

EMERGENCY ORDER NO. 2020-9

AN EMERGENCY ORDER BY THE COUNTY ADMINISTRATOR PROVIDING FOR THE MANDATORY USE OF FACE COVERINGS AT ALL COUNTY FACILITIES IN EFFORTS TO MINIMIZE THE SPREAD OF COVID-19.

WHEREAS, on March 17, 2020, ST. JOHNS COUNTY EMERGENCY PROCLAMATION NO. 2020-1 declared a state of local emergency due to the threat of the Coronavirus Disease 2019 (COVID-19) to spread among humans, which may pose a threat to public health and safety and cause a threat to the entire State of Florida, including St. Johns County; and

WHEREAS, pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Board of County Commissioners extended the state of local emergency for subsequent seven-day periods and further retained, ratified, and continued in time for the duration of the emergency proclamation all emergency powers authorized by the emergency proclamations; and

WHEREAS, St. Johns County is exerting efforts to address emergency conditions and assist affected citizens and properties; and

WHEREAS, on April 29, 2020, Governor Ron DeSantis issued Executive Order 2020-112, as modified by Executive Order 2020-120 on May 9, 2020, and Executive Order 2020-123 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 Governor's Executive Order 2020-91 (Safer-At-Home Order); and

WHEREAS, on June 3, 2020, Governor Ron DeSantis issued Executive Order Number 2020-139, moving all counties in Florida, other than Miami-Dade, Broward, and Palm Beach Counties into Phase 2 of the plan issued by the Task Force to Re-Open Florida, which Order supersedes the Safer-At-Home Order and supersedes in part, and extends and modifies other provisions of, Executive Order 2020-112; and

WHEREAS, based on recent information and data from the Florida Department of Health, the number of confirmed cases of COVID-19 in St. Johns County has increased significantly since additional re-openings were authorized under Phase 2 of the Governor's Plan for Florida's Recovery, which may result in additional deaths; and

WHEREAS, in response to the dramatic increase in COVID-19 cases, the Florida Medical Association, the state's largest physicians' organization, encourages all local officials to adopt regulations requiring individuals to wear face coverings in public places; and

WHEREAS, based on advice from medical professionals the number of confirmed cases of COVID-19 in St. Johns County will increase exponentially if additional measures to stop or slow the spread of COVID-19 are not instituted; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) has expressly found that "COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths)"; and

WHEREAS, the CDC therefore specifically recommends that as local communities reopen, and people resume their daily activities, people should wear face coverings to slow the spread of COVID-19, particularly “in public settings where other social distancing measures are difficult to maintain”; and

WHEREAS, consistent with Governor DeSantis’s Executive Order 2020-51, as extended, modified, or amended, Chapter 252,46, Florida Statutes, and St. Johns County Ordinance 2019-40, the County is authorized to make such orders and rules as are necessary to ensure the health, safety, and welfare of the community during a state of local emergency; and

WHEREAS, the St. Johns County Board of County Commissioners finds that it is in the best interest of public health, safety, and welfare that the County Administrator, or his authorized designee, implement and administer rules and procedures consistent with CDC guidance to require the mandatory use of face coverings at all County Facilities in efforts to minimize the spread of COVID-19.

NOW THEREFORE, in accordance with the emergency power vested in the County pursuant to Chapter 252, Florida Statutes; Executive Order No. 20-51; Executive Order No. 20-112; and St. Johns County Ordinance No. 2019-40, it is hereby ordered that:

1. Definitions. The following terms shall have the following meanings in accordance with applicable CDC guidance. To the extent that there is any inconsistency between CDC guidance and this Emergency Order or no CDC guidance is provided, the meanings provided herein shall govern.

a. “*Companion*” means a person by whom another person is accompanied.

b. “*County Facilities*” means any buildings, structures, sites or venues (whether indoor or outdoor) owned, operated and/or maintained by St. Johns County, FL.

c. “*Employees*” means all employees, contractors, agents and volunteers working for the Board of County Commissioners and subject to the direction of the County Administrator, the County Attorney, and their respective authorized designee(s).

d. “*Face Covering*” means a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands, whether store-bought or homemade, including, but not limited to, a face mask, scarf, bandana, handkerchief, or other similar cloth covering or shield. Examples of compliant home-made masks may be found at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>.

e. “*Social distancing*” or “*physical distancing*” means keeping a space at least 6 feet between oneself and other people who are not from the same household when in both indoor and outdoor venues and settings.

2. Mandatory Use of Face Coverings at County Facilities.

a. Unless an exemption contained in Paragraph 3 applies, all Employees and any person working, doing business, or visiting at a County Facility shall wear a face covering when social distancing requirements cannot be maintained.

b. Nothing herein shall require or allow a person to wear a face covering so as to conceal the identity of the wearer in violation of Chapter 876, Florida Statutes.

c. The County Administrator, or his authorized designee, shall be authorized to promulgate and implement all necessary administrative rules, policies and directives necessary to carry out the mandatory use of face coverings at County Facilities.

d. Nothing contained herein shall be deemed in conflict with any existing rules, policies and directives aimed at minimizing the spread of COVID-19, which have been established and implemented by any of the Constitutional Officers who occupy or maintain operations at County Facilities. Unless each Constitutional Officer has established and implemented rules, policies and directives aimed at minimizing the spread of COVID-19 at the respective County Facility in which he or she occupies or maintains operations, then this Emergency Order shall govern. A copy of any such rules, policies and directives shall be provided to the County Administrator, or his authorized designee, upon request.

3. Exemptions. The following shall be exempt from the mandatory use of face coverings at County Facilities:

- a. children younger than 2 years old;
- b. anyone observing social distancing in accordance with CDC guidelines;
- c. anyone who is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance;
- d. anyone for whom wearing a face covering would cause impairment due to an existing health condition;
- e. anyone working in a business or profession where the use of a face covering would prevent them from performing the duties of the business or profession;
- f. anyone for whom wearing a face covering would significantly interfere with the provision or receipt of contractual goods or services to the County;
- g. anyone exercising, participating in recreational activities or outdoor activities permitted under any state or local order, while maintaining social distancing in accordance with CDC guidelines;
- h. anyone eating or drinking;
- i. public safety, fire, and other life safety and health care personnel, whose personal protective equipment (PPE) requirements are regulated by their respective governing agencies; and
- j. anyone who is deaf or hard of hearing, or anyone communicating with a person who is deaf or hard of hearing, and relying on lip reading to communicate.

4. Reasonable Accommodations and Modifications. Nothing contained in this Emergency Order shall be construed or applied in a manner that would conflict with applicable provisions of the Americans with Disabilities Act(ADA). In the event that anyone with a disability is unable to wear a face mask, upon request, the County Administrator, or authorized designee, shall consider reasonable accommodations and modifications to increase the feasibility of wearing a face covering or to otherwise minimize the risk of spreading COVID-19 if wearing a face covering is not possible. Such requirements to provide reasonable accommodations and modifications do not include individuals without disabilities, as they are not protected under the ADA.

5. **Enforcement.** Violations of this Emergency Order may be enforced by any manner allowable in law or equity, including, but not limited to, the following:

a. Employees violating any provision of this Emergency Order shall be subject to disciplinary action, including separation, as provided by the St. Johns County Administrative Code.

b. Anyone violating any provision of this Emergency Order is guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082 or 775.083, Florida Statutes.

c. This Emergency Order may also be enforced as a noncriminal infraction in accordance with the provisions of Chapter 162, Florida Statutes.

d. In accordance with Section 9.D of St. Johns County Ordinance 2019-40, the enforcement provisions of this Emergency Order are additional or supplemental in nature and are not intended to prohibit St. Johns County from enforcing this Emergency Order by any other lawful means or seeking any remedy available at law or equity.

e. The County may pursue any, all, or any combination of such penalties or remedies when enforcing the provisions of this Emergency Order.

6. This Emergency Order shall be effective on July 27, 2020 at 5:00 p.m., and shall expire at the expiration of ST. JOHNS COUNTY EMERGENCY PROCLAMATION NO. 2020-1, including any extension thereof, unless earlier rescinded or otherwise modified by the County Administrator, or his authorized designee.

DONE and ORDERED this 27th day of July, 2020.

OFFICE OF THE COUNTY ADMINISTRATOR

By: *Brant Bradley*
Deputy County Administrator

ATTEST: Brandon Patty, Clerk

By: *Pam Hattenman*
Deputy Clerk

