z. Businesses engaged in the provision of propane or natural gas;
- aa. Businesses engaged in the provision of office space and administrative support necessary to perform any of the above-listed activities;
- bb. Open construction sites, irrespective of the type of building;
- cc. Businesses providing architectural, engineering, or land surveying services provided that such businesses operate in full compliance with all measures advised by the CDC regarding social distancing;
- dd. Factories, warehouses, manufacturing facilities, bottling plants, or other industrial distribution and supply chain facilities used for essential products and industries for the U.S. domestic market;
- ee. Waste management services, including business engaged primarily in the collection and disposal of waste;
- ff. Private boat docking, fueling, marine supply, and other marina services for licensed commercial vessels;
- gg. Hotels, motels, other commercial lodging establishments, and temporary vacation rentals, subject to the limitations stated in the Governor's Executive Order 20-70. Hotels, motels, and other commercial lodging establishments shall not accept new reservations for persons other than Essential Lodgers. "Essential Lodgers" are defined as: (1) healthcare professionals; (2) first responders; (3) National Guard members; (4) law enforcement; (5) state or federal government employees; (6) airline crewmembers; (7) patients; (8) patients' families; (9) journalists; (10) others providing direct services in response to COVID-19; (11) displaced residents or visitors; (12) persons utilizing hotels as transitional living arrangements; (13) persons sheltering in hotels due to domestic violence; (14) hotel employees, service providers, and contractors; or (15) individuals who, for any reason, are temporarily unable to reside in their home due to exigent circumstances;
- hh. Veterinarians and pet boarding facilities;
- ii. Mortuaries, funeral homes, and cemeteries including funeral and cremation services;
- jj. Firearm and ammunition supply stores;
- kk. Businesses, including regional, national, and global corporate headquarters, providing essential support services to any local, state, or federal government, pursuant to a contract with such government, or essential support functions to local, state, and international operations;
- ll. Any business that employs five (5) or fewer persons, including management/ownership, where the employees do not come in regular contact with the general public in the regular course of business and the business can conduct its business in a manner that complies with the recommended social distancing and other requirements of previous executive orders, except to the extent inconsistent with any Executive Order or regulation issued by the Governor of Florida, the state, or any federal authority;
- mm. Electrical production and distribution services;
- nn. Moving, storage, and relocation services;
- oo. Private recreation facilities and associated amenities for members only that are not subject to the provisions of the Governor's Executive Order 20-70, provided that all activities are conducted in compliance with all measures advised by the CDC and the State of Florida, including but not limited to social distancing.

3. Notwithstanding the foregoing and in addition to any permitted Minimum Basic Operations, all retail and commercial businesses may perform remote work so that a business's employees may interact with each

other and/or with customers solely through electronic or telephonic means, and deliver services or products via only electronic means or mailing, shipping, or delivery services.

4. This order does not affect or limit the operations of Palm Beach County, any public utility, the Palm Beach County School District, any other local government entity, any Special District, or any State or Federal office or facility within the corporate limits of the City of Boca Raton.

5. This order does not limit the number of persons who may be physically present and performing services on-site related to the operations of an essential business except as expressly set forth herein or otherwise governed by any State or Federal order or regulation. All such persons are required to the full extent practicable to operate in full compliance with all measures advised by the CDC including practicing social distancing such as keeping six (6) feet between persons and limiting group size to less than ten (10) people.

6. This order does not limit religious services at any location, but all persons performing or attending religious services are urged to fully comply with all measures advised by the CDC including limiting gatherings to no more than ten (10) people and practicing social distancing of at least six (6) feet between persons.

7. These provisions shall apply to retail and commercial businesses based upon the regular course of their business as of March 25, 2020 at 12:01 a.m.; any change to an entity's scope of business after March 25, 2020, shall not modify the characterization of the entity as essential or nonessential.

8. These provisions shall be effective as of 12:01 a.m. on Wednesday, March 25, 2020, and shall remain in place until further notice.

Please coordinate prompt dissemination of this directive to businesses, residents, and the media via the City's website, social media, and other appropriate means of outreach. Please contact me if you have any questions.

C: Department Heads
Diana Grub Frieser, City Attorney
State of Florida
Palm Beach County Division of Emergency Management