

1 **EMERGENCY ORDER EO 20-_____**

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3 **WHEREAS**, the Board of County Commissioners (“Board”) finds that COVID-19 presents a
4 danger to the health, safety, and welfare of the public; and

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6 **WHEREAS**, COVID-19 is spread through airborne transmission from individuals sneezing,
7 speaking, and coughing, and infectious droplet nuclei can spread for a great distance, although how
8 far is not fully understood at present; and

9
10 **WHEREAS**, since March of 2020, the Board has proactively directed the implementation of
11 numerous efforts, including a recent communications campaign, “Mask up Escambia” to encourage
12 persons in the County to practice social distancing, wash and sanitize their hands, and wear face
13 coverings as community mitigation strategies to increase containment of COVID-19; and

14
15 **WHEREAS**, Governor DeSantis has issued a series of executive orders to reopen Florida,
16 and some of the restrictions to flatten the curve and slow the spread of COVID-19 have
17 correspondingly been relaxed; and

18
19 **WHEREAS**, the reopening of the State has led to more contact between individuals and the
20 increased community spread of the disease; and

21
22 **WHEREAS**, the continued operation of businesses providing goods and services is
23 necessary to provide essential goods and services to the public and visitors and to support the local
24 economy; and

25
26 **WHEREAS**, national chains, such as Walmart, Sam’s Club, Starbucks, and others, require
27 customers at all its stores nationwide to wear masks; and

28
29 **WHEREAS**, despite the mitigation efforts, as reported by Florida Department of Health
30 (“DOH”), the number of positive cases of COVID-19 in the County has spiked with 6,461 positive
31 cases reported as of July 23, 2020 compared to one month ago on June 23, 2020 when the County
32 had 1,244 positive cases of COVID-19. On June 23, one month ago today, Escambia County had a
33 total of 32 COVID-19 patients in our three area hospitals. As of today, July 23, 2020 Escambia’s
34 three area hospitals are treating 231 patients. This dramatic increase in both new cases of infections
35 and new hospitalizations indicates a greater local community spread and transmission of the disease;
36 and

37
38 **WHEREAS**, federal and state health officials have indicated that they expect additional
39 cases of COVID-19 to be identified in the coming days and, based on the highly contagious nature of
40 COVID-19, additional person-to-person transmission is likely; and

41
42 **WHEREAS**, conditions presented by the threat of COVID-19 continue to pose a threat to the
43 public health that requires dynamic emergency response, including the imposition of additional
44 mitigation strategies as conditions require; and

45

46 **WHEREAS**, the use of face coverings has been identified as a measure to assist in
47 preventing individuals who may be shedding COVID-19 from spreading it to other individuals; and
48

49 **WHEREAS**, to reduce the spread of the disease, the Centers for Disease Control (“CDC”)
50 recommends the use of cloth face coverings in public settings where other social distancing
51 measures are difficult to maintain, such as grocery stores and pharmacies, since many individuals
52 with no symptoms can spread the virus, and even individuals who develop symptoms can transmit
53 the virus to others before showing symptoms; and
54

55 **WHEREAS**, Florida Medical Association President Ronald L. Giffler, MD, JD, MBA, has
56 issued a statement urging Floridians to use face coverings to prevent the further spread of COVID-
57 19, and further calling on local officials to adopt regulations requiring the use of masks of public
58 places, specifically stating “[t]he science is clear. Asymptomatic infected individuals can release
59 aerosol particles while breathing and speaking. Not wearing a mask or face covering increases
60 exposure, whereas universal masking greatly reduces the spread of viral particles. The message is
61 simple: For the sake of your health and health of everyone around you, Florida’s doctors want you to
62 wear a mask.”; and
63

64 **WHEREAS**, on June 22, 2020, State Surgeon General Scott Rivkees issued an additional
65 public health advisory recommending people wear face coverings in any setting where social
66 distancing is not possible, stating that “all individuals [should] refrain from participation in social or
67 recreational gatherings of more than 50 people” and in smaller crowds “practice social distancing by
68 maintaining a distance of at least six feet from each other and wear a face covering.”; and
69

70 **WHEREAS**, the CDC recommends only simple cloth face coverings for the general
71 population and not surgical masks or N-95 respirators because these are critical supplies that must
72 continue to be reserved for healthcare workers and other medical first responders; and
73

74 **WHEREAS**, cloth face coverings are relatively inexpensive and readily available as the
75 CDC states that they can be made from household items and provides online guidance for making
76 “do-it-yourself” coverings for people who cannot or do not want to buy one from the increasing
77 sources producing and selling coverings; and
78

79 **WHEREAS**, the CDC does not recommend wearing a cloth face covering for children under
80 the age of 2, or anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise
81 unable to remove a mask without assistance; and
82

83 **WHEREAS**, on July 10, 2020, the Circuit Court in Leon County rejected a challenge to the
84 constitutionality of a Leon County ordinance that requires people to wear face masks in businesses to
85 try to prevent the spread of the virus; and
86

87 **WHEREAS**, the Board has determined that an emergency exists, and has remained under a
88 state of local emergency since March 16th, 2020; and
89

90 **WHEREAS**, the Board finds implementation of this Emergency Ordinance is necessary for
91 the preservation of the health, safety and welfare of the community.

92 **NOW THEREFORE**, pursuant to Chapter 252, Florida Statutes, and Chapter 37, Escambia
93 County Code, the Board of County Commissioners hereby declares the following, as set forth below:
94

95 1. The foregoing recitals are true and are incorporated herein.
96

97 2. Definitions.
98

99 (i) “Face Covering” is a material that covers the nose and mouth and that fits snugly against the
100 sides of the face so there are no gaps. It can be secured to the head with ties or straps or
101 simply wrapped around the lower face. It can be made of a variety of materials, such as
102 cotton, silk, or linen. Coverings with materials made of multiple layers is highly encouraged.
103 A cloth face covering may be factory-made or sewn by hand, or the cloth face covering can
104 be improvised from household items. The CDC has posted additional information regarding
105 how to make, wear, and wash a cloth face covering at
106 <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>.
107

108 (ii) “Business establishment” means a location with a roof overhead under which any business is
109 conducted, goods are made or stored or processed or where services are rendered. The term
110 “business establishment” includes transportation network companies, such as Ubers and
111 Lyft, vehicles operated for mass transit, taxis, jitneys, limousines for hire, rental cars, and
112 other passenger vehicles for hire. The term “business establishment” includes locations
113 where non-profit, governmental, or quasi-governmental entities facilitate public interactions
114 and conduct business. The term “business establishment” also includes places of worship.
115

116 (iii) “Lodging establishment” shall have the same meaning as the term “transient public lodging
117 establishment” has in section 509.013(4)(a)1, Florida Statutes (2019). Accordingly, for
118 purposes of this Emergency Ordinance, a “lodging establishment” means any unit, group of
119 units, dwelling, building, or group of buildings within a single complex of buildings which is
120 rented to guests more than three times in a calendar year for periods of less than 30 days or 1
121 calendar month, whichever is less, or which is advertised or held out to the public as a place
122 regularly rented to guests.
123

124 3. Mandatory Requirements.
125

126 (i) An individual in a business establishment must wear a face covering while in that business
127 establishment.
128

129 (ii) The requirement in this section does not apply to:

130 a. A child under the age of 6.

131 b. Persons prohibited from wearing face coverings by Federal or State safety or health
132 regulations. It is the intent of this provision that those individuals who cannot
133 tolerate a facial covering for a medical, sensory or any other condition which makes
134 it difficult for them to utilize a face covering and function in public are not required
135 to wear one.

136 c. Public safety, fire, and other life safety and health care personnel, as their personal
137 protective equipment requirements will be governed by their respective agencies.

- 138 d. Persons exercising while observing at least 6 feet of distancing from another person.
- 139 e. Restaurant and bar patrons while eating or drinking. It is the intent of this provision
- 140 that a face covering will be worn while traversing a business establishment for
- 141 ingress or egress, to use the facilities, and while otherwise standing when persons are
- 142 unable to maintain at least 6 feet of distancing.
- 143 f. Business owners, managers, and employees who are in an area of a business
- 144 establishment that is not open to customers, patrons, or the public, provided that 6
- 145 feet of distance exists between persons. This exception does not apply to employees
- 146 who are present in the kitchen or other food and beverage preparation area of a
- 147 business establishment.
- 148 g. An individual in a lodging establishment who is inside of the lodging unit, including,
- 149 but not limited to, a hotel room, motel room, vacation rental unit, timeshare unit, or
- 150 similar unit.

- 151
- 152 (iii) Every business establishment is required to post signage notifying all persons of the
- 153 requirement to wear a face covering as provided in this section.
- 154
- 155 (iv) Nothing herein shall require or allow a person to wear a face covering to conceal the identity
- 156 of the wearer in violation of Chapter 876, Florida Statutes.
- 157

- 158 4. This Emergency Order shall apply within the unincorporated areas of Escambia County.
- 159
- 160 5. In accordance with Chapter 252, Florida Statutes, and Chapter 37, Article II, Sec. 37-42,
- 161 Escambia County Code, any person violating any provision of this Order shall be prosecuted in
- 162 the same manner as misdemeanors are prosecuted and, upon conviction, shall be punished by a
- 163 fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by
- 164 both such fine and imprisonment.
- 165
- 166 6. This Order shall be effective as of _____ p.m. (CDT) on August ____, 2020, until further
- 167 action by the Board of County Commissioners.
- 168

169 Adopted this _____ day of August, 2020.

171 BOARD OF COUNTY COMMISSIONERS
172 OF ESCAMBIA COUNTY, FLORIDA

176 By: _____
177 Steven Barry, Chairman

177 ATTEST: PAM CHILDERS
178 Clerk of the Circuit Court

179

180 By: _____
181 Deputy Clerk
182 (SEAL)
183