



CITY OF TAMPA

— OFFICE OF THE MAYOR —

Jane Castor, Mayor

EXECUTIVE ORDER 2020 - 18

WHEREAS, Section 2-402, et. seq., of the City of Tampa, Florida Code of Ordinances (“Code”) provides that a Local State of Emergency shall be declared by Executive Order of the Mayor if the Mayor finds that an emergency, as defined in Section 252.34, *Florida Statutes*, has occurred in the City of Tampa, or the threat thereof is imminent; and

WHEREAS, in addition, Sections 870.042 and 870.043, *Florida Statutes*, authorize the Mayor to declare a state of emergency, and exercise emergency powers conferred under Sections 870.041-870.47, *Florida Statutes*, in the event of affrays, riots, routs or other unlawful assemblies as described therein; and

WHEREAS, on May 30, 2020, hundreds of local protestors participated in a National Day of Protest, to voice their views about the death of George Floyd in Minneapolis; and

WHEREAS, while the protest was mostly peaceful, some protestors damaged private property and businesses in the unincorporated areas of Hillsborough County and in the incorporated areas of the City of Tampa and otherwise damaged government property in a manner that is not consistent with the intent of the National Day of Protest event; and

WHEREAS, additional threats of damage to businesses have been posted on social media sites, and social media is being used to incite additional and continuing damage and criminal activity, including violence against officers and police property; and

WHEREAS, the criminal acts that have been threatened to occur may result in substantial injury or harm to the population or substantial damage to or loss of property; and

WHEREAS, these occurrences and threat of continued occurrences pose a threat to the public health, safety, and welfare; and

WHEREAS, violence has occurred in other communities around the country that required the imposition of curfews; and

WHEREAS, among the restrictions authorized by Section 2-404(a)(6) of the Code

during a declared state of emergency, the Mayor is authorized to impose "A curfew upon all or any portion of the City thereby prohibiting persons from being on public streets, highways, parks, or other public places during the hours which the curfew is in effect."; and

WHEREAS, the establishment of a curfew is also authorized by Section 870.045(1), *Florida Statutes*; and

WHEREAS, in order to protect the public health, safety, and welfare, local law enforcement has requested the establishment of a curfew applicable to the entire City of Tampa; and

WHEREAS, an Emergency as defined in the Code exists in the City of Tampa and prompt and efficient action is necessary to safeguard lives and property affected by this threat to the City of Tampa and its citizens; and

NOW, THEREFORE, pursuant to the authority conferred by Chapters 252 and 870, *Florida Statutes*, and the City of Tampa Code, as Mayor of the City of Tampa, after consultation with local authorities, I find and declare as follows:

SECTION 1. State of Emergency. It is hereby found that an emergency as defined in Section 252.34 and Section 870.043, *Florida Statutes*, has occurred in the City of Tampa, and such emergency requires the Mayor to impose a curfew.

SECTION 2. Curfew.

- a. In order to protect the public health, safety and welfare, a curfew is hereby ordered by the Mayor of the City of Tampa, Florida, which curfew will encompass the entire limits of the City of Tampa, Florida, and such curfew shall be in effect from 7:30 p.m. to 6:00 a.m. each day commencing on May 31, 2020 and will continue until modified, rescinded or extended by the Mayor, when the present state of emergency no longer exists or the threat thereof is no longer imminent.
- b. The curfew shall be upon all or any portion of the City thereby prohibiting persons from being on public streets, highways, parks, or other public places during the hours which the curfew is in effect and applies to all businesses and all pedestrian and vehicular movement, standing and parking, except for: individuals participating in, going to, or returning from employment, including, but not limited to, federal, state, and local government employees, judicial personnel, those providing hospital and other health care services, first responder and correctional personnel, child protection and child welfare personnel, housing and shelter personnel, veterinary services personnel, postal and shipping services personnel, airline and airport personnel, and those performing utility and telecommunications repairs. Medical patients in need of transport, persons seeking medical care, and persons seeking emergency veterinary services for a pet animal are also excluded from the curfew. The curfew does not prohibit a

person from walking a pet animal on the premises of the residence at which the animal is being maintained

SECTION 3. Enforcement. Pursuant to Section 252.50, *Florida Statutes*, a violation of this Order, made pursuant to the emergency powers provided by Chapter 252, *Florida Statutes*, is a second degree misdemeanor which carries a penalty of up to 60 days imprisonment and/or a \$500 fine; in addition this Executive Order may be enforced pursuant to City of Tampa Code Section 1-6. Alternatively, a violation of this Order may be enforced by Section 870.048, *Florida Statutes*, as a first degree misdemeanor, which carries a penalty of up to one year imprisonment and/or a \$1000 fine.

SECTION 4. 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. This Executive Order shall take effect immediately.

DONE and ORDERED this 31 day of May 2020.

/s/ Jane Castor
Jane Castor, Mayor

PREPARED AND APPROVED BY:

/s/ Gina K. Grimes
Gina K. Grimes, City Attorney